

Executive Summary – Enforcement Matter – Case No. 58306
Buckeye Texas Hub LLC
RN103914974
Docket No. 2019-1364-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Buckeye Texas Hub, 7002 Marvin L Berry Road, Corpus Christi, Nueces County

Type of Operation:

Marine terminal facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 11, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$79,351

Amount Deferred for Expedited Settlement: \$15,869

Total Paid to General Revenue: \$63,482

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014 and January 28, 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 18, 2019 through August 22, 2019, June 4, 2021 through August 3, 2021, and December 9, 2021 through December 23, 2021

Date(s) of NOE(s): August 30, 2019, August 27, 2021, and February 7, 2022

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Violation Information

1. Failed to submit a permit compliance certification ("PCC") within 30 days of any certification period. Specifically, the PCC for the August 17, 2017 through August 16, 2018 certification period was due by September 15, 2018, but was not submitted until July 19, 2019 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), Federal Operating Permit ("FOP") No. O3622, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to annually revalidate the estimated emissions from the inherently low emitting ("ILE") maintenance, startup, and shutdown ("MSS") activities. Specifically, the Respondent did not revalidate the estimated emissions from the ILE MSS activities that included aerosol cans, calibration of analytical equipment, carbon can replacement, instrumentation/analyzer maintenance, meter proving, replacement of analyzer filters and screens, soap and other aqueous based cleaners, and cleaning sight glasses for calendar year 2017 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 106594 and PSDTX1324M1, Special Conditions ("SC") No. 17, FOP No. O3622, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, the Respondent did not maintain the records demonstrating that the measured H₂S concentrations in the vapor spaces of Storage Tanks 80-01, 80-02, and 80-03 did not exceed 1,000 parts per million by volume [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(E)(i) and (c), and 122.143(4), NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 11.D, FOP No. O3622, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to track the routine maintenance activities and calculate the monthly emissions from the maintenance activities. Specifically, the Respondent did not calculate the emissions from the routine maintenance activities using the number of work orders or equivalent and the emissions associated in the permit application [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 17, FOP No. O3622, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
5. Failed to determine vacuum truck emissions each month. Specifically, the Respondent did not calculate the vacuum truck emissions using the daily vacuum truck records and the calculation methods utilized in the permit application [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 22.D, FOP No. O3622, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
6. Failed to estimate the cumulative daily emissions from all components on the delay of repair ("DOR") list. Specifically, the Respondent did not calculate the cumulative daily emissions from all components on the DOR list [30 TEX. ADMIN. CODE §§ 101.20(3),

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116.115(c), and 122.143(4), NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 15.I, FOP No. O3622, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7. Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, the Respondent did not maintain the records demonstrating that each marine vessel that remained inert during loading passed an annual vapor tightness test [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(E)(i) and (c), and 122.143(4), NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 12.E.2, FOP No. O3622, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8. Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, the Respondent did not maintain the records demonstrating that the combined heat duty of the Marine Vapor Combustors, Emissions Point Numbers ("EPNs") VCU1 and VCU2, did not exceed 500,000 million British thermal units during any rolling 12-month period [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(E)(i) and (c), and 122.143(4), NSR Permit No. 106594 and PSDTX1324M1, SC No. 7, FOP No. O3622, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9. Failed to report all instances of deviations. Specifically, the deviation report for the August 17, 2017 through February 14, 2018 reporting period did not include the deviations for failing to comply with the volatile organic compounds ("VOC") annual MAERs for the 115-series tanks, failing to revalidate the estimated emissions from the ILE MSS activities, and failing to comply with the VOC hourly MAER for Vapor Recovery Unit 3 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O3622, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

10. Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the VOC MAER of 3.71 tons per year ("tpy") based on a 12-month rolling period for the 12-month periods ending from December 2017 through May 2019 for Storage Tank 115-01, EPN 115-01_ST, resulting in 1.54 tons of unauthorized VOC emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 1, FOP No. O3622, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

11. Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 3.71 tpy based on a 12-month rolling period for the 12-month periods ending from December 2017 through June 2018 for Storage Tank 115-02, EPN 115-02_ST, resulting in 0.17 ton of unauthorized VOC emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 1, FOP No. O3622, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

12. Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 3.71 tpy based on a 12-month rolling period for the 12-month periods ending

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from December 2017 through May 2019 for Storage Tank 115-03, EPN 115-03_ST, resulting in 4.50 tons of unauthorized VOC emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 1, FOP No. O3622, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

13. Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 3.71 tpy based on a 12-month rolling period for the 12-month periods ending from December 2017 through July 2018 for Storage Tank 115-04, EPN 115-04_ST, resulting in 0.21 ton of unauthorized VOC emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 1, FOP No. O3622, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

14. Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 140.19 pounds per hour ("lbs/hr") by a range from 7.88 lbs/hr to 573.64 lbs/hr for a total of 69 hours on eight days from October 13, 2017 to December 26, 2017 for Vapor Recovery Unit 3, EPN VRU3, resulting in 12,346.14 pounds of unauthorized VOC emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 1, FOP No. O3622, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

15. Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, the Respondent did not maintain the daily records for vacuum trucks on October 18, 2019, November 5, 2019, February 18, 2020, April 30, 2020, May 5, 2020, and May 20, 2020 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(E)(i) and (c), and 122.143(4), NSR Permit Nos. 106594 and PSDTX1324M1 (effective December 17, 2018) and NSR Permit Nos. 106594, PSDTX1324M2, and GHGPSDTX185 (effective October 23, 2019), SC Nos. 19 and 25.A, FOP No. O3622, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

16. Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, the Respondent did not maintain the records demonstrating that the audio, olfactory, and visual checks for leaks were conducted within the first hour of loading and once every eight hours thereafter for on-shore equipment and on board the ship for a total of 96 instances from August 17, 2020 to August 16, 2021 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(E)(i) and (c), and 122.143(4), NSR Permit Nos. 106594, PSDTX1324M2, and GHGPSDTX185, SC No. 14.D.(5), FOP No. O3622, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

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a. By January 24, 2018, revalidated the set points and programmed shutdowns when the hourly MAERs are reached and provided personnel with additional training in order to comply with the VOC hourly MAER for Vapor Recovery Unit 3, EPN VRU3.

b. On July 19, 2019:

i. Submitted the PCC for the August 17, 2017 through August 16, 2018 certification period;

ii. Began maintaining the records for the measured hydrogen sulfide concentrations in the vapor spaces of Storage Tanks 80-01, 80-02, and 80-03;

iii. Began tracking the routine maintenance activities and calculating the monthly emissions from the routine maintenance activities;

iv. Began calculating the monthly vacuum truck emissions;

v. Began calculating the cumulative daily emissions from all components on the DOR list;

vi. Began maintaining the records demonstrating that each marine vessel that remained inerted during loading passed an annual vapor tightness test; and

vii. Began maintaining records for the combined heat duty of the Main Vapor Combustors, EPNs VCU1 and VCU2.

c. On September 27, 2019, obtained an amendment for NSR Permit Nos. 106594 and PSDTX1324M1 that increased the VOC annual MAERs for Storage Tanks 115-01, 115-02, 115-03, and 115-04.

d. By August 12, 2021, conducted vacuum truck log training for all staff in order to begin maintaining the daily records for vacuum trucks.

e. By February 8, 2022, implemented an updated form that operators use in order to document that the audio, olfactory, and visual checks for leaks are conducted within the first hour of loading and once every eight hours thereafter for on-shore equipment and on board the ship.

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

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- i. Implement measures and/or procedures designed to ensure that the estimated emissions from the ILE MSS activities are annually revalidated; and
 - ii. Submit a revised deviation report for the August 17, 2017 through February 14, 2018 reporting period to report the deviations for failing to comply with the VOC MAERs for the 115-series tanks, failing to revalidate the estimated emissions from the ILE MSS activities, and failing to comply with the VOC hourly MAER for Vapor Recovery Unit 3.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Ryan Gee, Senior Director of Operations, Buckeye Texas Hub LLC, 7209 Up River Road, Corpus Christi, Texas 78409

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	3-Sep-2019	Screening	11-Sep-2019	EPA Due	
	PCW	18-May-2023				

RESPONDENT/FACILITY INFORMATION	
Respondent	Buckeye Texas Hub LLC
Reg. Ent. Ref. No.	RN103914974 (PCW No. 1 of 2)
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	58306	No. of Violations	14
Docket No.	2019-1364-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$104,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-10.0% Adjustment	Subtotals 2, 3, & 7	-\$10,475
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Notes

Since the reduction for one notice of intent to conduct an audit and one disclosure of violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero. Reduction for a High Performer classification.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$15,559
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$8,352
Estimated Cost of Compliance	\$87,250

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$78,716
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.3% Adjustment	\$272
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Enhancement to capture the avoided costs of compliance associated with Violation No. 2.

Final Penalty Amount	\$78,988
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$78,988
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DEFERRAL	20.0% Reduction	Adjustment	-\$15,797
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$63,191
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Screening Date 11-Sep-2019

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PCW

Respondent Buckeye Texas Hub LLC

Policy Revision 4 (April 2014)

Case ID No. 58306

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103914974 (PCW No. 1 of 2)

Media Air

Enf. Coordinator Yuliya Dunaway

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	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 judgments 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>)	1	-1%
	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>)	1	-2%
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) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Since the reduction for one notice of intent to conduct an audit and one disclosure of violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero. Reduction for a High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 11-Sep-2019 **Docket No.** 2019-1364-AIR-E **PCW**
Respondent Buckeye Texas Hub LLC *Policy Revision 4 (April 2014)*
Case ID No. 58306 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN103914974 (PCW No. 1 of 2)
Media Air
Enf. Coordinator Yuliya Dunaway

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.146(2), Federal Operating Permit ("FOP") No. O3622, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 16, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to submit a permit compliance certification ("PCC") within 30 days of any certification period. Specifically, the PCC for the August 17, 2017 through August 16, 2018 certification period was due by September 15, 2018, but was not submitted until July 19, 2019.
Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			15.0%

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

Adjustment \$21,250
 \$3,750

Violation Events

Number of Violation Events: 1 307 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$937

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes: The Respondent completed the corrective measures on July 19, 2019, prior to the Notice of Enforcement ("NOE") dated August 30, 2019.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation **Statutory Limit Test**
 Estimated EB Amount \$11 Violation Final Penalty Total \$2,446
This violation Final Assessed Penalty (adjusted for limits) \$2,446

Economic Benefit Worksheet

Respondent Buckeye Texas Hub LLC
Case ID No. 58306
Reg. Ent. Reference No. RN103914974 (PCW No. 1 of 2)
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$250	15-Sep-2018	19-Jul-2019	0.84	\$11	n/a	\$11

Notes for DELAYED costs

Estimated cost to submit the PCC for the August 17, 2017 through August 16, 2018 certification period. The Date Required is the date the PCC was due and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$11

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Respondent Buckeye Texas Hub LLC
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Media Air
Enf. Coordinator Yuliya Dunaway

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PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 106594 and PSDTX1324M1, Special Conditions ("SC") No. 17, FOP No. O3622, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to annually revalidate the estimated emissions from the inherently low emitting ("ILE") maintenance, startup, and shutdown ("MSS") activities. Specifically, the Respondent did not revalidate the estimated emissions from the ILE MSS activities that included aerosol cans, calibration of analytical equipment, carbon can replacement, instrumentation/analyzer maintenance, meter proving, replacement of analyzer filters and screens, soap and other aqueous based cleaners, and cleaning sight glasses for calendar year 2017.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				7.0%
	Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1 619 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,750

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes

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

Violation Subtotal \$1,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$722

Violation Final Penalty Total \$1,580

This violation Final Assessed Penalty (adjusted for limits) \$1,580

Economic Benefit Worksheet

Respondent Buckeye Texas Hub LLC
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Reg. Ent. Reference No. RN103914974 (PCW No. 1 of 2)
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	\$1,500	31-Dec-2017	1-Jan-2024	6.01	\$450	n/a	\$450
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to ensure that the estimated emissions from the ILE MSS activities are annually revalidated. The Date Required is the first date of non-compliance and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$250	31-Dec-2017	11-Sep-2019	1.70	\$22	\$250	\$272
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to revalidate the estimated emissions from ILE MSS activities for calendar year 2017. The Date Required is the last day the revalidation could have occurred and the Final Date is the screening date.

Approx. Cost of Compliance

\$1,750

TOTAL

\$722

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Respondent Buckeye Texas Hub LLC
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Reg. Ent. Reference No. RN103914974 (PCW No. 1 of 2)
Media Air
Enf. Coordinator Yuliya Dunaway

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PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(E)(i) and (c), and 122.143(4), NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 11.D, FOP No. O3622, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, the Respondent did not maintain the records demonstrating that the measured hydrogen sulfide ("H2S") concentrations in the vapor spaces of Storage Tanks 80-01, 80-02, and 80-03 did not exceed 1,000 parts per million by volume.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			15.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 701 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent completed the corrective measures by July 19, 2019, prior to the NOE dated August 30, 2019.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$144

Violation Final Penalty Total \$2,446

This violation Final Assessed Penalty (adjusted for limits) \$2,446

Economic Benefit Worksheet

Respondent Buckeye Texas Hub LLC
Case ID No. 58306
Reg. Ent. Reference No. RN103914974 (PCW No. 1 of 2)
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	\$1,500	17-Aug-2017	19-Jul-2019	1.92	\$144	n/a	\$144
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 begin maintaining the records for the measured H2S concentrations in the vapor spaces of Storage Tanks 80-01, 80-02, and 80-03. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,500

TOTAL \$144

Screening Date 11-Sep-2019
Respondent Buckeye Texas Hub LLC
Case ID No. 58306
Reg. Ent. Reference No. RN103914974 (PCW No. 1 of 2)
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2019-1364-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 17, FOP No. O3622, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to track the routine maintenance activities and calculate the monthly emissions from the maintenance activities. Specifically, the Respondent did not calculate the emissions from the routine maintenance activities using the number of work orders or equivalent and the emissions associated in the permit application.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				7.0%
	Potential			x	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1 701 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,750

One single event is recommended.

Good Faith Efforts to Comply 25.0%

Reduction \$437

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent completed the corrective measures by July 19, 2019, prior to the NOE dated August 30, 2019.

Violation Subtotal \$1,313

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$144

Violation Final Penalty Total \$1,142

This violation Final Assessed Penalty (adjusted for limits) \$1,142

Economic Benefit Worksheet

Respondent Buckeye Texas Hub LLC
Case ID No. 58306
Reg. Ent. Reference No. RN103914974 (PCW No. 1 of 2)
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$1,500	17-Aug-2017	19-Jul-2019	1.92	\$144	n/a	\$144
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 begin tracking the routine maintenance activities and calculating the monthly emissions from the routine maintenance activities. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,500

TOTAL \$144

Screening Date 11-Sep-2019
Respondent Buckeye Texas Hub LLC
Case ID No. 58306
Reg. Ent. Reference No. RN103914974 (PCW No. 1 of 2)
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2019-1364-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 22.D, FOP No. O3622, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to determine the vacuum truck emissions each month. Specifically, the Respondent did not calculate the vacuum truck emissions using the daily vacuum truck records and the calculation methods utilized in the permit application.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				7.0%
	Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1 701 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,750

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$437

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent completed the corrective measures by July 19, 2019, prior to the NOE dated August 30, 2019.

Violation Subtotal \$1,313

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$48

Violation Final Penalty Total \$1,142

This violation Final Assessed Penalty (adjusted for limits) \$1,142

Economic Benefit Worksheet

Respondent Buckeye Texas Hub LLC
Case ID No. 58306
Reg. Ent. Reference No. RN103914974 (PCW No. 1 of 2)
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	17-Aug-2017	19-Jul-2019	1.92	\$48	n/a	\$48
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 begin calculating the monthly vacuum truck emissions. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$48

Screening Date 11-Sep-2019
Respondent Buckeye Texas Hub LLC
Case ID No. 58306
Reg. Ent. Reference No. RN103914974 (PCW No. 1 of 2)
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2019-1364-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number

Rule Cite(s)
 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 15.I, FOP No. O3622, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to estimate the cumulative daily emissions from all components on the delay of repair ("DOR") list. Specifically, the Respondent did not calculate the cumulative daily emissions from all components on the DOR list.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="7.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>

Notes
 The Respondent completed the corrective measures by July 19, 2019, prior to the NOE dated August 30, 2019.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Buckeye Texas Hub LLC
Case ID No. 58306
Reg. Ent. Reference No. RN103914974 (PCW No. 1 of 2)
Media Air
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	17-Aug-2017	19-Jul-2019	1.92	\$48	n/a	\$48
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 begin calculating the cumulative daily emissions from all components on the DOR list. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$48

Screening Date 11-Sep-2019
Respondent Buckeye Texas Hub LLC
Case ID No. 58306
Reg. Ent. Reference No. RN103914974 (PCW No. 1 of 2)
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2019-1364-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 7

Rule Cite(s)
 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(E)(i) and (c), and 122.143(4),
 NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 12.E.2, FOP No. O3622, GTC
 and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, the Respondent did not maintain the records demonstrating that each marine vessel that remained inerted during loading passed an annual vapor tightness test.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			15.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 701 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes
 The Respondent completed the corrective measures by July 19, 2019, prior to the NOE dated August 30, 2019.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$144

Violation Final Penalty Total \$2,446

This violation Final Assessed Penalty (adjusted for limits) \$2,446

Economic Benefit Worksheet

Respondent Buckeye Texas Hub LLC
Case ID No. 58306
Reg. Ent. Reference No. RN103914974 (PCW No. 1 of 2)
Media Violation No. Air
 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$1,500	17-Aug-2017	19-Jul-2019	1.92	\$144	n/a	\$144
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 begin maintaining the records demonstrating that each marine vessel that remained inerted during loading passed an annual vapor tightness test. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,500

TOTAL \$144

Screening Date 11-Sep-2019
Respondent Buckeye Texas Hub LLC
Case ID No. 58306
Reg. Ent. Reference No. RN103914974 (PCW No. 1 of 2)
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2019-1364-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 8

Rule Cite(s)
 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(E)(i) and (c), and 122.143(4),
 NSR Permit No. 106594 and PSDTX1324M1, SC No. 7, FOP No. O3622, GTC and
 STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, the Respondent did not maintain the records demonstrating that the combined heat duty of the Marine Vapor Combustors, Emissions Point Numbers ("EPNs") VCU1 and VCU2, did not exceed 500,000 million British thermal units during any rolling 12-month period.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			15.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 701 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes
 The Respondent completed the corrective measures by July 19, 2019, prior to the NOE dated August 30, 2019.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$144

Violation Final Penalty Total \$2,446

This violation Final Assessed Penalty (adjusted for limits) \$2,446

Economic Benefit Worksheet

Respondent Buckeye Texas Hub LLC
Case ID No. 58306
Reg. Ent. Reference No. RN103914974 (PCW No. 1 of 2)
Media Violation No. Air
 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$1,500	17-Aug-2017	19-Jul-2019	1.92	\$144	n/a	\$144
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 begin maintaining the records for the combined heat duty of the Marine Vapor Combustors, EPNs VCU1 and VCU2. The Date Required is the initial date of non-compliance and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,500

TOTAL \$144

Screening Date 11-Sep-2019
Respondent Buckeye Texas Hub LLC
Case ID No. 58306
Reg. Ent. Reference No. RN103914974 (PCW No. 1 of 2)
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2019-1364-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. O3622, GTC, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to report all instances of deviations. Specifically, the deviation report for the August 17, 2017 through February 14, 2018 reporting period did not include the deviations for failing to comply with the volatile organic compound ("VOC") annual maximum allowable emissions rates ("MAERs") for the 115-series tanks, failing to revalidate the estimated emissions from the ILE MSS activities, and failing to comply with the VOC hourly MAER for Vapor Recovery Unit 3.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			x	1.0%

Matrix Notes Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 544 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$73

Violation Final Penalty Total \$226

This violation Final Assessed Penalty (adjusted for limits) \$226

Economic Benefit Worksheet

Respondent Buckeye Texas Hub LLC
Case ID No. 58306
Reg. Ent. Reference No. RN103914974 (PCW No. 1 of 2)
Media Air
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$250	16-Mar-2018	1-Jan-2024	5.80	\$73	n/a	\$73

Notes for DELAYED costs

Estimated cost to submit a revised deviation report for the August 17, 2017 through February 14, 2018 reporting period to report the deviations for failing to comply with the VOC MAERs for the 115-series tanks, failing to revalidate the estimated emissions from the ILE MSS activities, and failing to comply with the VOC hourly MAER for Vapor Recovery Unit 3. The Date Required is the date the deviation report was due and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$250

TOTAL \$73

Screening Date 11-Sep-2019
Respondent Buckeye Texas Hub LLC
Case ID No. 58306
Reg. Ent. Reference No. RN103914974 (PCW No. 1 of 2)
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2019-1364-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 10

Rule Cite(s)
 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4),
 NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 1, FOP No. O3622, GTC and
 STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC
 MAER of 3.71 tons per year ("tpy") based on a 12-month rolling period for the 12-
 month periods ending from December 2017 through May 2019 for Storage Tank
 115-01, EPN 115-01_ST, resulting in 1.54 tons of unauthorized VOC emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	15.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix
Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 6 547 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$22,500

Six quarterly events are recommended for the period of non-compliance from December 1, 2017 through May 31, 2019.

Good Faith Efforts to Comply

10.0%

Reduction \$2,250

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		

Notes

The Respondent completed the corrective measures on September 27, 2019, after the NOE dated August 30, 2019.

Violation Subtotal \$20,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6,832

Violation Final Penalty Total \$18,062

This violation Final Assessed Penalty (adjusted for limits) \$18,062

Economic Benefit Worksheet

Respondent Buckeye Texas Hub LLC
Case ID No. 58306
Reg. Ent. Reference No. RN103914974 (PCW No. 1 of 2)
Media Air
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	\$75,000	1-Dec-2017	27-Sep-2019	1.82	\$6,832	n/a	\$6,832
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Actual cost to obtain an amendment for NSR Permit Nos. 106594 and PSDTX1324M1 that increased the VOC annual MAERs for Storage Tanks 115-01, 115-02, 115-03, and 115-04. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$75,000

TOTAL

\$6,832

Screening Date 11-Sep-2019
Respondent Buckeye Texas Hub LLC
Case ID No. 58306
Reg. Ent. Reference No. RN103914974 (PCW No. 1 of 2)
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2019-1364-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 11

Rule Cite(s)
 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4),
 NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 1, FOP No. O3622, GTC and
 STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC
 MAER of 3.71 tpy based on a 12-month rolling period for the 12-month periods
 ending from December 2017 through June 2018 for Storage Tank 115-02, EPN 115-
 02_ST, resulting in 0.17 ton of unauthorized VOC emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	15.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes
 Human health or the environment has been exposed to insignificant amounts of pollutants that do
 not exceed levels that are protective of human health or environmental receptors as a result of
 the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3 211 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$11,250

Three quarterly events are recommended for the period of non-compliance from December 1,
 2017 through June 30, 2018.

Good Faith Efforts to Comply 10.0%

Reduction \$1,125

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		

Notes
 The Respondent completed the corrective measures on
 September 27, 2019, after the NOE dated August 30,
 2019.

Violation Subtotal \$10,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$9,031

This violation Final Assessed Penalty (adjusted for limits) \$9,031

Economic Benefit Worksheet

Respondent Buckeye Texas Hub LLC
Case ID No. 58306
Reg. Ent. Reference No. RN103914974 (PCW No. 1 of 2)
Media Air
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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 the Economic Benefit in Violation No. 10 of PCW No. 1 of 2.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date 11-Sep-2019
Respondent Buckeye Texas Hub LLC
Case ID No. 58306
Reg. Ent. Reference No. RN103914974 (PCW No. 1 of 2)
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2019-1364-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

V12 12

Rule Cite(s)
 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4),
 NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 1, FOP No. O3622, GTC and
 STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC
 MAER of 3.71 tpy based on a 12-month rolling period for the 12-month periods
 ending from December 2017 through May 2019 for Storage Tank 115-03, EPN 115-
 03_ST, resulting in 4.50 tons of unauthorized VOC emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	15.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes
 Human health or the environment has been exposed to insignificant amounts of pollutants that do
 not exceed levels that are protective of human health or environmental receptors as a result of
 the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 6 547 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$22,500

Six quarterly events are recommended for the period of non-compliance from December 1, 2017
 through May 31, 2019.

Good Faith Efforts to Comply 10.0% Reduction \$2,250

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		

Notes
 The Respondent completed the corrective measures on
 September 27, 2019, after the NOE dated August 30,
 2019.

Violation Subtotal \$20,250

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

Estimated EB Amount \$0

Violation Final Penalty Total \$18,062

This violation Final Assessed Penalty (adjusted for limits) \$18,062

Economic Benefit Worksheet

Respondent Buckeye Texas Hub LLC
Case ID No. 58306
Reg. Ent. Reference No. RN103914974 (PCW No. 1 of 2)
Media Air
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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 the Economic Benefit in Violation No. 10 of PCW No. 1 of 2.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date 11-Sep-2019
Respondent Buckeye Texas Hub LLC
Case ID No. 58306
Reg. Ent. Reference No. RN103914974 (PCW No. 1 of 2)
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2019-1364-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 13

Rule Cite(s)
 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4),
 NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 1, FOP No. O3622, GTC and
 STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC
 MAER of 3.71 tpy based on a 12-month rolling period for the 12-month periods
 ending from December 2017 through July 2018 for Storage Tank 115-04, EPN 115-
 04_ST, resulting in 0.21 ton of unauthorized VOC emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	15.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes
 Human health or the environment has been exposed to insignificant amounts of pollutants that do
 not exceed levels that are protective of human health or environmental receptors as a result of
 the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3 212 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$11,250

Three quarterly events are recommended for the period of non-compliance from December 1,
 2017 through July 31, 2018.

Good Faith Efforts to Comply

10.0%

Reduction \$1,125

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		

Notes
 The Respondent completed the corrective measures on
 September 27, 2019, after the NOE dated August 30,
 2019.

Violation Subtotal \$10,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$9,031

This violation Final Assessed Penalty (adjusted for limits) \$9,031

Economic Benefit Worksheet

Respondent Buckeye Texas Hub LLC
Case ID No. 58306
Reg. Ent. Reference No. RN103914974 (PCW No. 1 of 2)
Media Air
Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See the Economic Benefit in Violation No. 10 of PCW No. 1 of 2.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date 11-Sep-2019
Respondent Buckeye Texas Hub LLC
Case ID No. 58306
Reg. Ent. Reference No. RN103914974 (PCW No. 1 of 2)
Media Air

Docket No. 2019-1364-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Enf. Coordinator Yuliya Dunaway

Violation Number 14

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 1, FOP No. O3622, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 140.19 pounds per hour ("lbs/hr") by a range from 7.88 lbs/hr to 573.64 lbs/hr for a total of 69 hours on eight days from October 13, 2017 to December 26, 2017 for Vapor Recovery Unit 3, EPN VRU3, resulting in 12,346.14 pounds of unauthorized VOC emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		X		30.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment has been exposed to significant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 2 8 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Two monthly events are recommended for the instances of non-compliance that occurred from October 13, 2017 to November 7, 2017 and from December 22, 2017 to December 26, 2017.

Good Faith Efforts to Comply

25.0%

Reduction \$3,750

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	

Notes The Respondent completed the corrective measures by January 24, 2018, prior to the NOE dated August 30, 2019.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$42

Violation Final Penalty Total \$9,784

This violation Final Assessed Penalty (adjusted for limits) \$9,784

Economic Benefit Worksheet

Respondent Buckeye Texas Hub LLC
Case ID No. 58306
Reg. Ent. Reference No. RN103914974 (PCW No. 1 of 2)
Media Air
Violation No. 14

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	\$1,500	13-Oct-2017	24-Jan-2018	0.28	\$21	n/a	\$21
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	13-Oct-2017	24-Jan-2018	0.28	\$21	n/a	\$21

Notes for DELAYED costs
 Estimated costs to revalidate the set points and program shutdowns when the hourly MAERs are reached (\$10,000) and to provide personnel with additional training (\$1,500) in order to comply with the VOC hourly MAER for Vapor Recovery Unit 3, EPN VRU3. The Dates Required are the first date of non-compliance and the Final Dates are the dates of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$3,000

TOTAL \$42



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	30-Aug-2021	Screening	30-Aug-2021	EPA Due	
	PCW	18-May-2023				

RESPONDENT/FACILITY INFORMATION	
Respondent	Buckeye Texas Hub LLC
Reg. Ent. Ref. No.	RN103914974 (PCW No. 2 of 2)
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	58306	No. of Violations	2
Docket No.	2019-1364-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1	Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
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Compliance History	-10.0% Adjustment	Subtotals 2, 3, & 7	-\$50
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Notes: Since the reduction for one notice of intent to conduct an audit and one disclosure of violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero. Reduction for a High Performer classification.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$87
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$247
 Estimated Cost of Compliance: \$3,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$363
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$363
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$363
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DEFERRAL	20.0% Reduction	Adjustment	-\$72
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$291
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Screening Date 30-Aug-2021

Docket No. 2019-1364-AIR-E

PCW

Respondent Buckeye Texas Hub LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 58306

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN103914974 (PCW No. 2 of 2)

Media Air

Enf. Coordinator Yuliya Dunaway

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	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 judgments 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>)	1	-1%
	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>)	1	-2%
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) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Since the reduction for one notice of intent to conduct an audit and one disclosure of violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero. Reduction for a High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 30-Aug-2021 **Docket No.** 2019-1364-AIR-E **PCW**
Respondent Buckeye Texas Hub LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 58306 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN103914974 (PCW No. 2 of 2)
Media Air

Enf. Coordinator Yuliya Dunaway

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(E)(i) and (c), and 122.143(4), New Source Review ("NSR") Permit Nos. 106594 and PSDTX1324M1 (effective December 17, 2018) and NSR Permit Nos. 106594, PSDTX1324M2, and GHGPSDTX185 (effective October 23, 2019), Special Conditions ("SC") Nos. 19 and 25.A, Federal Operating Permit ("FOP") No. O3622, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, the Respondent did not maintain the daily records for vacuum trucks on October 18, 2019, November 5, 2019, February 18, 2020, April 30, 2020, May 5, 2020, and May 20, 2020.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				x	1.0%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 6 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended for the incomplete set of records.

Good Faith Efforts to Comply 25.0% Reduction \$62

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent completed the corrective measures by August 12, 2021, prior to the Notice of Enforcement ("NOE") dated August 27, 2021.

Violation Subtotal \$188

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$136 **Violation Final Penalty Total** \$163

This violation Final Assessed Penalty (adjusted for limits) \$163

Economic Benefit Worksheet

Respondent Buckeye Texas Hub LLC
Case ID No. 58306
Reg. Ent. Reference No. RN103914974 (PCW No. 2 of 2)
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	18-Oct-2019	12-Aug-2021	1.82	\$136	n/a	\$136
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 conduct vacuum truck log training for all staff in order to begin maintaining the daily records for vacuum trucks. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,500

TOTAL \$136

Screening Date 30-Aug-2021 **Docket No.** 2019-1364-AIR-E **PCW**
Respondent Buckeye Texas Hub LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 58306 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN103914974 (PCW No. 2 of 2)
Media Air
Enf. Coordinator Yuliya Dunaway

Violation Number

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(E)(i) and (c), and 122.143(4), NSR Permit Nos. 106594, PSDTX1324M2, and GHGPSDTX185, SC No. 14.D.(5), FOP No. O3622, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, the Respondent did not maintain the records demonstrating that the audio, olfactory, and visual checks for leaks were conducted within the first hour of loading and once every eight hours thereafter for on-shore equipment and on board the ship for a total of 96 instances from August 17, 2020 to August 16, 2021.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual	<input type="text"/>	<input type="text"/>	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

Violation Base Penalty

One single event is recommended for the incomplete set of records.

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text" value="x"/>
N/A	<input type="text"/>	<input type="text"/>

Notes: The Respondent completed the corrective measures by February 8, 2022, after the NOE dated February 7, 2022.

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Buckeye Texas Hub LLC
Case ID No. 58306
Reg. Ent. Reference No. RN103914974 (PCW No. 2 of 2)
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$1,500	17-Aug-2020	8-Feb-2022	1.48	\$111	n/a	\$111
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement an updated form that operators use in order to document that audio, olfactory, and visual checks for leaks are conducted within the first hour of loading and once every eight hours thereafter for on-shore equipment and on board the ship. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,500

TOTAL \$111



Compliance History Report

Compliance History Report for CN604031880, RN103914974, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN604031880, Buckeye Texas Hub LLC **Classification:** HIGH **Rating:** 0.00
Regulated Entity: RN103914974, Buckeye Texas Hub **Classification:** HIGH **Rating:** 0.00
Complexity Points: 27 **Repeat Violator:** NO
CH Group: 14 - Other
Location: 7002 Marvin L. Berry Road, Corpus Christi, Nueces County, Texas
TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

AIR OPERATING PERMITS PERMIT 3622	AIR NEW SOURCE PERMITS ACCOUNT NUMBER NE03940
AIR NEW SOURCE PERMITS REGISTRATION 145265	AIR NEW SOURCE PERMITS REGISTRATION 107620
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1324	AIR NEW SOURCE PERMITS REGISTRATION 135588
AIR NEW SOURCE PERMITS PERMIT 106594	AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1324M1
AIR NEW SOURCE PERMITS REGISTRATION 164303	AIR NEW SOURCE PERMITS REGISTRATION 160621
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX185	AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1324M2
AIR NEW SOURCE PERMITS REGISTRATION 155830	AIR NEW SOURCE PERMITS REGISTRATION 170932
AIR NEW SOURCE PERMITS REGISTRATION 168384	AIR NEW SOURCE PERMITS REGISTRATION 172120
AIR NEW SOURCE PERMITS AFS NUM 4835500666	MUNICIPAL SOLID WASTE PROCESSING PERMIT 100037
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 79827	STORMWATER PERMIT TXR05FN63
WASTEWATER PERMIT WQ0005389000	WASTEWATER EPA ID TX0143014
WASTEWATER PERMIT TXG670395	INDUSTRIAL AND HAZARDOUS WASTE NONPERMITTED EPA ID TXR000057372
INDUSTRIAL AND HAZARDOUS WASTE NONPERMITTED ID NUMBER F1854	AIR EMISSIONS INVENTORY ACCOUNT NUMBER NE03940
POLLUTION PREVENTION PLANNING ID NUMBER P08198	INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000086148
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 96610	INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000057372
TAX RELIEF ID NUMBER 20698	TAX RELIEF ID NUMBER 20697
TAX RELIEF ID NUMBER 20696	

Compliance History Period: September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

Date Compliance History Report Prepared: May 05, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 05, 2018 to May 05, 2023

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Yuliya Dunaway

Phone: (210) 403-4077

Site and Owner/Operator History:

- | | |
|--|-----|
| 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 |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	June 28, 2018	(1497792)
Item 2	October 24, 2018	(1519496)
Item 3	May 13, 2020	(1637513)
Item 4	August 17, 2021	(1739207)
Item 5	January 24, 2022	(1783261)
Item 6	June 29, 2022	(1825233)
Item 7	August 11, 2022	(1833381)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

Notice of Intent Date: 09/07/2022 (1841484)

Disclosure Date: 09/14/2022

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC 1, 3, 19, 23, 24

Description: Failed to prevent unauthorized uncontrolled floating roof tank landings and failed to prevent the associated emissions resulting from an incorrect leg height settings or length.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(i)

Description: Failed to maintain the internal floating roofs on the liquid surface level at all times and filling, emptying, and refilling continuously and as rapidly as possible.

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)

30 TAC Chapter 122, SubChapter B 122.146(1)

Description: Failed to report Title V deviations on previous deviation reports as they related to Disclosed Violation Nos. 1 and 2 above.

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BUCKEYE TEXAS HUB LLC
RN103914974

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2019-1364-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Buckeye Texas Hub LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a marine terminal facility located at 7002 Marvin L. Berry Road in Corpus Christi, Nueces County, Texas (the "Site"). The Site consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$79,351 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$63,482 of the penalty and \$15,869 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Site:
 - a. By January 24, 2018, revalidated the set points and programmed shutdowns when the hourly maximum allowable emissions rates ("MAERs") are reached and provided personnel with additional training in order to comply with the volatile organic compounds ("VOC") hourly MAER for Vapor Recovery Unit 3, Emissions Point Number ("EPN") VRU3.
 - b. On July 19, 2019:
 - i. Submitted the permit compliance certification ("PCC") for the August 17, 2017 through August 16, 2018 certification period;
 - ii. Began maintaining the records for the measured hydrogen sulfide ("H₂S") concentrations in the vapor spaces of Storage Tanks 80-01, 80-02, and 80-03;
 - iii. Began tracking the routine maintenance activities and calculating the monthly emissions from the routine maintenance activities;
 - iv. Began calculating the monthly vacuum truck emissions;
 - v. Began calculating the cumulative daily emissions from all components on the delay of repair ("DOR") list;
 - vi. Began maintaining the records demonstrating that each marine vessel that remained inerted during loading passed an annual vapor tightness test; and
 - vii. Began maintaining records for the combined heat duty of the Main Vapor Combustors, EPNs VCU1 and VCU2.
 - c. On September 27, 2019, obtained an amendment for New Source Review ("NSR") Permit Nos. 106594 and PSDTX1324M1 that increased the VOC annual MAERs for Storage Tanks 115-01, 115-02, 115-03, and 115-04.
 - d. By August 12, 2021, conducted vacuum truck log training for all staff in order to begin maintaining the daily records for vacuum trucks.

- e. By February 8, 2022, implemented an updated form that operators use in order to document that the audio, olfactory, and visual checks for leaks are conducted within the first hour of loading and once every eight hours thereafter for on-shore equipment and on board the ship.

II. ALLEGATIONS

1. During an investigation at the Site conducted from July 18, 2019 through August 22, 2019, an investigator documented that the Respondent:
 - a. Failed to submit a PCC within 30 days of any certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), Federal Operating Permit ("FOP") No. O3622, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the PCC for the August 17, 2017 through August 16, 2018 certification period was due by September 15, 2018, but was not submitted until July 19, 2019.
 - b. Failed to annually revalidate the estimated emissions from the inherently low emitting ("ILE") maintenance, startup, and shutdown ("MSS") activities, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 106594 and PSDTX1324M1, Special Conditions ("SC") No. 17, FOP No. O3622, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not revalidate the estimated emissions from the ILE MSS activities that included aerosol cans, calibration of analytical equipment, carbon can replacement, instrumentation/analyzer maintenance, meter proving, replacement of analyzer filters and screens, soap and other aqueous based cleaners, and cleaning sight glasses for calendar year 2017.
 - c. Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(E)(i) and (c), and 122.143(4), NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 11.D, FOP No. O3622, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not maintain the records demonstrating that the measured H₂S concentrations in the vapor spaces of Storage Tanks 80-01, 80-02, and 80-03 did not exceed 1,000 parts per million by volume.
 - d. Failed to track the routine maintenance activities and calculate the monthly emissions from the maintenance activities, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 17, FOP No. O3622, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not calculate the emissions from the routine maintenance activities using the number of work orders or equivalent and the emissions associated in the permit application.
 - e. Failed to determine vacuum truck emissions each month, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 22.D, FOP No. O3622, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not calculate the vacuum truck emissions using the daily vacuum truck records and the calculation methods utilized in the permit application.

- f. Failed to estimate the cumulative daily emissions from all components on the DOR list, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 15.I, FOP No. O3622, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not calculate the cumulative daily emissions from all components on the DOR list.
- g. Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(E)(i) and (c), and 122.143(4), NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 12.E.2, FOP No. O3622, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not maintain the records demonstrating that each marine vessel that remained inerted during loading passed an annual vapor tightness test.
- h. Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(E)(i) and (c), and 122.143(4), NSR Permit No. 106594 and PSDTX1324M1, SC No. 7, FOP No. O3622, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not maintain the records demonstrating that the combined heat duty of the Marine Vapor Combustors, EPNs VCU1 and VCU2, did not exceed 500,000 million British thermal units during any rolling 12-month period.
- i. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O3622, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the August 17, 2017 through February 14, 2018 reporting period did not include the deviations for failing to comply with the VOC annual MAERs for the 115-series tanks, failing to revalidate the estimated emissions from the ILE MSS activities, and failing to comply with the VOC hourly MAER for Vapor Recovery Unit 3.
- j. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 1, FOP No. O3622, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the VOC MAER of 3.71 tons per year ("tpy") based on a 12-month rolling period for the 12-month periods ending from December 2017 through May 2019 for Storage Tank 115-01, EPN 115-01_ST, resulting in 1.54 tons of unauthorized VOC emissions.
- k. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 1, FOP No. O3622, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the VOC MAER of 3.71 tpy based on a 12-month rolling period for the 12-month periods ending from December 2017 through June 2018 for Storage Tank 115-02, EPN 115-02_ST, resulting in 0.17 ton of unauthorized VOC emissions.
- l. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 1, FOP No. O3622, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the VOC MAER

of 3.71 tpy based on a 12-month rolling period for the 12-month periods ending from December 2017 through May 2019 for Storage Tank 115-03, EPN 115-03_ST, resulting in 4.50 tons of unauthorized VOC emissions.

- m. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 1, FOP No. O3622, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the VOC MAER of 3.71 tpy based on a 12-month rolling period for the 12-month periods ending from December 2017 through July 2018 for Storage Tank 115-04, EPN 115-04_ST, resulting in 0.21 ton of unauthorized VOC emissions.
 - n. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 106594 and PSDTX1324M1, SC No. 1, FOP No. O3622, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the VOC MAER of 140.19 pounds per hour ("lbs/hr") by a range from 7.88 lbs/hr to 573.64 lbs/hr for a total of 69 hours on eight days from October 13, 2017 to December 26, 2017 for Vapor Recovery Unit 3, EPN VRU3, resulting in 12,346.14 pounds of unauthorized VOC emissions.
2. During a record review for the Site conducted from June 4, 2021 through August 3, 2021, an investigator documented that the Respondent failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(E)(i) and (c), and 122.143(4), NSR Permit Nos. 106594 and PSDTX1324M1 (effective December 17, 2018) and NSR Permit Nos. 106594, PSDTX1324M2, and GHGPSDTX185 (effective October 23, 2019), SC Nos. 19 and 25.A, FOP No. O3622, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not maintain the daily records for vacuum trucks on October 18, 2019, November 5, 2019, February 18, 2020, April 30, 2020, May 5, 2020, and May 20, 2020.
3. During a record review for the Site conducted from December 9, 2021 through December 23, 2021, an investigator documented that the Respondent failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(E)(i) and (c), and 122.143(4), NSR Permit Nos. 106594, PSDTX1324M2, and GHGPSDTX185, SC No. 14.D.(5), FOP No. O3622, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not maintain the records demonstrating that the audio, olfactory, and visual checks for leaks were conducted within the first hour of loading and once every eight hours thereafter for on-shore equipment and on board the ship for a total of 96 instances from August 17, 2020 to August 16, 2021.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Buckeye Texas Hub LLC, Docket No. 2019-1364-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements at the Site:
 - a. Within 30 days after the effective date of this Order:
 - i. Implement measures and/or procedures designed to ensure that the estimated emissions from the ILE MSS activities are annually revalidated; and
 - ii. Submit a revised deviation report for the August 17, 2017 through February 14, 2018 reporting period to report the deviations for failing to comply with the VOC MAERs for the 115-series tanks, failing to revalidate the estimated emissions from the ILE MSS activities, and failing to comply with the VOC hourly MAER for Vapor Recovery Unit 3.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Air Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
500 North Shoreline Boulevard, Suite 500
Corpus Christi, Texas 78401

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Site operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this 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 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 Order or in any plan, report, or other document submitted pursuant to this 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. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. This 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 Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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.

9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



9/26/2023

For the Executive Director

Date

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

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG 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 OAG 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.



9-11-2023

Signature

Date



Director of Operations

Name (Printed or typed)
Authorized Representative of
Buckeye Texas Hub LLC

Title

If mailing address has changed, please check this box and provide the new address below:

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.