

Executive Summary – Enforcement Matter – Case No. 61489
Odfjell Terminals (Houston) Inc.
RN100218411
Docket No. 2021-1396-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Odfjell Terminals, 12211 Port Road, Seabrook, Harris County

Type of Operation:

Organic liquid storage terminal

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 29, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,950

Amount Deferred for Expedited Settlement: \$2,790

Total Paid to General Revenue: \$11,160

Total Due to General Revenue: \$0

Payment Plan: N/A

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: July 9, 2021 through July 30, 2021

Date(s) of NOE(s): October 15, 2021

Executive Summary – Enforcement Matter – Case No. 61489
Odfjell Terminals (Houston) Inc.
RN100218411
Docket No. 2021-1396-AIR-E

Violation Information

Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,039.19 pounds of 1,4-dichlorobenzene as fugitive emissions, during an emissions event (Incident No. 360797) that began on June 22, 2021 and lasted 59 hours. The emissions event occurred when the hoses and lines were not properly connected to the railcar and when the operator momentarily abandoned their post during the transfer operations, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 8865, Special Conditions No. 1, Federal Operating Permit No. O3027, General Terms and Conditions and Special Terms and Conditions No. 18, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 360797; and
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Toni Red, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-1704; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: John Blanchard, Chief Executive Officer, Odfjell Terminals (Houston) Inc., 12211 Port Road, Seabrook, Texas 77586

Kimberly Legge, Vice President Operations and Technical Service, Odfjell Terminals (Houston) Inc., 12211 Port Road, Seabrook, Texas 77586

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	18-Oct-2021	Screening	21-Oct-2021	EPA Due	
	PCW	18-Jan-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	Odfjell Terminals (Houston) Inc.
Reg. Ent. Ref. No.	RN100218411
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	61489	No. of Violations	1
Docket No.	2021-1396-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Toni Red
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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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	86.0%	Adjustment	Subtotals 2, 3, & 7	\$6,450
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Notes: Enhancement for one NOV with same or similar violations, one NOV with dissimilar violations, and four agreed orders containing a denial of liability. Reduction for one notice of intent to conduct an audit.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$512
 Estimated Cost of Compliance: \$10,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$13,950
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$13,950
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$13,950
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,790
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$11,160
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Screening Date 21-Oct-2021

Docket No. 2021-1396-AIR-E

PCW

Respondent Odfjell Terminals (Houston) Inc.

Policy Revision 5 (January 28, 2021)

Case ID No. 61489

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100218411

Media Air

Enf. Coordinator Toni Red

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>)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	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) 86%

>> 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, and four agreed orders containing a denial of liability. Reduction for one notice of intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 86%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 86%

Screening Date 21-Oct-2021

Docket No. 2021-1396-AIR-E

PCW

Respondent Odfjell Terminals (Houston) Inc.

Policy Revision 5 (January 28, 2021)

Case ID No. 61489

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100218411

Media Air

Enf. Coordinator Toni Red

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit No. 8865, Special Conditions No. 1, Federal Operating Permit No. 03027, General Terms and Conditions and Special Terms and Conditions No. 18, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,039.19 pounds of 1,4-dichlorobenzene as fugitive emissions, during an emissions event (Incident No. 360797) that began on June 22, 2021 and lasted 59 hours. The emissions event occurred when the hoses and lines were not properly connected to the railcar and when the operator momentarily abandoned their post during the transfer operations, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 3 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/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 \$512

Violation Final Penalty Total \$13,950

This violation Final Assessed Penalty (adjusted for limits) \$13,950

Economic Benefit Worksheet

Respondent Odfjell Terminals (Houston) Inc.
Case ID No. 61489
Reg. Ent. Reference No. RN100218411
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	22-Jun-2021	1-Jul-2022	1.02	\$512	n/a	\$512

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 360797. The Date Required is the date the emissions event began and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$512

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 CN603233974, RN100218411, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN603233974, Odfjell Terminals (Houston) Inc. **Classification:** SATISFACTORY **Rating:** 7.69

Regulated Entity: RN100218411, ODFJELL TERMINALS **Classification:** SATISFACTORY **Rating:** 7.69

Complexity Points: 24 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 12211 PORT ROAD, SEABROOK, HARRIS COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG1006U	AIR OPERATING PERMITS PERMIT 3027
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1012008	AIR NEW SOURCE PERMITS REGISTRATION 72184
AIR NEW SOURCE PERMITS PERMIT 8865	AIR NEW SOURCE PERMITS REGISTRATION 26083
AIR NEW SOURCE PERMITS REGISTRATION 29436	AIR NEW SOURCE PERMITS REGISTRATION 30968
AIR NEW SOURCE PERMITS REGISTRATION 30969	AIR NEW SOURCE PERMITS REGISTRATION 31082
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG1006U	AIR NEW SOURCE PERMITS AFS NUM 4820100370
AIR NEW SOURCE PERMITS REGISTRATION 98261	AIR NEW SOURCE PERMITS REGISTRATION 112129
AIR NEW SOURCE PERMITS REGISTRATION 112311	AIR NEW SOURCE PERMITS REGISTRATION 163566
AIR NEW SOURCE PERMITS REGISTRATION 167667	AIR NEW SOURCE PERMITS REGISTRATION 143432
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 60262	VOLUNTARY CLEANUP PROGRAM ID NUMBER 2255
WASTEWATER PERMIT WQ0002547000	WASTEWATER EPA ID TX0089192
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG1006U	POLLUTION PREVENTION PLANNING ID NUMBER P00070
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 33983	TAX RELIEF ID NUMBER 20309

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: January 18, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 18, 2017 to January 18, 2022

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

Name: Toni Red

Phone: (512) 239-1704

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? YES
- 3) Who is the current owner/operator?
 - ODFJELL Terminal (Baytank) Inc. OWNER OPERATOR since 6/26/2002
 - Odfjell Terminals USA GP Inc. OWNER since 7/8/2003
 - Odfjell Terminals (Houston) LP OWNER OPERATOR since 5/13/2002
 - Odfjell Terminals (Houston) Inc. OWNER OPERATOR since 8/20/2007
 - Baytank Houston Inc OWNER since 11/6/1991
 - ODFJELL USA INC OWNER OPERATOR since 3/4/2015
 - MILESTONE CHEMICAL TANKERS PTE LTD OWNER OPERATOR since 4/8/2015
 - Jo Tankers Inc. OWNER OPERATOR since 1/29/2013
 - W.T. Byler Co., LP OPERATOR since 1/20/2009
 - The Dow Chemical Company OWNER OPERATOR since 8/9/2017
- 4) Who was/were the prior owner(s)/operator(s)? Eastman Chemical Company, OWNER OPERATOR, 11/29/2017 to 8/1/2020

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

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

- 1 Effective Date: 08/23/2017 ADMINORDER 2016-1081-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: Special Condition 1 PERMIT
Special Term & Condition 17 OP
Description: Failure to maintain nitrogen oxide (NOx) and volatile organic compound (VOC) emissions below the annual permit limit from Flare FL-1 (Operating Flare). (Category A12i6)
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: Special Condition 14D PERMIT
Special Term & Condition 17 OP
Description: Failure to maintain Flare FL-1 (Operating Flare)'s heating value (Btu/scf) above the minimum requirement. (Category B19g1)
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)
Rqmt Prov: General Terms & Conditions OP
Description: Failure to report all instances of deviations. (Category C3)
- 2 Effective Date: 08/16/2020 ADMINORDER 2019-1280-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(5)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Conditions (SC) 14A PERMIT
Special Terms and Conditions (ST&C) 17 PERMIT
Description: Failure to design and operate air-assisted flares with an exit velocity less than the maximum permitted velocity. Specifically, the exit velocity of the vent gas and assist gas from the Operating Flare exceeded the maximum permitted velocity for approximately 120.25 hours on 60 days from October 16, 2017 through September 6, 2018.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
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: Special Conditions (SC) 1 PERMIT
Special Terms and Conditions (ST&C) 17 PERMIT
Description: Failure to comply with MAER. Specifically, the Respondent exceeded the CO MAER of 12.24 tons per year based on a 12-month rolling period for the Operating Flare, EPN FL-1, for the 12-month periods ending from October 2017 through April 2018, resulting in 0.85 ton of unauthorized CO emissions.
- 3 Effective Date: 08/25/2021 ADMINORDER 2020-1180-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
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: Special Condition 1 PERMIT
Special Term and Condition 17 PERMIT
Description: Failed to comply with the MAERs. Specifically, the Respondent exceeded the CO MAER of 2.31 tpy based on a 12-month rolling period and exceeded the NOx MAER of 1.16 tpy based on a 12-month rolling period for the 12-month periods ending from September 2019 through August 2020 for the Propylene/Acetaldehyde Flare, EPN FL-3/FL-4, resulting in 0.18 ton of unauthorized CO emissions and 0.06 ton of unauthorized NOx emissions.

4 Effective Date: 11/30/2021 ADMINORDER 2021-0144-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: Special Conditions 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,386.80 pounds of volatile organic compounds from the Barge Loading, EPN No. BARGE-1, during an emissions event that occurred on September 16, 2020 and lasted two hours. The emissions event occurred when the barge was over-pressured during loading operations, resulting in the release to the atmosphere.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	January 20, 2017	(1398367)
Item 2	February 22, 2017	(1405269)
Item 3	March 09, 2017	(1412342)
Item 4	March 31, 2017	(1402775)
Item 5	April 12, 2017	(1418848)
Item 6	May 03, 2017	(1426505)
Item 7	June 06, 2017	(1432504)
Item 8	July 17, 2017	(1441061)
Item 9	July 28, 2017	(1424677)
Item 10	August 11, 2017	(1444739)
Item 11	September 19, 2017	(1451329)
Item 12	October 16, 2017	(1457199)
Item 13	November 13, 2017	(1462650)
Item 14	December 05, 2017	(1453967)
Item 15	December 13, 2017	(1469054)
Item 16	January 12, 2018	(1475759)
Item 17	February 16, 2018	(1487934)
Item 18	March 15, 2018	(1491621)
Item 19	April 09, 2018	(1480005)
Item 20	April 17, 2018	(1494870)
Item 21	May 17, 2018	(1501823)
Item 22	June 20, 2018	(1508930)
Item 23	July 19, 2018	(1515249)
Item 24	August 14, 2018	(1521299)
Item 25	September 21, 2018	(1481068)
Item 26	October 19, 2018	(1534819)
Item 27	November 19, 2018	(1542672)
Item 28	December 20, 2018	(1546415)
Item 29	January 14, 2019	(1563323)
Item 30	February 06, 2019	(1563321)
Item 31	March 12, 2019	(1563322)
Item 32	April 01, 2019	(1573038)
Item 33	May 07, 2019	(1585678)
Item 34	June 05, 2019	(1585679)
Item 35	July 19, 2019	(1594395)
Item 36	September 11, 2019	(1600688)
Item 37	September 16, 2019	(1607603)
Item 38	October 02, 2019	(1614473)
Item 39	November 05, 2019	(1620262)
Item 40	December 04, 2019	(1627611)
Item 41	January 03, 2020	(1635242)

Item 42	March 17, 2020	(1648371)
Item 43	April 17, 2020	(1654723)
Item 44	May 12, 2020	(1661289)
Item 45	July 07, 2020	(1674764)
Item 46	August 07, 2020	(1681534)
Item 47	September 08, 2020	(1688112)
Item 48	October 05, 2020	(1678932)
Item 49	November 12, 2020	(1716012)
Item 50	December 11, 2020	(1716013)
Item 51	January 05, 2021	(1716014)
Item 52	February 19, 2021	(1729085)
Item 53	March 12, 2021	(1729086)
Item 54	April 16, 2021	(1729087)
Item 55	May 19, 2021	(1741839)
Item 56	June 17, 2021	(1748193)
Item 57	July 20, 2021	(1752884)
Item 58	July 26, 2021	(1722968)
Item 59	August 20, 2021	(1758292)
Item 60	September 16, 2021	(1767565)
Item 61	November 05, 2021	(1784810)
Item 62	December 20, 2021	(1775980)

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: 08/31/2021 (1705056)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 14D PERMIT
Special Term and Condition 18 OP
Special Term and Condition 1A OP
- Description: Failure to maintain the net heating value above the minimum for the flare (Unit IDs Pre-FL, FL-1). (Category C4 violation)
- 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 19 PERMIT
Special Term and Condition 18 OP
- Description: Failure to include dates when material was stored in storage tanks. (Category C3 violation)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(3)
30 TAC Chapter 115, SubChapter H 115.725(l)
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 operate the flowmeter for at least 95% of the propylene/acetaldehyde flare (EPN FL-3/FL-4) operational time. (Category B1 violation)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Term and Condition 18 OP
- Description: Failure to maintain the carbon monoxide (CO) and nitrogen oxides (NOx) emissions within the rolling 12-month limit for the operating flare (Unit ID FL-1) for one month. (Category B13 violation)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
- Description: Failure to submit the permit compliance certification (PCC) within 30 days after

the end of the certification period. (Category B3 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to submit the deviation report (DR) within 30 days after the reporting period. (Category B3 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(5)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A PERMIT
Description: Failure to maintain velocity below the Vmax for the operating flare (Unit ID/EPN FL-1). (Category C4 violation)

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 18 PERMIT
Special Term & Condition 18 PERMIT
Description: Failure to include the required information in the monthly emissions record. (Category C3 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.726(d)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A PERMIT
Description: Failure to maintain weekly corrective action records for Unit ID FL-3/4. (Category B3 violation)

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 23C PERMIT
Special Term and Condition 18 OP
Description: Failure to include all information in the tank emission record. (Category C3 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)
30 TAC Chapter 117, SubChapter B 117.345(f)(10)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT IIII 60.4214(b)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP
Description: Failure to maintain and provide all the requested records and information for the engines (Unit IDs FWP-1, FWP-2, PDFWP-3). (Category B3 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Term and Condition 18 OP
Description: Failure to maintain the carbon monoxide (CO) and nitrogen oxides (NOx) emissions within the rolling 12-month limit for the propylene/ acetaldehyde flare (Unit ID FL-3/4). (Category B13 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(1)
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 operate a flow meter capable of measuring the full potential range of operation for the propylene/acetaldehyde flare (Unit ID FL-3/4). (Category C1 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP
Description: Failure to record at least 98% of the visible emission observations for the flares

(Unit IDs FL-2 and FL-3/4). (Category B3 violation)

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 deviations for October 13, 2019 to April 12, 2020. (Category C3 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.726(d)(4)
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 14H PERMIT
Special Term and Condition 18 OP
Special Term and Condition 1A OP

Description: Failure to record net heating value data, flow, and velocity for the operating flare (Unit IDs Pre-FL, FL-1). (Category B3 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.356(1)(D)
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 provide the expected VOC emission shutdown records. (Category B3 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.144(1)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 17 OP

Description: Failure to provide weekly liquid level records. (Category B3 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.144(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT BB 61.303(g)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT BB 61.305(c)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to provide the continuous records of the equipment operating parameters for Unit IDs GRPMARLOAD and GRPTRCLOAD. (Category B3 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(A)
30 TAC Chapter 115, SubChapter B 115.126(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.144(1)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to provide the operating parameter records for Unit IDs PRE-AB-1 and PRE-AB-2. (Category B3 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.126(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.144(1)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to provide the exemption records for Unit IDs PRE-AB-1 and PRE-AB-2. (Category B3 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.144(1)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 17 OP
Special Term and Condition 1A OP

Description: Failure to provide records of fugitive emission monitoring for Unit IDs GRPKATANKS and GRPKBTANKS. (Category B3 violation)

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 deviations for April 13, 2020 to October 12,

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ODFJELL TERMINALS
(HOUSTON) INC.
RN100218411**

§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2021-1396-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 Odfjell Terminals (Houston) Inc. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates an organic liquid storage terminal located at 12211 Port Road in Seabrook, Harris County, Texas (the "Plant"). The Plant 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 \$13,950 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$11,160 of the penalty and \$2,790 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN.

CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During a record review conducted from July 9, 2021 through July 30, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 8865, Special Conditions No. 1, Federal Operating Permit No. O3027, General Terms and Conditions and Special Terms and Conditions No. 18, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 1,039.19 pounds of 1,4-dichlorobenzene as fugitive emissions, during an emissions event (Incident No. 360797) that began on June 22, 2021 and lasted 59 hours. The emissions event occurred when the hoses and lines were not properly connected to the railcar and when the operator momentarily abandoned their post during the transfer operations, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

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: Odfjell Terminals (Houston) Inc., Docket No. 2021-1396-AIR-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 360797.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.

5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

8/10/2022

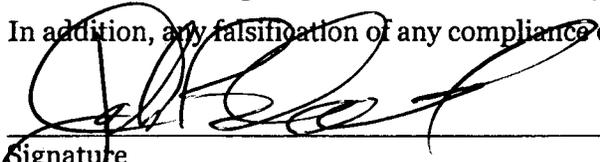
Date

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

March 17, 2022

Date

John Blanchard

Chief Executive Officer

Name (Printed or typed)
Authorized Representative of
Odfjell Terminals (Houston) Inc.

Title

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