

Executive Summary – Enforcement Matter – Case No. 60653
Vopak Terminal Deer Park Inc.
RN100225093
Docket No. 2021-0527-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Vopak Terminal Deer Park, 2759 Independence Parkway, Deer Park, Harris County

Type of Operation:

Storage terminal

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 26, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$21,600

Amount Deferred for Expedited Settlement: \$4,320

Total Paid to General Revenue: \$8,640

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$8,640

Name of SEP: Houston Regional Monitoring Corporation (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: February 22, 2021 through February 23, 2021

Date(s) of NOE(s): March 17, 2021

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Vopak Terminal Deer Park Inc.
RN100225093
Docket No. 2021-0527-AIR-E

Violation Information

1. Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the particulate matter ("PM") MAER of 0.01 pound per hour ("lb/hr") for 24 hours from December 23, 2018 through December 24, 2018 and for 24 hours from May 30, 2019 through May 31, 2019 for Boiler No. 1, Emissions Point Number ("EPN") B-1, resulting in 1.48 pounds of unauthorized PM emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review ("NSR") Permit No. 466A, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1068, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to comply with the MAER. Specifically, the Respondent exceeded the PM MAER of 0.01 lb/hr for 24 hours from December 23, 2018 through December 24, 2018, for 24 hours from May 30, 2019 through May 31, 2019, and for 24 hours from August 20, 2019 through August 21, 2019 for Boiler No. 2, EPN B-2, resulting in 6.19 pounds of unauthorized PM emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 466A, SC No. 1, FOP No. O1068, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

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, submit an administratively complete permit amendment application for NSR Permit No. 466A to increase the PM hourly MAERs for EPNs B-1 and B-2;
 - b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the amendment application for NSR Permit No. 466A by any deadline specified in writing;
 - c. Within 45 days, submit written certification to demonstrate compliance with a.; and

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d. Within 180 days, submit written certification that either the amendment for NSR Permit No. 466A has been obtained or operations have ceased until authorization is obtained to demonstrate compliance.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Mackenzie Mehlmann, Enforcement Division, Enforcement Team 5, 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: Houston Regional Monitoring Corporation, c/o Christopher B. Amandes, Amandes PLLC, 1414 West Clay Street, Houston, Texas 77019

Respondent: Kathy Stewart, Terminal Manager, Vopak Terminal Deer Park Inc., P.O. Box 897, Deer Park, Texas 77536

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| DATES | Assigned | 23-Mar-2021 | Screening | 31-Mar-2021 | EPA Due | |
| | PCW | 22-Jul-2021 | | | | |

| | |
|--|-------------------------------|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | Vopak Terminal Deer Park Inc. |
| Reg. Ent. Ref. No. | RN100225093 |
| Facility/Site Region | 12-Houston |
| Major/Minor Source | Major |

| | | | |
|--|-----------------|------------------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 60653 | No. of Violations | 2 |
| Docket No. | 2021-0527-AIR-E | Order Type | 1660 |
| Media Program(s) | Air | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | Mackenzie Mehlmann |
| | | EC's Team | Enforcement Team 5 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$25,000 |

Penalty Calculation Section

| | | |
|---|-------------------|-----------------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$15,000 |
|---|-------------------|-----------------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | |
|---------------------------|-------------------------|--------------------------------|----------------|
| Compliance History | 44.0% Adjustment | Subtotals 2, 3, & 7 | \$6,600 |
|---------------------------|-------------------------|--------------------------------|----------------|

Notes: Enhancement for two NOVs with same or similar violations and two orders containing a denial of liability. Reduction for two notices of intent to conduct an audit and two disclosures of violations.

| | | | | |
|--------------------|----|-------------------------|-------------------|------------|
| Culpability | No | 0.0% Enhancement | Subtotal 4 | \$0 |
|--------------------|----|-------------------------|-------------------|------------|

Notes: The Respondent does not meet the culpability criteria.

| | | |
|--|-------------------|------------|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | \$0 |
|--|-------------------|------------|

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

Total EB Amounts: \$923
 Estimated Cost of Compliance: \$5,000
 *Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|-----------------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$21,600 |
|-----------------------------|-----------------------|-----------------|

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

| | |
|-----------------------------|-----------------|
| Final Penalty Amount | \$21,600 |
|-----------------------------|-----------------|

| | | |
|-----------------------------------|-------------------------------|-----------------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$21,600 |
|-----------------------------------|-------------------------------|-----------------|

| | | | |
|-----------------|------------------------|-------------------|-----------------|
| DEFERRAL | 20.0% Reduction | Adjustment | -\$4,320 |
|-----------------|------------------------|-------------------|-----------------|

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

| | |
|------------------------|-----------------|
| PAYABLE PENALTY | \$17,280 |
|------------------------|-----------------|

Screening Date 31-Mar-2021

Docket No. 2021-0527-AIR-E

PCW

Respondent Vopak Terminal Deer Park Inc.

Policy Revision 5 (January 28, 2021)

Case ID No. 60653

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100225093

Media Air

Enf. Coordinator Mackenzie Mehlmann

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>) | 2 | 10% |
| | Other written NOVs | 0 | 0% |
| 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 | 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>) | 2 | -2% |
| | 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>) | 2 | -4% |
| 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) 44%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same or similar violations and two orders containing a denial of liability. Reduction for two notices of intent to conduct an audit and two disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 44%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 44%

Screening Date 31-Mar-2021 **Docket No.** 2021-0527-AIR-E **PCW**
Respondent Vopak Terminal Deer Park Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 60653 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100225093
Media Air
Enf. Coordinator Mackenzie Mehlmann

Violation Number

Rule Cite(s)
 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review ("NSR") Permit No. 466A, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1068, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 15, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the particulate matter ("PM") MAER of 0.01 pound per hour ("lb/hr") for 24 hours from December 23, 2018 through December 24, 2018 and for 24 hours from May 30, 2019 through May 31, 2019 for Boiler No. 1, Emissions Point Number ("EPN") B-1, resulting in 1.48 pounds of unauthorized PM emissions.

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" value="X"/> | <input type="text" value="30.0%"/> |
| | Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> | |

>> 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 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

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" value="X"/> |
| single event | <input type="text"/> |

Violation Base Penalty

One annual event is recommended for the instances of non-compliance that occurred from December 23, 2018 through December 24, 2018 and from May 30, 2019 through May 31, 2019.

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"/> |
| N/A | <input type="text" value="X"/> | <input type="text"/> |

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

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 Vopak Terminal Deer Park Inc.
Case ID No. 60653
Reg. Ent. Reference No. RN100225093
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 | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | \$5,000 | 23-Dec-2018 | 1-Sep-2022 | 3.69 | \$923 | n/a | \$923 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to obtain an amendment for NSR Permit No. 466A to increase the PM hourly MAERs for EPN B-1 and EPN B-2. 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 | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$923

Screening Date 31-Mar-2021 **Docket No.** 2021-0527-AIR-E **PCW**
Respondent Vopak Terminal Deer Park Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 60653 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100225093
Media Air
Enf. Coordinator Mackenzie Mehlmann

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 466A, SC No. 1, FOP No. O1068, GTC and STC No. 15, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to comply with the MAER. Specifically, the Respondent exceeded the PM MAER of 0.01 lb/hr for 24 hours from December 23, 2018 through December 24, 2018, for 24 hours from May 30, 2019 through May 31, 2019, and for 24 hours from August 20, 2019 through August 21, 2019 for Boiler No. 2, EPN B-2, resulting in 6.19 pounds of unauthorized PM 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 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 \$17,500

\$7,500

Violation Events

Number of Violation Events 1 6 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | x |
| single event | |

Violation Base Penalty \$7,500

One annual event is recommended for the instances of non-compliance that occurred from December 23, 2018 through December 24, 2018, from May 30, 2019 through May 31, 2019, and from August 20, 2019 through August 21, 2019.

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 \$7,500

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

Estimated EB Amount \$0 **Violation Final Penalty Total** \$10,800

This violation Final Assessed Penalty (adjusted for limits) \$10,800

Economic Benefit Worksheet

Respondent Vopak Terminal Deer Park Inc.
Case ID No. 60653
Reg. Ent. Reference No. RN100225093
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 | | | | 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. 1.

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

TOTAL



Compliance History Report

Compliance History Report for CN601178734, RN100225093, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

| | | | |
|---|---|-------------------------------------|---------------------|
| Customer, Respondent, or Owner/Operator: | CN601178734, Vopak Terminal Deer Park Inc. | Classification: SATISFACTORY | Rating: 0.77 |
| Regulated Entity: | RN100225093, Vopak Terminal Deer Park | Classification: SATISFACTORY | Rating: 0.77 |
| Complexity Points: | 32 | Repeat Violator: | NO |
| CH Group: | 11 - Waste Management (Excluding Landfills) | | |
| Location: | 2759 Independence Parkway Deer Park, Texas 77536, Harris County | | |
| TCEQ Region: | REGION 12 - HOUSTON | | |

ID Number(s):

| | |
|--|---|
| AIR OPERATING PERMITS ACCOUNT NUMBER HG0629I | AIR OPERATING PERMITS PERMIT 1068 |
| PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1010580 | AIR NEW SOURCE PERMITS REGISTRATION 40132 |
| AIR NEW SOURCE PERMITS REGISTRATION 50085 | AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0629I |
| AIR NEW SOURCE PERMITS PERMIT 466A | AIR NEW SOURCE PERMITS AFS NUM 4820100248 |
| AIR NEW SOURCE PERMITS REGISTRATION 77743 | AIR NEW SOURCE PERMITS REGISTRATION 95099 |
| AIR NEW SOURCE PERMITS REGISTRATION 141104 | AIR NEW SOURCE PERMITS REGISTRATION 121921L001 |
| AIR NEW SOURCE PERMITS REGISTRATION 150707 | AIR NEW SOURCE PERMITS REGISTRATION 149179 |
| AIR NEW SOURCE PERMITS REGISTRATION 160985 | AIR NEW SOURCE PERMITS REGISTRATION 158759 |
| IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 33579 | STORMWATER EPA ID TX0030937 |
| STORMWATER PERMIT WQ0002383000 | STORMWATER EPA ID TX0084115 |
| STORMWATER PERMIT TXR15800E | WASTEWATER PERMIT WQ0001731000 |
| WASTEWATER EPA ID TX0030937 | AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0629I |
| POLLUTION PREVENTION PLANNING ID NUMBER P00505 | INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD000807982 |
| INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 33579 | TAX RELIEF ID NUMBER 17251 |
| TAX RELIEF ID NUMBER 23699 | TAX RELIEF ID NUMBER 23700 |
| TAX RELIEF ID NUMBER 23705 | TAX RELIEF ID NUMBER 20404 |
| TAX RELIEF ID NUMBER 16923 | TAX RELIEF ID NUMBER 23274 |
| TAX RELIEF ID NUMBER 23276 | TAX RELIEF ID NUMBER 23273 |
| TAX RELIEF ID NUMBER 23275 | TAX RELIEF ID NUMBER 23698 |

Compliance History Period: September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

Date Compliance History Report Prepared: June 18, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 18, 2016 to June 18, 2021

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: 04/10/2018 | ADMINORDER | 2017-0522-IWD-E | (1660 Order-Agreed Order With Denial) |
| | Classification: Moderate | | | |

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limits PERMIT
Description: Failed to comply with permitted effluent limitations.

See addendum for information regarding federal actions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

| | | |
|---------|--------------------|-----------|
| Item 1 | July 06, 2016 | (1362182) |
| Item 2 | July 07, 2016 | (1362184) |
| Item 3 | July 08, 2016 | (1360251) |
| Item 4 | August 02, 2016 | (1366693) |
| Item 5 | August 04, 2016 | (1337285) |
| Item 6 | September 01, 2016 | (1375233) |
| Item 7 | September 12, 2016 | (1372685) |
| Item 8 | October 03, 2016 | (1379566) |
| Item 9 | October 04, 2016 | (1381427) |
| Item 10 | October 12, 2016 | (1378857) |
| Item 11 | November 01, 2016 | (1387378) |
| Item 12 | November 02, 2016 | (1384819) |
| Item 13 | December 01, 2016 | (1393482) |
| Item 14 | December 02, 2016 | (1391644) |
| Item 15 | December 07, 2016 | (1390955) |
| Item 16 | December 08, 2016 | (1393483) |
| Item 17 | January 04, 2017 | (1400205) |
| Item 18 | January 05, 2017 | (1397575) |
| Item 19 | January 09, 2017 | (1400206) |
| Item 20 | January 10, 2017 | (1398267) |
| Item 21 | January 12, 2017 | (1363087) |
| Item 22 | February 02, 2017 | (1405160) |
| Item 23 | February 06, 2017 | (1407014) |
| Item 24 | February 07, 2017 | (1407015) |
| Item 25 | March 02, 2017 | (1411557) |
| Item 26 | March 03, 2017 | (1414135) |
| Item 27 | April 03, 2017 | (1420563) |
| Item 28 | April 12, 2017 | (1418053) |
| Item 29 | May 05, 2017 | (1428188) |
| Item 30 | May 10, 2017 | (1425646) |
| Item 31 | June 01, 2017 | (1432399) |
| Item 32 | June 07, 2017 | (1431684) |
| Item 33 | July 05, 2017 | (1442791) |
| Item 34 | July 06, 2017 | (1440952) |
| Item 35 | August 03, 2017 | (1444642) |
| Item 36 | August 09, 2017 | (1443947) |
| Item 37 | August 10, 2017 | (1423160) |
| Item 38 | August 24, 2017 | (1429200) |
| Item 39 | September 07, 2017 | (1451228) |
| Item 40 | September 11, 2017 | (1450553) |
| Item 41 | October 03, 2017 | (1458920) |
| Item 42 | October 04, 2017 | (1456409) |
| Item 43 | October 05, 2017 | (1457101) |
| Item 44 | November 07, 2017 | (1464438) |
| Item 45 | November 08, 2017 | (1461875) |
| Item 46 | December 04, 2017 | (1468955) |
| Item 47 | December 12, 2017 | (1468260) |

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| Item 48 | December 13, 2017 | (1470809) |
| Item 49 | January 03, 2018 | (1475655) |
| Item 50 | January 09, 2018 | (1474957) |
| Item 51 | January 22, 2018 | (1421856) |
| Item 52 | February 05, 2018 | (1487839) |
| Item 53 | February 07, 2018 | (1487177) |
| Item 54 | March 07, 2018 | (1491526) |
| Item 55 | March 12, 2018 | (1490850) |
| Item 56 | April 05, 2018 | (1496633) |
| Item 57 | April 09, 2018 | (1494096) |
| Item 58 | May 02, 2018 | (1501726) |
| Item 59 | May 09, 2018 | (1501046) |
| Item 60 | June 13, 2018 | (1508133) |
| Item 61 | July 02, 2018 | (1496736) |
| Item 62 | July 03, 2018 | (1484114) |
| Item 63 | July 06, 2018 | (1515147) |
| Item 64 | July 10, 2018 | (1514465) |
| Item 65 | July 16, 2018 | (1499723) |
| Item 66 | August 03, 2018 | (1523122) |
| Item 67 | August 09, 2018 | (1521198) |
| Item 68 | August 10, 2018 | (1520518) |
| Item 69 | September 11, 2018 | (1527687) |
| Item 70 | September 14, 2018 | (1530404) |
| Item 71 | October 08, 2018 | (1534720) |
| Item 72 | October 09, 2018 | (1536622) |
| Item 73 | October 10, 2018 | (1534047) |
| Item 74 | November 08, 2018 | (1541879) |
| Item 75 | November 15, 2018 | (1544513) |
| Item 76 | December 06, 2018 | (1545652) |
| Item 77 | December 10, 2018 | (1546317) |
| Item 78 | January 08, 2019 | (1560955) |
| Item 79 | February 08, 2019 | (1560953) |
| Item 80 | February 12, 2019 | (1563022) |
| Item 81 | March 07, 2019 | (1563023) |
| Item 82 | April 04, 2019 | (1572938) |
| Item 83 | April 15, 2019 | (1572249) |
| Item 84 | May 02, 2019 | (1585478) |
| Item 85 | May 09, 2019 | (1584107) |
| Item 86 | June 07, 2019 | (1585479) |
| Item 87 | June 10, 2019 | (1584108) |
| Item 88 | July 05, 2019 | (1594299) |
| Item 89 | July 08, 2019 | (1593588) |
| Item 90 | August 08, 2019 | (1599918) |
| Item 91 | August 09, 2019 | (1600590) |
| Item 92 | September 06, 2019 | (1607495) |
| Item 93 | September 10, 2019 | (1606821) |
| Item 94 | October 07, 2019 | (1614373) |
| Item 95 | October 10, 2019 | (1613662) |
| Item 96 | November 06, 2019 | (1620164) |
| Item 97 | November 08, 2019 | (1619476) |
| Item 98 | December 06, 2019 | (1626829) |
| Item 99 | January 08, 2020 | (1635144) |
| Item 100 | February 07, 2020 | (1641759) |
| Item 101 | February 10, 2020 | (1641086) |
| Item 102 | March 03, 2020 | (1648273) |
| Item 103 | March 04, 2020 | (1647603) |
| Item 104 | April 04, 2020 | (1653947) |
| Item 105 | May 12, 2020 | (1660526) |
| Item 106 | June 05, 2020 | (1667720) |
| Item 107 | July 06, 2020 | (1673988) |

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| Item 108 | August 07, 2020 | (1680767) |
| Item 109 | August 24, 2020 | (1658689) |
| Item 110 | August 25, 2020 | (1632576) |
| Item 111 | September 12, 2020 | (1687336) |
| Item 112 | October 06, 2020 | (1693676) |
| Item 113 | November 04, 2020 | (1715724) |
| Item 114 | November 05, 2020 | (1713720) |
| Item 115 | December 08, 2020 | (1715725) |
| Item 116 | December 10, 2020 | (1713721) |
| Item 117 | January 11, 2021 | (1713722) |
| Item 118 | February 05, 2021 | (1726784) |
| Item 119 | March 02, 2021 | (1726785) |
| Item 120 | March 03, 2021 | (1728801) |
| Item 121 | April 08, 2021 | (1728802) |
| Item 122 | April 09, 2021 | (1726786) |

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: | 08/31/2020 | (1632506) | | |
| | 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 5F PERMIT Special Term and Condition 16 OP | | | |
| | Description: | Failure to re-monitor fugitive components (EPN: FUG) after being replaced within the required timeframe (Category C1). | | | |
| | 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 6 PERMIT Special Term and Condition 16 OP | | | |
| | Description: | Failure to prevent an exceedance of the marine loading rate for the Barge Docks (Unit ID: GRPBGD) and the Ship Docks (Unit ID: GRPSD) (Category C4). | | | |
| | 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 14 PERMIT Special Term and Condition 16 OP | | | |
| | Description: | Failure to maintain the pH above the permitted limit for the Caustic Scrubber (EPN: AAS-1) (Category C4). | | | |
| | 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 13 PERMIT Special Term and Condition 16 OP | | | |
| | Description: | Failure to maintain the permitted temperature limit for Tank T-792 (EPN: 792) (Category C4). | | | |
| | 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 13 PERMIT Special Term and Condition 16 OP | | | |
| | Description: | Failure to maintain the permitted temperature limit for Tank T-927 (EPN: 927) (Category C4). | | | |
| | Self Report? | NO | | Classification: | Moderate |
| | Citation: | 30 TAC Chapter 117, SubChapter B 117.340(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Term and Condition 1A OP | | | |
| | Description: | Failure to calibrate flow meters for Boiler 1 (EPN: B-1) and Boiler 2 (EPN: B-2) (Category B1). | | | |
| | 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 1 PERMIT
Special Term and Condition 16 OP

Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for Boiler 1 (EPN: B-1) (Category B13).

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 1 PERMIT
Special Term and Condition 16 OP

Description: Failure to prevent an exceedance of the Maximum Allowable Emission Rate (MAER) for Boiler 2 (EPN: B-2) (Category B13).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(3)
5C THSC Chapter 382 382.085(b)
Special Condition 13 PERMIT
Special Term and Condition 16 OP

Description: Failure to maintain the permitted temperature limit for Tank T-784 (EPN: 784) (Category C4).

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 13 PERMIT
Special Term and Condition 16 OP

Description: Failure to maintain the permitted temperature limit for Tank T-922 (EPN: 922) (Category C4).

Self Report? NO Classification: Minor

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

Description: Failure to report all instances of deviation (Category B3).

Self Report? NO Classification: Minor

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

Description: Failure to report all instances of deviation (Category B3).

2

Date: 05/24/2021 (1705058)

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)
SC 6 PERMIT
STC 16 OP

Description: Failure to prevent a loading rate exceedance for GRPBD/GRPSD. (Category C4)

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)
SC 14 PERMIT
STC 16 OP

Description: Failure to maintain the pH of the Acetic Acid Scrubbers within the permitted limit. (Category B13 (g)(1))

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1 PERMIT
STC 16 OP

Description: Failure to prevent uncontrolled styrene emissions. (Category C4)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter U 106.476
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC 17 OP

Description: Failure to maintain the minimum temperature on the Vapor Destruction Unit (VDU). (Category B18(g)(1))
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)
SC 37 PERMIT
SC 6 PERMIT
STC 16 OP

Description: Failure to prevent an exceedance of the pyrolysis gasoline loading rate. (Category B18(g)(1))
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)
SC 6 PERMIT
STC 16 OP

Description: Failure to prevent an exceedance of the acetic acid loading rate. (Category B18(g)(1))
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)
SC 6 PERMIT
STC 16 OP

Description: Failure to prevent an exceedance of the heptane loading rate. (Category B18(g)(1))
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)
SC 6 PERMIT
STC 16 OP

Description: Failure to maintain styrene tank temperature below the permitted limit. (Category B18(g)(1))
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)
SC 13 PERMIT
STC 16 OP

Description: Failure to prevent an exceedance of the base oil loading rate. (Category B18(g)(1))
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1 PERMIT
STC 16 OP

Description: Failure to prevent uncontrolled Hazardous Air Pollutants (HAP) emissions. (Category C4)
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)
SC 14 PERMIT
STC 16 OP

Description: Failure to control emissions from tanks (EPNs: T-929 and T-930). (Category C4)
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)
SC 30 PERMIT
STC 16 OP

Description: Failure to float a landed tank roof within 48 hours of product being added. (Category C4)
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)
SC 16 OP
SC 48 A PERMIT

Description: Failure to maintain records of Audio, Visual, and Olfactory (AVO) monitoring. (Category B18(g)(1))
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)
STC 20 OP
Description: Failure to report all instances of deviations. (Category B18(g)(1))

F. Environmental audits:

Notice of Intent Date: 11/06/2018 (1531343)

Disclosure Date: 03/12/2019

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC No. 5

Description: Failure to have a tag on a 3/4 inch flange bleed valve in the Tank 400 area.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC No. 11

Description: Failure to maintain documentation of the submittal to the TCEQ for the marine vapor control system recertification by the USCG.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.216

Rqmt Prov: PERMIT SC No. 12

Description: Failure to maintain documentation of the required vapor tightness documentation for the vessels listed (see DOV).

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC No. 35

Description: Failure to maintain a copy of the March 6, 2019 Maximum Allowable Emission Rate Table for review.

Viol. Classification: Moderate

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

Description: Failure to comply with Special Condition 35 for several tank degassings.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter W 106.511

Description: Failure to maintain records to demonstrate compliance with 30 TAC 106.511 for the portable and/or emergency engines that are used for various ancillary activities at the site.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Failure to reflect in the emissions inventory the additions of SO2 limits for both pounds per hour and tons per year for FL-600, GL-900, FL-Marine 1 and FL-Marine 2.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.121

Description: Failure to reflect Chapter 115 applicability for flares FL-600, FL-900, TO-1M, and TO-2M in the Title V Permit O1068.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Permit Date 2/28/17

OP Permit dated 4/11/14

Description: Failure to remove erroneous references in the Title V and NSR Permit for Barge Dock #5 which does not exist.

Viol. Classification: Moderate

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

Description: Failure to report the disclosed violations as deviations in the deviation reports.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(3)

Rqmt Prov: OP ST&C No. 16

Description: Failure to comply with Title V Permit No. O1068 requirements for the disclosed violations.

Disclosure Date: 10/11/2019

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6

Rqmt Prov: PERMIT PBR Requirements

Description: Failure to ensure that working and standing losses from the new tanks are properly controlled by the vapor destruction unit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6

Rqmt Prov: PERMIT PBR Requirements

Description: Failure to ensure that the pressure relief pads on the new tanks have the necessary weighting.

Notice of Intent Date: 11/11/2019 (1616519)

Disclosure Date: 10/21/2020

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)

Rqmt Prov: OP STC 16

Description: Failure to properly permit vessel loading emissions from EPNs SD-4, SD-5, and BD-7 and associated control devices FL-MARINE1 and FL-MARINE2 when the North Dock expanded.

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

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: VOPAK LOGISTICS SERVICES USA DEER

Reg Entity Add: 2759 INDEPENDENCE PARKWAY SOUTH

Reg Entity City: DEER PARK

Reg Entity No: RN100225093

EPA Case No: 06-2017-3403

Order Issue Date (yyyymmdd): 20170731

Case Result:

Statute: CAA **Sect of Statute:** 110

Classification: Minor

Program: National Emission Stand **Citation:**

Violation Type: National Emission Standard
For Hazardous Air Pollutant

Cite Sect: **Cite Part:**

Enforcement Action: Consent Decree or Court Order Resolving a Civil

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
VOPAK TERMINAL DEER PARK
INC.
RN100225093**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2021-0527-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 Vopak Terminal Deer Park 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 storage terminal located at 2759 Independence Parkway in Deer Park, 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 \$21,600 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$8,640 of the penalty and \$4,320 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, \$8,640 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.

II. ALLEGATIONS

During a record review conducted from February 22, 2021 through February 23, 2021, an investigator documented that the Respondent:

1. Failed to comply with the maximum allowable emissions rate ("MAER"), in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review ("NSR") Permit No. 466A, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1068, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the particulate matter ("PM") MAER of 0.01 pound per hour ("lb/hr") for 24 hours from December 23, 2018 through December 24, 2018 and for 24 hours from May 30, 2019 through May 31, 2019 for Boiler No. 1, Emissions Point Number ("EPN") B-1, resulting in 1.48 pounds of unauthorized PM emissions.
2. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 466A, SC No. 1, FOP No. O1068, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the PM MAER of 0.01 lb/hr for 24 hours from December 23, 2018 through December 24, 2018, for 24 hours from May 30, 2019 through May 31, 2019, and for 24 hours from August 20, 2019 through August 21, 2019 for Boiler No. 2, EPN B-2, resulting in 6.19 pounds of unauthorized PM emissions.

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: Vopak Terminal Deer Park Inc., Docket No. 2021-0527-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 implement and complete an SEP as set forth in Section I, Paragraph No. 4. The amount of \$8,640 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:
 - a. Within 30 days after the effective date of this Order, submit an administratively complete permit amendment application for NSR Permit No. 466A to increase the PM hourly MAERs for EPNs B-1 and B-2, in accordance with 30 TEX. ADMIN. CODE § 116.111, to:

Air Permits Division, MC 163
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the amendment application for NSR Permit No. 466A by any deadline specified in writing.
 - c. Within 45 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 3.d, to demonstrate compliance with Ordering Provision No. 3.a.

- d. Within 180 days after the effective date of this Order, submit written certification that either the amendment for NSR Permit No. 466A has been obtained or operations have ceased until authorization is obtained, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate. 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:

Order Compliance Team
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. 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.
7. 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 Order Compliance Team at the address listed above.

8. 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.
9. 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.
10. 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

5/18/2022

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 Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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



Signature

10/22/21
Date

Kathy Stewart
Name (Printed or typed)
Authorized Representative of
Vopak Terminal Deer Park Inc.

~~10/22/21~~ KMS
Title Terminal Manager

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

Attachment A
Docket Number: 2021-0527-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

| | |
|-----------------------------------|---|
| Respondent: | Vopak Terminal Deer Park Inc. |
| Payable Penalty Amount: | \$17,280 |
| SEP Offset Amount: | \$8,640 |
| Type of SEP: | Contribution to a Third-Party Pre-Approved SEP |
| Third-Party Administrator: | Houston Regional Monitoring Corporation |
| Project Name: | <i>Houston Area Air Monitoring Project</i> |
| Location of SEP: | Harris County |

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The SEP Offset Amount is set forth above and such offset 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 **Houston Regional Monitoring Corporation** for the *Houston Area Air Monitoring Project* SEP. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to operate a network of ambient air monitoring stations that continuously measure and record concentrations of ambient air pollutants. This network includes the Houston Regional Monitor (“HRM”) 617 Wallisville Road site, the HRM 615 Lynchburg Ferry site, and the HRM 3 Haden Road site. The Third-Party Administrator shall use the SEP Offset Amount to report data from these three existing sites in the Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston-Galveston Air Quality Control Region No. 216. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing 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 it has no prior commitment to make this contribution and that it is being contributed solely to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide TCEQ with near real-time access to high quality, short time resolution volatile organic compound, nitrogen oxide, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, conduct source attribution studies, and to assess potential ambient community exposure to a limited number of hazardous air pollutants. Data from the monitors can be used with data from other monitors to provide critical information that can be used to evaluate the effectiveness of current and proposed emission control strategies aimed at achieving compliance with the 8-hour ozone National Ambient Air Quality Standards. It also provides a key source of information that is essential to furthering our overall understanding of those emission sources that contribute to ambient community exposure to toxic air contaminants. Because the information is available in near real-time, it can be used to provide both agency staff and industry personnel with time critical information to investigate emission events in a timely fashion. Another key benefit is the ability to measure the change in the ambient air concentration of the individual target species and quantify control measure effectiveness. Data from these monitors will be publicly accessible through the TCEQ's website and will be used in evaluating air quality in the area, in ozone forecasts, and ozone warnings. Thus, the public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness.

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 contribution payable to **Houston Regional Monitoring Corporation SEP** and shall mail the contribution with a copy of the Agreed Order to:

Vopak Terminal Deer Park Inc.
Docket No. 2021-0527-AIR-E
Agreed Order - Attachment A

Houston Regional Monitoring Corporation
c/o Christopher B. Amandes
Amandes PLLC
1414 West Clay Street
Houston, Texas 77019

3. Records and Reporting

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

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 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 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 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.