

**Executive Summary – Enforcement Matter – Case No. 40686**  
**Vopak Terminal Galena Park, Inc.**  
**RN103137790**  
**Docket No. 2010-1843-IWD-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

**Media:**

IWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Galena Park Terminal, 1500 Clinton Drive, south of Interstate Highway 10 and east of the Interstate Highway 610 East Loop on the north bank of Buffalo Bayou/Houston Ship Channel, Harris County

**Type of Operation:**

Bulk liquid storage terminal

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** April 22, 2011

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$17,640

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$8,820

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$8,820

Name of SEP: Gulf Coast Waste Disposal Authority - River, Lakes, Bays, and Bayous Trash Bash

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

**Executive Summary – Enforcement Matter – Case No. 40686  
Vopak Terminal Galena Park, Inc.  
RN103137790  
Docket No. 2010-1843-IWD-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** October 19, 2010  
**Date(s) of NOE(s):** October 29, 2010

***Violation Information***

Failed to comply with permitted effluent limits for total organic carbon, carbonaceous biochemical oxygen demand, flow, and oil and grease [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0001662000, Effluent Limitation and Monitoring Requirements No. 1 for Outfall 002].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

- 1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (“SEP”). (See SEP Attachment A).
- 2) Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0001662000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Mr. Jeremy Escobar, Enforcement Division, Enforcement Team 3, MC R-14, (361) 825-3422; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495

**Executive Summary – Enforcement Matter – Case No. 40686**  
**Vopak Terminal Galena Park, Inc.**  
**RN103137790**  
**Docket No. 2010-1843-IWD-E**

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

**Respondent:** Mr. Michael D. Newton, Terminal Manager, Vopak Terminal Galena Park, Inc., 1500 Clinton Drive, Galena Park, Texas 77547

Mr. Lawrence Waldron, General Manager, Vopak Terminal Galena Park, Inc., 1500 Clinton Drive, Galena Park, Texas 77547

**Respondent's Attorney:** N/A



**Attachment A**  
**Docket Number: 2010-1843-IWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Vopak Terminal Galena Park, Inc.

**Penalty Amount:** Seventeen Thousand Six Hundred Forty Dollars  
(\$17,640)

**SEP Offset Amount:** Eight Thousand Eight Hundred Twenty Dollars  
(\$8,820)

**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

<b>DATES</b>	<b>Assigned</b>	2-Nov-2010	<b>Screening</b>	3-Nov-2010	<b>EPA Due</b>	
	<b>PCW</b>	3-Nov-2010				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Vopak Terminal Galena Park, Inc.		
<b>Reg. Ent. Ref. No.</b>	RN103137790		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	40686	<b>No. of Violations</b>	2
<b>Docket No.</b>	2010-1843-IWD-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Jeremy Escobar
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$7,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** **152.0%** Enhancement **Subtotals 2, 3, & 7** **\$10,640**

**Notes** Enhancement for 26 months of self-reported effluent violations, one NOV with dissimilar violations, and one Agreed Order 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** **\$0**

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

Total EB Amounts **\$708**  
 Approx. Cost of Compliance **\$10,000**  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$17,640**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** **\$17,640**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$17,640**

**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** **\$17,640**

Screening Date 3-Nov-2010

Docket No. 2010-1843-IWD-E

PCW

Respondent Vopak Terminal Galena Park, Inc.

Policy Revision 2 (September 2002)

Case ID No. 40686

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103137790

Media [Statute] Water Quality

Enf. Coordinator Jeremy Escobar

### 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> )	26	130%
	Other written NOVs	1	2%
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)** 152%

#### >> 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 26 months of self-reported effluent violations, one NOV with dissimilar violations, and one Agreed Order with a denial of liability.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 152%

Screening Date 3-Nov-2010

Docket No. 2010-1843-IWD-E

PCW

Respondent Vopak Terminal Galena Park, Inc.

Policy Revision 2 (September 2002)

Case ID No. 40686

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103137790

Media [Statute] Water Quality

Enf. Coordinator Jeremy Escobar

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0001662000, Effluent Limitation and Monitoring Requirements No. 1 for Outfall 002

Violation Description

Failed to comply with permitted effluent limits, as documented in a record review conducted on October 19, 2010, and depicted in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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. Total organic carbon, flow, and oil and grease were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

89 Number of violation days

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

Violation Base Penalty \$2,000

Two quarterly events are recommended for the quarters containing the months of February, March, and May 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$708

Violation Final Penalty Total \$5,040

This violation Final Assessed Penalty (adjusted for limits) \$5,040

## Economic Benefit Worksheet

**Respondent** Vopak Terminal Galena Park, Inc.  
**Case ID No.** 40686  
**Reg. Ent. Reference No.** RN103137790  
**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				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)	\$10,000	31-Dec-2009	1-Jun-2011	1.42	\$708	n/a	\$708

#### Notes for DELAYED costs

Estimated cost to evaluate the causes of the effluent violations and to implement necessary rehabilitation to the wastewater system. Date required is the first date of non-compliance. The final date is the expected date of compliance.

### Avoided Costs

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

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

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

**TOTAL**

\$708

Screening Date 3-Nov-2010

Docket No. 2010-1843-IWD-E

PCW

Respondent Vopak Terminal Galena Park, Inc.

Policy Revision 2 (September 2002)

Case ID No. 40686

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103137790

Media [Statute] Water Quality

Enf. Coordinator Jeremy Escobar

Violation Number 2

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0001662000, Effluent Limitation and Monitoring Requirements No. 1 for Outfall 002

Violation Description Failed to comply with permitted effluent limits, as documented in a record review conducted on October 19, 2010, and depicted in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			50%
Potential				

>> 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. Total organic carbon was also considered. As a result of these discharges, human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1 31 Number of violation days

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

Violation Base Penalty \$5,000

One monthly event is recommended for the month of December 2009.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0 Violation Final Penalty Total \$12,600

This violation Final Assessed Penalty (adjusted for limits) \$12,600

# Economic Benefit Worksheet

**Respondent** Vopak Terminal Galena Park, Inc.  
**Case ID No.** 40686  
**Reg. Ent. Reference No.** RN103137790  
**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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See economic benefit for violation 1.

### 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 \$0

**TOTAL** \$0

Vopak Terminal Galena Park, Inc.  
Docket No. 2010-1843-IWD-E; RN103137790  
Case No. 40686; TPDES Permit No. WQ0001662000 for Outfall 002

EFFLUENT VIOLATION TABLE					
Parameter		December 2009	February 2010	March 2010	May 2010
CBOD Daily Avg. Conc.	20 mg/L	123.38	32.9	32.9	c
CBOD Daily Max. Conc.	45 mg/L	262	72.9	72.9	c
CBOD Daily Avg. Loading	8.35 lb/d	71.1427	c	13.73	c
CBOD Daily Max. Loading	18.8 lb/d	188.7909	30.41	30.41	c
TOC Daily Max. Conc.	100 mg/L	162	c	c	c
TOC Daily Avg. Loading	20.9 lb/d	48.8771	c	c	c
TOC Daily Max. Loading	41.7 lb/d	116.7333	c	c	c
Flow Daily Avg.	0.05 MGD	c	c	0.07	c
Flow Daily Max.	0.144 MGD	c	c	0.252	c
O/G Daily Max. Conc.	15 mg/L	c	c	c	18.1
O/G Daily Max. Loading	6.3 lb/d	c	c	c	7.55

CBOD = carbonaceous biochemical oxygen demand  
lb/d = pounds per day  
c = compliant  
O/G = oil and grease  
Max. = maximum

mg/L = milligrams per Liter  
TOC = total organic carbon  
Conc. = concentration  
Avg. = average



## Compliance History

Customer/Respondent/Owner-Operator:	CN600285969 Vopak Terminal Galena Park, Inc.	Classification: AVERAGE	Rating: 9.06
Regulated Entity:	RN103137790 GALENA PARK TERMINAL	Classification: AVERAGE	Site Rating: 1.86
ID Number(s):	WASTEWATER PERMIT WASTEWATER EPA ID		WQ0001662000 TX0030929
Location:	1500 CLINTON DR, SOUTH OF IH-10 AND EAST OF THE IH-610 EAST LOOP ON THE NORTH BANK OF BUFFALO BAYOU/HOUSTON SHIP CHANNEL, HARRIS COUNTY, TEXAS		
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	November 18, 2010		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	November 03, 2005 to November 03, 2010		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Jeremy Escobar	Phone:	(361) 825-3422

### 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: 02/18/2008  | ADMINORDER 2007-0965-IWD-E |
| Classification: Moderate  |                            |
| Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)   |                            |
| 30 TAC Chapter 305, SubChapter F 305.125(1)   |                            |
| Rqmt Prov: Effluent Limits PERMIT   |                            |
| Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data. |                            |
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- |    |                     |
|----|---------------------|
|    | (459110)            |
| 1  | 04/19/2006          |
| 2  | 02/17/2006 (471624) |
| 3  | 03/07/2006 (471625) |
| 4  | 11/28/2005 (471627) |
| 5  | 12/27/2005 (471628) |
| 6  | 01/12/2006 (471629) |
| 7  | 05/10/2006 (500209) |
| 8  | 05/24/2006 (500210) |
| 9  | 06/27/2006 (500211) |
| 10 | 07/19/2006 (500212) |
| 11 | 08/20/2006 (522315) |
| 12 | 09/20/2006 (522316) |
| 13 | 10/19/2006 (522317) |
| 14 | 02/16/2007 (547001) |
| 15 | 11/14/2006 (547002) |
| 16 | 12/18/2006 (547003) |
| 17 | 01/18/2007 (547004) |
| 18 | 05/02/2007 (557300) |

19	03/15/2007	(579421)
20	04/16/2007	(579422)
21	05/15/2007	(579423)
22	06/15/2007	(579424)
23	07/13/2007	(579425)
24	08/17/2007	(602808)
25	09/20/2007	(602809)
26	10/19/2007	(602810)
27	03/03/2008	(619074)
28	11/20/2007	(621161)
29	12/20/2007	(621162)
30	01/19/2008	(621163)
31	02/20/2008	(673265)
32	03/19/2008	(673266)
33	04/18/2008	(673267)
34	05/19/2008	(691416)
35	06/20/2008	(691417)
36	07/18/2008	(691418)
37	08/19/2008	(712345)
38	09/24/2008	(712346)
39	10/21/2008	(712347)
40	11/19/2008	(728627)
41	01/19/2009	(728628)
42	02/19/2009	(751702)
43	03/20/2009	(751703)
44	04/20/2009	(751704)
45	12/18/2008	(751705)
46	05/15/2009	(769490)
47	01/20/2010	(786335)
48	02/24/2010	(793371)
49	02/22/2010	(808109)
50	07/08/2009	(808110)
51	07/17/2009	(808111)
52	08/20/2009	(808112)
53	09/21/2009	(808113)
54	10/19/2009	(808114)
55	11/20/2009	(808115)
56	12/18/2009	(808116)
57	01/20/2010	(808117)
58	10/19/2010	(825003)
59	03/24/2010	(832135)
60	04/22/2010	(832136)
61	05/20/2010	(832137)
62	06/21/2010	(846659)
63	07/20/2010	(861202)
64	08/20/2010	(867312)
65	10/29/2010	(871262)
66	09/16/2010	(874348)

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

Date: 05/31/2006 (500211) CN600285969  
 Self Report? YES  
 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

Classification: Moderate

Date: 07/31/2006 (522315) CN600285969  
 Self Report? YES  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Classification: Moderate

TWC Chapter 26 26.121(a)

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

Date: 12/31/2006 (547004) CN600285969  
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 (547001) CN600285969  
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 (579424) CN600285969  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2007 (621161) CN600285969  
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: 02/29/2008 (673266) CN600285969  
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: 03/31/2008 (673267) CN600285969  
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: 04/30/2008 (691416) CN600285969  
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: 05/31/2008 (691417) CN600285969  
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: 06/30/2008 (691418) CN600285969  
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: 07/31/2008 (712345) CN600285969  
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: 08/31/2008 (712346) CN600285969  
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: 09/30/2008 (712347) CN600285969  
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 10/31/2008 (728627) CN600285969  
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 11/30/2008 (751705) CN600285969  
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 12/31/2008 (728628) CN600285969  
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 01/31/2009 (751702) CN600285969  
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 02/28/2009 (751703) CN600285969  
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 03/31/2009 (751704) CN600285969  
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 06/30/2009 (808111) CN600285969  
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 07/31/2009 (808112) CN600285969  
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 (808117) CN600285969  
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 01/20/2010 (786335) CN600285969  
Self Report? NO Classification: Moderate  
Citation: 01662-000 PERMIT  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to calibrate the Outfall 002 flow meter at least annually.

Date 02/28/2010 (832135) CN600285969  
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 03/31/2010 (832136) CN600285969  
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 05/31/2010 (846659) CN600285969  
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



<b>IN THE MATTER OF AN</b>	<b>§</b>	<b>BEFORE THE</b>
<b>ENFORCEMENT ACTION</b>	<b>§</b>	
<b>CONCERNING</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>VOPAK TERMINAL GALENA PARK,</b>	<b>§</b>	
<b>INC.</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>
<b>RN103137790</b>	<b>§</b>	

**AGREED ORDER**  
**DOCKET NO. 2010-1843-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 Vopak Terminal Galena Park, 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 bulk liquid storage terminal located at 1500 Clinton Drive, south of Interstate Highway 10 and east of the Interstate Highway 610 East Loop on the north bank of Buffalo Bayou/Houston Ship Channel in 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 October 19, 2010, TCEQ staff documented the following effluent permit exceedances from the self-reported monthly discharge monitoring reports:

EFFLUENT VIOLATION TABLE					
Parameter		December 2009	February 2010	March 2010	May 2010
CBOD Daily Avg. Conc.	20 mg/L	123.38	32.9	32.9	c
CBOD Daily Max. Conc.	45 mg/L	262	72.9	72.9	c
CBOD Daily Avg. Loading	8.35 lb/d	71.1427	c	13.73	c
CBOD Daily Max. Loading	18.8 lb/d	188.7909	30.41	30.41	c
TOC Daily Max. Conc.	100 mg/L	162	c	c	c
TOC Daily Avg. Loading	20.9 lb/d	48.8771	c	c	c
TOC Daily Max. Loading	41.7 lb/d	116.7333	c	c	c
Flow Daily Avg.	0.05 MGD	c	c	0.07	c
Flow Daily Max.	0.144 MGD	c	c	0.252	c
O/G Daily Max. Conc.	15 mg/L	c	c	c	18.1
O/G Daily Max. Loading	6.3 lb/d	c	c	c	7.55

CBOD = carbonaceous biochemical oxygen demand  
 lb/d = pounds per day  
 c = compliant  
 O/G = oil and grease  
 max. = maximum

mg/L = milligrams per Liter  
 TOC = total organic carbon  
 conc. = concentration  
 avg. = average

4. The Respondent received notice of the violations on November 3, 2010.

## 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 limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No.

WQ0001662000, Effluent Limitation and Monitoring Requirements No. 1 for Outfall 002.

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 Seventeen Thousand Six Hundred Forty Dollars (\$17,640) 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 Eight Thousand Eight Hundred Twenty Dollars (\$8,820) of the administrative penalty. Eight Thousand Eight Hundred Twenty Dollars (\$8,820) 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 Seventeen Thousand Six Hundred Forty Dollars (\$17,640) 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: Vopak Terminal Galena Park, Inc., Docket No. 2010-1843-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 an SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 4 above, Eight Thousand Eight Hundred Twenty Dollars (\$8,820) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0001662000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. 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 fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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 Sedler  
For the Executive Director

5/12/2011  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Vopak Terminal Galena Park, Inc. I am authorized to agree to the attached Agreed Order on behalf of Vopak Terminal Galena Park, 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, Vopak Terminal Galena Park, 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.

Michael Newton  
Signature

16 March 2011  
Date

MICHAEL D. NEWTON  
Name (Printed or typed)  
Authorized Representative of  
Vopak Terminal Galena Park, Inc.

TERMINAL MANAGER  
Title

**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: 2010-1843-IWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Vopak Terminal Galena Park, Inc.

**Penalty Amount:** Seventeen Thousand Six Hundred Forty Dollars  
(\$17,640)

**SEP Offset Amount:** Eight Thousand Eight Hundred Twenty Dollars  
(\$8,820)

**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.