

**Executive Summary – Enforcement Matter – Case No. 60943
Stolthaven Houston, Inc.
RN100210475
Docket No. 2021-0821-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 #A, Houston, Harris County

Type of Operation:

Bulk liquid storage terminal

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2022-0732-AIR-E and 2021-0251-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 8, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$45,000

Amount Deferred for Expedited Settlement: \$9,000

Total Paid to General Revenue: \$18,000

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$18,000

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: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 1, 2021 through May 13, 2021

Date(s) of NOE(s): May 26, 2021

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Violation Information

Failed to maintain each opening in the internal floating roof ("IFR") in a closed position at all times except when the device is in actual use. Specifically, during a routine external IFR inspection conducted on May 24, 2019, one of the two bolted cover plates for the gauge-pole well on the Storage Tank P50-4 IFR was observed to be dislodged and provided approximately 80 percent coverage, resulting in approximately 325 pounds of vinyl acetate monomer that was emitted to the environment from May 24, 2019 through June 9, 2021 [30 TEX. ADMIN. CODE §§ 101.20(1), 115.112(e)(2)(B), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 60.112b(a)(1)(iv), Federal Operating Permit No. O1060, General Terms and Conditions and Special Terms and Conditions No. 1.A, 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, implement measures and/or procedures designed to maintain each opening in the Storage Tank P50-4 IFR in a closed position at all times except when the device is in actual use.
 - b. Within 45 days, submit written certification to demonstrate compliance with a.
 - c. Repair and close the damaged gauge-pole well cover for Storage Tank P50-4 IFR:
 - i. Within 30 days prior to placing Storage Tank P50-4 in service after the tank is next emptied, degassed, and cleaned; or
 - ii. By December 31, 2027, remove Storage Tank P50-4 from service for the next 10-year New Source Performance Standard out-of-service inspection, whichever occurs first.
 - d. Within 15 days prior to placing Storage Tank P50-4 in service, submit written certification to demonstrate compliance c.

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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 77015-6533

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	9-Jun-2021	Screening	9-Jun-2021	EPA Due	22-Nov-2021
	PCW	1-Jun-2022				

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.	60943	No. of Violations	1
Docket No.	2021-0821-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	\$22,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1	Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
Compliance History	100.0% Adjustment	Subtotals 2, 3, & 7

			\$22,500
Notes	Enhancement for one NOV with same or similar violations, one NOV with dissimilar violations, two orders containing a denial of liability, and three 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.			
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$4,305	*Capped at the Total EB \$ Amount	
Estimated Cost of Compliance	\$10,000		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$45,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Notes			
	Final Penalty Amount	\$45,000	

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$45,000
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DEFERRAL	20.0%	Reduction	Adjustment	-\$9,000
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Notes	Deferral offered for expedited settlement.			
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PAYABLE PENALTY	\$36,000
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Screening Date 9-Jun-2021

Docket No. 2021-0821-AIR-E

PCW

Respondent Stolthaven Houston, Inc.

Policy Revision 5 (January 28, 2021)

Case ID No. 60943

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100210475

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>)	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	3	75%
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) 122%

>> 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 one NOV with same or similar violations, one NOV with dissimilar violations, two orders containing a denial of liability, and three orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 122%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date	9-Jun-2021	Docket No.	2021-0821-AIR-E	PCW
Respondent	Stolthaven Houston, Inc.			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	60943			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN100210475			
Media	Air			
Enf. Coordinator	Mackenzie Mehlmann			

Violation Number

Rule Cite(s)
30 Tex. Admin. Code §§ 101.20(1), 115.112(e)(2)(B), and 122.143(4), 40 Code of Federal Regulations § 60.112b(a)(1)(iv), Federal Operating Permit No. O1060, General Terms and Conditions and Special Terms and Conditions No. 1.A, and Tex. Health & Safety Code § 382.085(b)

Violation Description
Failed to maintain each opening in the internal floating roof ("IFR") in a closed position at all times except when the device is in actual use. Specifically, during a routine external IFR inspection conducted on May 24, 2019, one of the two bolted cover plates for the gauge-pole well on the Storage Tank P50-4 IFR was observed to be dislodged and provided approximately 80 percent coverage, resulting in approximately 325 pounds of vinyl acetate monomer that was emitted to the environment from May 24, 2019 through June 9, 2021.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<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 checked="" type="checkbox"/>
single event	<input type="text"/>

Violation Base Penalty

Three annual events are recommended from the May 24, 2019 non-compliance date to the June 9, 2021 screening date.

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 checked="" type="checkbox"/>	<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 Stolthaven Houston, Inc.
Case ID No. 60943
Reg. Ent. Reference No. RN100210475
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	24-May-2019	31-Dec-2027	8.61	\$4,305	n/a	\$4,305

Notes for DELAYED costs

Estimated cost to repair and close the damaged gauge-pole well cover for Storage Tank P50-4 IFR and to implement measures and/or procedures designed to maintain each opening in the Storage Tank P50-4 IFR in a closed position at all times except when the device is in actual use. The Date Required is the initial 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 \$10,000

TOTAL \$4,305

The TCEQ is committed to accessibility.

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 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN600124820, Stolthaven Houston, Inc. **Classification:** SATISFACTORY **Rating:** 9.33
Regulated Entity: RN100210475, STOLTHAVEN HOUSTON TERMINAL **Classification:** SATISFACTORY **Rating:** 9.33
Complexity Points: 30 **Repeat Violator:** NO
CH Group: 14 - Other
Location: 15602 Jacintoport Boulevard, Houston, Harris County, Texas
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
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 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 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

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
STORMWATER PERMIT TXR05CV11
WASTEWATER EPA ID TX0091855
POLLUTION PREVENTION PLANNING ID NUMBER
P00657
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD980748461
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 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

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021
Date Compliance History Report Prepared: September 19, 2021
Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 19, 2016 to September 19, 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: 07/12/2017 ADMINORDER 2016-1332-IWD-E (Findings Order-Agreed Order Without Denial)
Classification: Major
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limits PERMIT
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.
Classification: Major
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.5(b)
Rqmt Prov: Sampling & Analysis Requirements PERMIT
Description: Failure to collect and analyze samples for the following DMR(s) at the minimum frequency specified in the permit as documented by a TCEQ record review.
- 2 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.
- 3 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)).
- 4 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.

5 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	November 16, 2016	(1385662)
Item 2	December 14, 2016	(1391795)
Item 3	March 10, 2017	(1412400)
Item 4	May 19, 2017	(1426556)
Item 5	July 19, 2017	(1441120)
Item 6	August 07, 2017	(1429188)
Item 7	August 15, 2017	(1444791)
Item 8	September 20, 2017	(1451381)
Item 9	October 19, 2017	(1475811)
Item 10	October 31, 2017	(1447096)
Item 11	November 13, 2017	(1462705)
Item 12	March 08, 2018	(1491672)
Item 13	April 18, 2018	(1494920)
Item 14	May 10, 2018	(1501873)
Item 15	June 07, 2018	(1508985)
Item 16	August 10, 2018	(1521350)
Item 17	August 29, 2018	(1511524)
Item 18	September 17, 2018	(1528532)
Item 19	October 03, 2018	(1513508)
Item 20	November 07, 2018	(1525863)
Item 21	December 10, 2018	(1546465)
Item 22	January 08, 2019	(1563479)
Item 23	February 06, 2019	(1563477)
Item 24	March 11, 2019	(1563478)
Item 25	April 15, 2019	(1573098)
Item 26	June 12, 2019	(1585781)
Item 27	July 09, 2019	(1594446)
Item 28	August 07, 2019	(1600739)
Item 29	September 23, 2019	(1597606)
Item 30	October 14, 2019	(1614524)
Item 31	December 09, 2019	(1627662)
Item 32	January 10, 2020	(1635293)
Item 33	February 06, 2020	(1641908)
Item 34	March 04, 2020	(1648422)
Item 35	April 09, 2020	(1654774)
Item 36	June 09, 2020	(1667867)
Item 37	July 10, 2020	(1674816)
Item 38	August 05, 2020	(1681585)

Item 39	September 10, 2020	(1688163)
Item 40	October 07, 2020	(1678042)
Item 41	October 09, 2020	(1694519)
Item 42	December 16, 2020	(1716166)
Item 43	January 11, 2021	(1716167)
Item 44	February 04, 2021	(1729238)
Item 45	March 04, 2021	(1729239)
Item 46	April 09, 2021	(1729240)
Item 47	May 18, 2021	(1741916)
Item 48	June 03, 2021	(1741917)
Item 49	July 08, 2021	(1752935)
Item 50	August 10, 2021	(1758341)

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: 10/31/2020 (1716165)
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

- 2 Date: 05/26/2021 (1704334)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 13 OP
NSR Special Condition (SC) 2E PERMIT
Description: Failure to cap 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)
FOP Special Term & Condition (ST&C) 13 OP
NSR Special Condition (SC) 22B PERMIT
Description: Failure to retain valid vapor header pressure data for the Marine Loading Flare (Unit ID: MLFR). (Category C3)

- 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)
FOP Special Term & Condition (ST&C) 13 OP
NSR Special Condition (SC) 2F PERMIT
Description: Failure to monitor all components in light liquid service. (Category B1)

- Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 12 OP
Description: Failure to retain weekly combustion chamber operating temperature data from (ID: VC-01). (Category C3)

- 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)
FOP General Terms & Conditions OP
Description: Failure to report all deviations within the appropriate time frame. (Category B3)

- Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 13 OP
Description: Failure to submit notification regarding an interruption in permitted construction on time. (Category C3)

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. 2021-0821-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, represented by Stephanie Bergeron Perdue of the law firm of Baker Botts L.L.P., 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 \$45,000 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$18,000 of the penalty and \$9,000 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, \$18,000 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 April 1, 2021 through May 13, 2021, an investigator documented that the Respondent failed to maintain each opening in the internal floating roof ("IFR") in a closed position at all times except when the device is in actual use, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 115.112(e)(2)(B), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 60.112b(a)(1)(iv), Federal Operating Permit No. O1060, General Terms and Conditions and Special Terms and Conditions No. 1.A, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during a routine external IFR inspection conducted on May 24, 2019, one of the two bolted cover plates for the gauge-pole well on the Storage Tank P50-4 IFR was observed to be dislodged and provided approximately 80 percent coverage, resulting in approximately 325 pounds of vinyl acetate monomer that was emitted to the environment from May 24, 2019 through June 9, 2021.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Stolthaven Houston, Inc., Docket No. 2021-0821-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 \$18,000 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, implement measures and/or procedures designed to maintain each opening in the Storage Tank P50-4 IFR in a closed position at all times except when the device is in actual use.
 - b. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision No. 3.a, as described in Ordering Provision No. 3.d.
 - c. Repair and close the damaged gauge-pole well cover for Storage Tank P50-4 IFR:
 - i. Within 30 days prior to placing Storage Tank P50-4 in service after the tank is next emptied, degassed, and cleaned; or
 - ii. By December 31, 2027, remove Storage Tank P50-4 from service for the next 10-year New Source Performance Standard out-of-service inspection, whichever occurs first.
 - d. Within 15 days prior to placing Storage Tank P50-4 in service, submit written certification, and include detailed supporting documentation including paragraphs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.c. 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



3/10/2023

For the Executive Director

Date

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

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

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

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

Signature

March 2, 2023

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: 2021-0821-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Stolthaven Houston, Inc.
Payable Penalty Amount:	\$36,000
SEP Offset Amount:	\$18,000
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 in an effort to settle this enforcement action. The Respondent shall not profit in any manner 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 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, 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:

Stolthaven Houston, Inc.
Docket No. 2021-0821-AIR-E
Agreed Order - Attachment A

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.