

Executive Summary – Enforcement Matter – Case No. 60325
Stolthaven Houston, Inc.
RN100210475
Docket No. 2021-0251-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Stolthaven Houston Terminal, 15602 Jacintoport Boulevard, Houston, Harris County

Type of Operation:

Bulk liquid storage terminal

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2022-0732-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 26, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$42,006

Amount Deferred for Expedited Settlement: \$8,401

Total Paid to General Revenue: \$16,803

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$16,802

Name of SEP: Barbers Hill Independent School District (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

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RN100210475
Docket No. 2021-0251-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 8, 2020 through December 23, 2020, October 15, 2020 through December 14, 2020, October 22, 2020 through January 12, 2021, November 24, 2020 through December 23, 2020, and December 10, 2020 through January 5, 2021

Date(s) of NOE(s): January 7, 2021, January 21, 2021, January 22, 2021, February 1, 2021, and February 9, 2021

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 182.71 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 282886) that occurred on April 27, 2018 and lasted 20 minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 41618, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1060, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 513.99 lbs of VOC from the Low-Pressure Storage Tank D-20-2, Emissions Point Number ("EPN") STD 20-2, during an emissions event (Incident No. 294525) that began on October 25, 2017 and lasted 24 hours [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 41618, SC No. 1, FOP No. O1060, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 153.00 lbs of VOC from Storage Tank B-30-1, EPN STB 30-1, during an emissions event (Incident No. 294469) that began on October 25, 2017 and lasted 139 hours and 13 minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 41618, SC No. 1, FOP No. O1060, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to prevent unauthorized emissions. Specifically, the Respondent released 98.00 lbs of VOC from Internal Floating Roof Storage Tank P15-30, EPN STP15-30, during an emissions event (Incident No. 298405) that began on November 22, 2018 and lasted 25 hours and 42 minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 41618, SC No. 1, FOP No. O1060, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5. Failed to prevent unauthorized emissions. Specifically, the Respondent released 55.00 lbs of VOC and 358.00 lbs of methyl acetate as fugitive emissions, during an emissions event (Incident No. 345485) that occurred on November 5, 2020 and lasted two hours and 45 minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR

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Permit No. 41618, SC No. 1, FOP No. O1060, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,411.00 lbs of VOC from the Storage Tank P-40-1, EPN STP 40-1, during an emissions event (Incident No. 313964) that began on July 2, 2019 and lasted 424 hours and 30 minutes [30 TEX. ADMIN. CODE §§ 116.115(c), and 122.143(4), NSR Permit No. 41618, SC No. 1, FOP No. O1060, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7. Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not properly identify the authorized emissions limits on the final record for Incident No. 313964 [30 TEX. ADMIN. CODE §§ 101.201(b)(1)(H) and 122.143(4), FOP No. O1060, GTC and STC No. 2.F., and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By October 19, 2018, implemented additional storage tank monitoring methods and requirements in order to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 294525 and 294469;
- b. By December 14, 2020, performed a gap analysis for the existing Work Order process, reprogrammed the Work Order system, modified the terminal's storage tank master alarms, and conducted training in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 282886; and
- c. On February 1, 2021, provided the correct authorized emissions limits for the compounds or mixtures from all emission points for Incident No 313964.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Within 30 days:
 - i. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 298405;

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Stolthaven Houston, Inc.
RN100210475
Docket No. 2021-0251-AIR-E

- ii. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 345485;
 - iii. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 313964; and
 - iv. Implement measures designed to ensure that all of the required information is identified on the final records for reportable emissions events.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Mackenzie Mehlmann, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2572; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

SEP Third-Party Administrator: Carl R. Griffith & Associates, Inc., 2901 Turtle Creek Drive, Suite 445, Port Arthur, Texas 77642

Respondent: Daniel Strydom, General Manager, Stolthaven Houston, Inc., 15602 Jacintoport Boulevard, Houston, Texas 77015

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	12-Jan-2021			
	PCW	14-May-2024	Screening	22-Jan-2021	EPA Due

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

CASE INFORMATION					
Enf./Case ID No.	60325	No. of Violations	7		
Docket No.	2021-0251-AIR-E	Order Type	1660		
Media Program(s)	Air	Government/Non-Profit	No		
Multi-Media		Enf. Coordinator	Mackenzie Mehlmann		
		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	\$22,750
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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	97.0%	Adjustment	Subtotals 2, 3, & 7	\$22,067
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Notes

Enhancement for one NOV with same/similar violations, one NOV with dissimilar violations, two orders containing a denial of liability, and two orders without a denial of liability.

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	-\$2,811
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$9,180
Estimated Cost of Compliance	\$39,250

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$42,006
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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	\$42,006
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$42,006
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DEFERRAL	20.0%	Reduction	Adjustment	-\$8,401
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$33,605
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Screening Date

22-Jan-2021

Docket No.

2021-0251-AIR-E

PCW

Respondent

Stolthaven Houston, Inc.

Case ID No.

60325

Reg. Ent. Reference No.

RN100210475

Media

Air

Enf. Coordinator

Mackenzie Mehlmann

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

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>)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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	2	50%
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>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
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)97%

>> Repeat Violator (Subtotal 3)

NoAdjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory PerformerAdjustment Percentage (Subtotal 7)0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations, one NOV with dissimilar violations, two orders containing a denial of liability, and two orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)97%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%97%

Screening Date	22-Jan-2021	Docket No.	2021-0251-AIR-E	PCW
Respondent	Stolthaven Houston, Inc.			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	60325			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN100210475			
Media	Air			
Enf. Coordinator	Mackenzie Mehlmann			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 41618, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1060, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 17, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 182.71 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 282886) that occurred on April 27, 2018 and lasted 20 minutes.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
	Major	Moderate	Minor	
	Actual			X
	Potential			
		Percent	15.0%	
>>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 did 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	1	1	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	X		
	semiannual			
	annual			
	single event			
		One quarterly 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 December 14, 2020, prior to the Notice of Enforcement ("NOE") dated January 7, 2021.			
		Violation Subtotal	\$2,813	
Economic Benefit (EB) for this violation				
Statutory Limit Test				
Estimated EB Amount	\$791	Violation Final Penalty Total	\$6,451	
		This violation Final Assessed Penalty (adjusted for limits)	\$6,451	

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Stolthaven Houston, Inc. 60325 RN100210475 Air 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)	\$6,000	27-Apr-2018	14-Dec-2020	2.64	\$791	n/a	\$791
Notes for DELAYED costs	Estimated cost to perform a gap analysis for the existing Work Order process, reprogram the Work Order system, modify the terminal's storage tank master alarms, and conduct training in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 282886. The Date Required is the date the emissions event occurred 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	\$6,000	TOTAL	\$791
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Screening Date	22-Jan-2021	Docket No.	2021-0251-AIR-E	PCW
Respondent	Stolthaven Houston, Inc.	<i>Policy Revision 4 (April 2014)</i>		
Case ID No.	60325	<i>PCW Revision March 26, 2014</i>		
Reg. Ent. Reference No.	RN100210475			
Media	Air			
Enf. Coordinator	Mackenzie Mehlmann			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 41618, SC No. 1, FOP No. O1060, GTC and STC No. 17, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 513.99 lbs of VOC from the Low-Pressure Storage Tank D-20-2, Emissions Point Number ("EPN") STD 20-2, during an emissions event (Incident No. 294525) that began on October 25, 2017 and lasted 24 hours.			
Base Penalty				\$25,000
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			x
	Potential			
Percent				15.0%
>> 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 did 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		1	1	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
Violation Base Penalty				\$3,750
One quarterly event is recommended.				
Good Faith Efforts to Comply		25.0%	Reduction	
			\$937	
	Extraordinary			
	Ordinary	x		
	N/A			
Notes	The Respondent completed the corrective measures by October 19, 2018, prior to the NOE dated January 22, 2021.			
Violation Subtotal				\$2,813
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	\$74	Violation Final Penalty Total		\$6,451
This violation Final Assessed Penalty (adjusted for limits)				\$6,451

Economic Benefit Worksheet

Respondent Case ID No. Stolthaven Houston, Inc. 60325
Reg. Ent. Reference No. RN100210475
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				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)	\$1,500	25-Oct-2017	19-Oct-2018	0.98	\$74	n/a	\$74

Notes for DELAYED costs

Estimated cost to implement additional storage tank monitoring methods and requirements in order to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 294525 and 294469. The Date Required is the date the emissions events began 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	\$74
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Screening Date	22-Jan-2021	Docket No.	2021-0251-AIR-E	PCW
Respondent	Stolthaven Houston, Inc.	<i>Policy Revision 4 (April 2014)</i>		
Case ID No.	60325	<i>PCW Revision March 26, 2014</i>		
Reg. Ent. Reference No.	RN100210475			
Media	Air			
Enf. Coordinator	Mackenzie Mehlmann			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 41618, SC No. 1, FOP No. O1060, GTC and STC No. 17, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 153.00 lbs of VOC from Storage Tank B-30-1, EPN STB 30-1, during an emissions event (Incident No. 294469) that began on October 25, 2017 and lasted 139 hours and 13 minutes.			
Base Penalty				\$25,000
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			x
Potential				
Percent				15.0%
>> 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 did 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		1	6	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
Violation Base Penalty				\$3,750
One quarterly 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 October 19, 2018, prior to the NOE dated January 21, 2021.			
Violation Subtotal				\$2,813
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$0	Violation Final Penalty Total	
			\$6,451	
This violation Final Assessed Penalty (adjusted for limits)				\$6,451

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Stolthaven Houston, Inc. 60325 RN100210475 Air 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				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. 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
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Screening Date	22-Jan-2021	Docket No.	2021-0251-AIR-E	PCW	
Respondent	Stolthaven Houston, Inc.	<i>Policy Revision 4 (April 2014)</i>			
Case ID No.	60325	<i>PCW Revision March 26, 2014</i>			
Reg. Ent. Reference No.	RN100210475				
Media	Air				
Enf. Coordinator	Mackenzie Mehlmann				
Violation Number	4				
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 41618, SC No. 1, FOP No. O1060, GTC and STC No. 17, and Tex. Health & Safety Code § 382.085(b)				
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 98.00 lbs of VOC from Internal Floating Roof Storage Tank P15-30, EPN STP15-30, during an emissions event (Incident No. 298405) that began on November 22, 2018 and lasted 25 hours and 42 minutes.				
Base Penalty				\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual			x	
	Potential				Percent 15.0%
>> 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 did 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		1	2	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly	x			Violation Base Penalty \$3,750
	semiannual				
	annual				
	single event				
One quarterly 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				\$3,750	
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		\$3,058		Violation Final Penalty Total	\$7,388
This violation Final Assessed Penalty (adjusted for limits)				\$7,388	

Economic Benefit Worksheet

Respondent Case ID No. Stolthaven Houston, Inc. 60325
Reg. Ent. Reference No. RN100210475
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
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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)	\$10,000	22-Nov-2018	1-Jan-2025	6.12	\$3,058	n/a	\$3,058
Notes for DELAYED costs	Estimated cost to implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 298405. The Date Required is the date the emissions event began 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	\$10,000	TOTAL	\$3,058
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Screening Date	22-Jan-2021	Docket No.	2021-0251-AIR-E	PCW	
Respondent	Stolthaven Houston, Inc.	<i>Policy Revision 4 (April 2014)</i>			
Case ID No.	60325	<i>PCW Revision March 26, 2014</i>			
Reg. Ent. Reference No.	RN100210475				
Media	Air				
Enf. Coordinator	Mackenzie Mehlmann				
Violation Number	5				
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 41618, SC No. 1, FOP No. O1060, GTC and STC No. 17, and Tex. Health & Safety Code § 382.085(b)				
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 55.00 lbs of VOC and 358.00 lbs of methyl acetate as fugitive emissions, during an emissions event (Incident No. 345485) that occurred on November 5, 2020 and lasted two hours and 45 minutes.				
Base Penalty				\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual			X	Percent 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 did 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		1	Number of violation days		
	daily				
	weekly				
	monthly				
	quarterly	X			
	semiannual				
	annual				
	single event				
Violation Base Penalty				\$3,750	
One quarterly 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				\$3,750	
Economic Benefit (EB) for this violation		Statutory Limit Test			
Estimated EB Amount	\$2,079	Violation Final Penalty Total	\$7,388		
This violation Final Assessed Penalty (adjusted for limits)				\$7,388	

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Stolthaven Houston, Inc. 60325 RN100210475 Air 5

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)	\$10,000	5-Nov-2020	1-Jan-2025	4.16	\$2,079	n/a	\$2,079
Notes for DELAYED costs	Estimated cost to implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 345485. The Date Required is the date the emissions event occurred 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	\$10,000	TOTAL	\$2,079
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Screening Date	22-Jan-2021	Docket No.	2021-0251-AIR-E	PCW	
Respondent	Stolthaven Houston, Inc.			Policy Revision 4 (April 2014)	
Case ID No.	60325			PCW Revision March 26, 2014	
Reg. Ent. Reference No.	RN100210475				
Media	Air				
Enf. Coordinator	Mackenzie Mehlmann				
Violation Number	6				
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 41618, SC No. 1, FOP No. O1060, GTC and STC No. 17, and Tex. Health & Safety Code § 382.085(b)				
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,411.00 lbs of VOC from the Storage Tank P-40-1, EPN STP 40-1, during an emissions event (Incident No. 313964) that began on July 2, 2019 and lasted 424 hours and 30 minutes.				
Base Penalty				\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual			x	
Potential					
Percent				15.0%	
>>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 did 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		1	18	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				
Violation Base Penalty					\$3,750
One quarterly 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				\$3,750	
Economic Benefit (EB) for this violation					
Statutory Limit Test					
Estimated EB Amount		\$2,753	Violation Final Penalty Total		\$7,388
This violation Final Assessed Penalty (adjusted for limits)				\$7,388	

Economic Benefit Worksheet

Respondent Case ID No. Stolthaven Houston, Inc. 60325
Reg. Ent. Reference No. RN100210475
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
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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)	\$10,000	2-Jul-2019	1-Jan-2025	5.51	\$2,753	n/a	\$2,753
Notes for DELAYED costs	Estimated cost to implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 313964. The Date Required is the date the emissions event began 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	\$10,000	TOTAL	\$2,753
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Screening Date	22-Jan-2021	Docket No.	2021-0251-AIR-E	PCW
Respondent	Stolthaven Houston, Inc.			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	60325			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN100210475			
Media	Air			
Enf. Coordinator	Mackenzie Mehlmann			
Violation Number	7			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.201(b)(1)(H) and 122.143(4), FOP No. O1060, GTC and STC No. 2.F., and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not properly identify the authorized emissions limits on the final record for Incident No. 313964.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			
	Potential			
			Percent	0.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				x
			Percent	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	562	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
		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	\$425	Violation Final Penalty Total	\$493	
	This violation Final Assessed Penalty (adjusted for limits)	\$493		

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Stolthaven Houston, Inc. 60325 RN100210475 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
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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	3-Aug-2019	1-Jan-2025	5.42	\$406	n/a	\$406
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	3-Aug-2019	1-Feb-2021	1.50	\$19	n/a	\$19
Notes for DELAYED costs	Estimated costs to provide the correct authorized emissions limits for the compounds or mixtures from all emission points for Incident No. 313964 (\$250) and to implement measures designed to ensure that all of the required information is identified on the final records for reportable emissions (\$1,500). The Dates Required are the date the complete and accurate final record was due and the Final Dates are the date of compliance and 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	\$1,750	TOTAL	\$425
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To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN600124820, RN100210475, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator:	CN600124820, Stolthaven Houston, Inc.	Classification:	SATISFACTORY	Rating:	7.06
Regulated Entity:	RN100210475, Stolthaven Houston Terminal	Classification:	SATISFACTORY	Rating:	7.06
Complexity Points:	30	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	15602 Jacintoport Boulevard, Houston, Harris County, Texas 77015-6533				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG1045K
AIR NEW SOURCE PERMITS PERMIT 41618
AIR NEW SOURCE PERMITS AFS NUM 4820100371
AIR NEW SOURCE PERMITS REGISTRATION 101739
AIR NEW SOURCE PERMITS REGISTRATION 114937
AIR NEW SOURCE PERMITS REGISTRATION 109270
AIR NEW SOURCE PERMITS REGISTRATION 118916
AIR NEW SOURCE PERMITS REGISTRATION 150963
AIR NEW SOURCE PERMITS REGISTRATION 148217
AIR NEW SOURCE PERMITS PERMIT AMOC112
AIR NEW SOURCE PERMITS REGISTRATION 158087
AIR NEW SOURCE PERMITS REGISTRATION 168413

STORMWATER PERMIT TXR05CV11
WASTEWATER EPA ID TX0091855

POLLUTION PREVENTION PLANNING ID NUMBER P00657

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD980748461

INDUSTRIAL AND HAZARDOUS WASTE OTS REQUEST 42322

TAX RELIEF ID NUMBER 19041
TAX RELIEF ID NUMBER 20411
TAX RELIEF ID NUMBER 20413
TAX RELIEF ID NUMBER 19731
TAX RELIEF ID NUMBER 19043
TAX RELIEF ID NUMBER 24479
TAX RELIEF ID NUMBER 24477
TAX RELIEF ID NUMBER 16418
TAX RELIEF ID NUMBER 19039
TAX RELIEF ID NUMBER 17203
TAX RELIEF ID NUMBER 19809
TAX RELIEF ID NUMBER 21045
TAX RELIEF ID NUMBER 19714
TAX RELIEF ID NUMBER 18029
TAX RELIEF ID NUMBER 18031
TAX RELIEF ID NUMBER 16417
TAX RELIEF ID NUMBER 23142
TAX RELIEF ID NUMBER 23139
TAX RELIEF ID NUMBER 23138
TAX RELIEF ID NUMBER 24474

AIR OPERATING PERMITS PERMIT 1060

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG1045K

AIR NEW SOURCE PERMITS PERMIT 80759

AIR NEW SOURCE PERMITS REGISTRATION 109361

AIR NEW SOURCE PERMITS REGISTRATION 118759

AIR NEW SOURCE PERMITS REGISTRATION 131361

AIR NEW SOURCE PERMITS REGISTRATION 138277

AIR NEW SOURCE PERMITS REGISTRATION 164428

AIR NEW SOURCE PERMITS REGISTRATION 146423

AIR NEW SOURCE PERMITS REGISTRATION 156153

AIR NEW SOURCE PERMITS REGISTRATION 160557

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 56784

WASTEWATER PERMIT WQ0003129000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG1045K

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 83390

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 33722

TAX RELIEF ID NUMBER 19727

TAX RELIEF ID NUMBER 18030
TAX RELIEF ID NUMBER 20412
TAX RELIEF ID NUMBER 17217
TAX RELIEF ID NUMBER 19040
TAX RELIEF ID NUMBER 17208
TAX RELIEF ID NUMBER 24471
TAX RELIEF ID NUMBER 16416
TAX RELIEF ID NUMBER 19814
TAX RELIEF ID NUMBER 19042
TAX RELIEF ID NUMBER 21113
TAX RELIEF ID NUMBER 21044
TAX RELIEF ID NUMBER 21114
TAX RELIEF ID NUMBER 19715
TAX RELIEF ID NUMBER 19813
TAX RELIEF ID NUMBER 21043
TAX RELIEF ID NUMBER 23137
TAX RELIEF ID NUMBER 23141
TAX RELIEF ID NUMBER 23140
TAX RELIEF ID NUMBER 24478
TAX RELIEF ID NUMBER 24470

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

Date Compliance History Report Prepared: December 22, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 22, 2017 to December 22, 2022

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

Name: Mackenzie Mehlmann

Phone: (512) 239-2572

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:

- 1 Effective Date: 09/26/2018 ADMINORDER 2017-1619-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: SC 22B PERMIT
ST&C 12 OP
Description: The Respondent failed to record the vapor header pressure for the Marine Loading Flare, Emission Point Number ("EPN") MLFR, in violation of 30 TEX. ADMIN. CODE §§116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), Federal Operating Permit No. O1060, General Terms and Conditions and Special Terms and Conditions No. 12, and New Source Review Permit No. 41618, Special Conditions No. 22.B.
- 2 Effective Date: 08/19/2019 ADMINORDER 2018-1345-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Major
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(3)(A)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Term and Condition 2F OP
Description: Failure to report an emission event. (Category A12i(8)).
- 3 Effective Date: 08/19/2021 ADMINORDER 2020-0692-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GTC and STC No. 12 OP
GTC OP
Special Conditions 1, NSR Permit 41618 PERMIT
Special Conditions No. 6 PERMIT
Description: Failed to store and transfer chemicals according to the scenarios and their associated vapor control requirements. Specifically, the Respondent loaded parcels of 2-Nitropropane from internal floating roof tanks onto marine vessels berthed at Ship Dock Number 3 without using the Marine Loading Flare on February 9, 2019, April 3, 2019, May 9, 2019, May 31, 2019, July 24, 2019, and September 24, 2019, resulting in 121.9 pounds of unauthorized volatile organic compounds emissions.
- 4 Effective Date: 08/25/2021 ADMINORDER 2020-1156-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms & Conditions OP
Description: Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§122.143(4) and 122.145(2)(A), Federal Operating Permit ("FOP") No. O1060, General Terms and Conditions ("GTC"), and TEX. HEALTH & SAFETY CODE §382.085(b).
Classification: Moderate

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

Rqmt Prov: General Terms & Conditions OP

Description: Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§122.143(4) and 122.145(2)(A), FOP No. O1060, GTC, and TEX. HEALTH & SAFETY CODE §382.085(b).

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	March 08, 2018	(1491672)
Item 2	April 18, 2018	(1494920)
Item 3	May 10, 2018	(1501873)
Item 4	June 07, 2018	(1508985)
Item 5	August 10, 2018	(1521350)
Item 6	August 29, 2018	(1511524)
Item 7	September 17, 2018	(1528532)
Item 8	October 03, 2018	(1513508)
Item 9	November 07, 2018	(1525863)
Item 10	December 10, 2018	(1546465)
Item 11	January 08, 2019	(1563479)
Item 12	February 06, 2019	(1563477)
Item 13	March 11, 2019	(1563478)
Item 14	April 15, 2019	(1573098)
Item 15	June 12, 2019	(1585781)
Item 16	July 09, 2019	(1594446)
Item 17	August 07, 2019	(1600739)
Item 18	September 23, 2019	(1597606)
Item 19	October 14, 2019	(1614524)
Item 20	December 09, 2019	(1627662)
Item 21	January 10, 2020	(1635293)
Item 22	February 06, 2020	(1641908)
Item 23	March 04, 2020	(1648422)
Item 24	April 09, 2020	(1654774)
Item 25	June 09, 2020	(1667867)
Item 26	July 10, 2020	(1674816)
Item 27	August 05, 2020	(1681585)
Item 28	September 10, 2020	(1688163)
Item 29	October 07, 2020	(1678042)
Item 30	October 09, 2020	(1694519)
Item 31	December 16, 2020	(1716166)
Item 32	January 11, 2021	(1716167)
Item 33	February 04, 2021	(1729238)
Item 34	March 04, 2021	(1729239)
Item 35	April 09, 2021	(1729240)
Item 36	May 18, 2021	(1741916)
Item 37	June 03, 2021	(1741917)
Item 38	July 08, 2021	(1752935)
Item 39	August 10, 2021	(1758341)
Item 40	September 10, 2021	(1767618)
Item 41	September 28, 2021	(1763006)
Item 42	October 12, 2021	(1778130)
Item 43	December 10, 2021	(1791893)
Item 44	January 07, 2022	(1799743)
Item 45	February 09, 2022	(1807578)
Item 46	March 09, 2022	(1814619)
Item 47	April 11, 2022	(1821187)

Item 48	May 16, 2022	(1830024)
Item 49	June 17, 2022	(1836334)
Item 50	July 19, 2022	(1843519)
Item 51	September 16, 2022	(1857451)
Item 52	October 19, 2022	(1863806)

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.

- 1

Date:	05/25/2022 (1796588)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 1, SubChapter C, PT 61, SubPT V 61.242-6(a)(1) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT I 61.112(a) 5C THSC Chapter 382 382.085(b) Special Condition 2(E) PERMIT Special Term and Condition 1(A) OP Special Term and Condition 18 OP		
Description:	Failure to prevent open-ended lines (Category C10).		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 2(F) PERMIT Special Term and Condition 18 OP		
Description:	Failure to re-monitor a component in VOC service within the required timeframe (Category C7).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 117, SubChapter B 117.310(c)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Term and Condition 1(A) OP		
Description:	Failure to meet carbon monoxide (CO) emissions standards for the Stand-by Generator Diesel Engine (EPN: STANDBYGEN) (Category B18(g)(12)).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 20(B) PERMIT Special Term and Condition 18 OP		
Description:	Failure to conduct a quarterly pilot flame monitoring test for the Marine Loading Flare (EPN: MLFR) (Category B1).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP		
Description:	Failure to report all deviations in the appropriate timeframe (Category B3).		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Term and Condition 1(A) OP		
Description:	Failure to maintain a daily log of visible emissions observations (VEOs) for the following units while the flares were operational: Tank Farm Vent Flare (EPN: TVFL); East Property Enclosed Land Flare (EPN: FLARE FL-5); and McGill Loading Flare (EPN: MCGILL-FLR) (Category C1).		
- 2

Date:	07/31/2022 (1849684)		
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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

AGREED ORDER DOCKET NO. 2021-0251-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 Stolthaven Houston, Inc. (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 bulk liquid storage terminal located at 15602 Jacintoport Boulevard in Houston, Harris 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 \$42,006 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$16,803 of the penalty and \$8,401 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$16,802 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

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 October 19, 2018, implemented additional storage tank monitoring methods and requirements in order to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 294525 and 294469;
 - b. By December 14, 2020, performed a gap analysis for the existing Work Order process, reprogrammed the Work Order system, modified the terminal's storage tank master alarms, and conducted training in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 282886; and
 - c. On February 1, 2021, provided the correct authorized emissions limits for the compounds or mixtures from all emission points for Incident No 313964.

II. ALLEGATIONS

1. During a record review for the Site conducted on October 15, 2020 through December 14, 2020, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 41618, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1060, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 182.71 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 282886) that occurred on April 27, 2018 and lasted 20 minutes.
2. During a record review for the Site conducted from October 22, 2020 through January 12, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 41618, SC No. 1, FOP No. O1060, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 513.99 lbs of VOC from the Low-Pressure Storage Tank D-20-2, Emissions Point Number ("EPN")

STD 20-2, during an emissions event (Incident No. 294525) that began on October 25, 2017 and lasted 24 hours.

3. During a record review for the Site conducted from October 22, 2020 through January 12, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 41618, SC No. 1, FOP No. O1060, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 153.00 lbs of VOC from Storage Tank B-30-1, EPN STB 30-1, during an emissions event (Incident No. 294469) that began on October 25, 2017 and lasted 139 hours and 13 minutes.
4. During a record review for the Site conducted from November 24, 2020 through December 23, 2020, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 41618, SC No. 1, FOP No. O1060, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 98.00 lbs of VOC from Internal Floating Roof Storage Tank P15-30, EPN STP15-30, during an emissions event (Incident No. 298405) that began on November 22, 2018 and lasted 25 hours and 42 minutes.
5. During a record review for the Site conducted from December 10, 2020 through January 5, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 41618, SC No. 1, FOP No. O1060, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 55.00 lbs of VOC and 358.00 lbs of methyl acetate as fugitive emissions, during an emissions event (Incident No. 345485) that occurred on November 5, 2020 and lasted two hours and 45 minutes.
6. During a record review for the Site conducted from October 8, 2020 through December 23, 2020, an investigator documented that the Respondent:
 - a. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), and 122.143(4), NSR Permit No. 41618, SC No. 1, FOP No. O1060, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 1,411.00 lbs of VOC from the Storage Tank P-40-1, EPN STP 40-1, during an emissions event (Incident No. 313964) that began on July 2, 2019 and lasted 424 hours and 30 minutes.
 - b. Failed to identify all required information on the final record for a reportable emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(b)(1)(H) and 122.143(4), FOP No. O1060, GTC and STC No. 2.F., and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not properly identify the authorized emissions limits on the final record for Incident No. 313964.

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: Stolthaven Houston, Inc., Docket No. 2021-0251-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$16,802 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. 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 designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 298405;
 - ii. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 345485;
 - iii. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 313964; and
 - iv. Implement measures designed to ensure that all of the required information is identified on the final records for reportable emissions events.
 - 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. 3.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
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

4. All relief not expressly granted in this Order is denied.
5. 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.
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



For the Executive Director

7/22/2024

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:

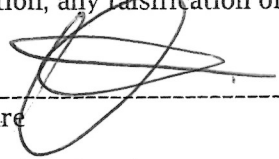
- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic 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.

Signature

June 20, 2024

Date



Daniel B. Strydom

General Manager

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

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.

Attachment A
Docket Number: 2021-0251-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Stolthaven Houston, Inc.
Payable Penalty Amount:	\$33,605
SEP Offset Amount:	\$16,802
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Barbers Hill Independent School District
Project Name:	<i>Energy Efficiency Building Upgrade/Retrofit Project</i>
Total Project Budget:	\$1,151,928
Location of SEP:	Chambers County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Barbers Hill Independent School District** for the *Energy Efficiency Building Upgrade/Retrofit Project* (the “Project”). The Project is to pay a contractor to install and monitor sub-meters. The contractor's work will include installing revenue grade electric sub-meters in the line feed of certain facilities; installing revenue grade current transformers; incorporating all engineering, software, and graphics to accomplish effective monitoring of the status of this equipment; and a one-year warranty including parts and labor for the new sub-meters. In addition to sub-metering, the contractor will monitor, calibrate, and repair existing meters and complete energy efficiency upgrades and/or retrofits based on needs identified in energy audits. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ.

All dollars contributed will be used solely for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The Respondent’s signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely to settle this enforcement action. Respondent shall not profit from this SEP.

B. Environmental Benefit

The Project will result in reduced energy consumption by school district buildings and will contribute to the overall reduction of greenhouse gases. The sub-metering is expected to reduce energy consumption up to eight percent. The Project will reduce fuel and electricity usage for heating and cooling and day-to-day operations. These reductions will reduce emission of particulate matter, volatile organic carbon compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel and generation of electricity. It will also contribute to a reduction in peak loads on the State electric power grid.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Barbers Hill ISD SEP** and shall mail the contribution with a copy of the Agreed Order to:

John Johnson, Consultant
Carl R. Griffith & Associates, Inc.
2901 Turtle Creek Drive, Suite 445
Port Arthur, Texas 77642

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail or email a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087
SEPReports@tceq.texas.gov

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached

Stolthaven Houston, Inc.
Docket No. 2021-0251-AIR-E
Agreed Order - Attachment A

Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ** Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.