

Executive Summary – Enforcement Matter – Case No. 61764
HFOTCO LLC
RN100223445
Docket No. 2022-0047-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Houston Terminal, 16642 Jacintoport Boulevard, Houston, Harris County

Type of Operation:

Bulk petroleum liquid storage and distribution terminal

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 27, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$3,563

Total Paid to General Revenue: \$3,563

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: September 1, 2021 through December 3, 2021

Date(s) of NOE(s): December 13, 2021

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Violation Information

1. Failed to install a totalizing fuel flow meter to measure the gas and liquid fuel usage [30 TEX. ADMIN. CODE §§ 117.340(a) and 122.143(4), Federal Operating Permit ("FOP") No. O1093, General Terms and Conditions ("GTC") and Special Terms and Conditions No. 1.A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to report all instances of deviations [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O1093, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented a corrective measure by installing a totalizing fuel flow meter on the additional natural gas line feeding the Vapor Combustor Units ("VCUs") in order to continuously measure the total natural gas usage supplied to VCU-3 and VCU-4 that work in tandem with each other by September 1, 2020.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Submit a revised deviation report for the August 20, 2020 through February 19, 2021 reporting period that includes the deviations for failing to install a totalizing fuel flow meter that measures the gas and liquid fuel usage for VCU-3 and VCU-4 and failing to paint the roof of Storage Tank No. 400-2 white; and
 - ii. Implement measures and/or procedures designed to ensure that all instances of deviations are reported in a timely manner.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

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Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Toni Red, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-1704; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Mickey Franco, Director - Operations, HFOTCO LLC, 15855 Jancintoport Boulevard, Houston, Texas 77015

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	3-Jan-2022	Screening	6-Jan-2022	EPA Due	
	PCW	28-Mar-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	HFOTCO LLC
Reg. Ent. Ref. No.	RN100223445
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	61764	No. of Violations	2
Docket No.	2022-0047-AIR-E	Order Type	Findings
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	\$2,000
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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	\$2,000
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Notes: Enhancement for two NOV's with dissimilar violations and five agreed orders containing a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

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	-\$437
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,881
Estimated Cost of Compliance	\$21,750

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,563
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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	\$3,563
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,563
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral for orders in which the Respondent has two or more prior administrative penalty orders as set out in Tex. Water Code § 7.105(b)(2), (b)(4), and (b)(6).

PAYABLE PENALTY	\$3,563
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Screening Date 6-Jan-2022

Docket No. 2022-0047-AIR-E

PCW

Respondent HFOTCO LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 61764

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100223445

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>)	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 101%

>> 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 dissimilar violations and five agreed orders containing a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 101%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 6-Jan-2022
Respondent HFOTCO LLC
Case ID No. 61764
Reg. Ent. Reference No. RN100223445
Media Air
Enf. Coordinator Toni Red

Docket No. 2022-0047-AIR-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 117.340(a) and 122.143(4), Federal Operating Permit ("FOP") No. O1093, General Terms and Conditions ("GTC") and Special Terms and Conditions No. 1.A, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to install a totalizing fuel flow meter to measure the gas and liquid fuel usage. Specifically, the Respondent installed a natural gas flow meter for Vapor Combustor Unit-3 ("VCU-3") and VCU-4 in a location that did not measure all supplemental natural gas fed to the VCUs.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential			x		

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

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

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1 458 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,750

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$437

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

Notes The Respondent achieved compliance on September 1, 2020, prior to the Notice of Enforcement dated December 13, 2021.

Violation Subtotal \$1,313

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,757

Violation Final Penalty Total \$3,063

This violation Final Assessed Penalty (adjusted for limits) \$3,063

Economic Benefit Worksheet

Respondent HFOTCO LLC
Case ID No. 61764
Reg. Ent. Reference No. RN100223445
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	\$20,000	1-Jun-2019	1-Sep-2020	1.25	\$84	\$1,673	\$1,757
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

Estimated cost to install a totalizing fuel flow meter on the additional natural gas line feeding the VCUs in order to continuously measure the total natural gas usage supplied to VCU-3 and VCU-4 that work in tandem with each other. The Date Required is the date of non-compliance and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$20,000

TOTAL

\$1,757

Screening Date 6-Jan-2022 **Docket No.** 2022-0047-AIR-E **PCW**
Respondent HFOTCO LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 61764 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100223445
Media Air
Enf. Coordinator Toni Red

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. 01093, GTC, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to report all instances of deviations. Specifically, the deviation report for the August 20, 2020 through February 19, 2021 reporting period did not include the deviations for failing to install a totalizing fuel flow meter that measures the gas and liquid fuel usage for VCU-3 and VCU-4 and failing to paint the roof of Storage Tank No. 400-2 white.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				x	1.0%

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

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 291 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$250

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

Estimated EB Amount \$124 **Violation Final Penalty Total** \$500

This violation Final Assessed Penalty (adjusted for limits) \$500

Economic Benefit Worksheet

Respondent HFOTCO LLC
Case ID No. 61764
Reg. Ent. Reference No. RN100223445
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	21-Mar-2021	19-Aug-2022	1.41	\$106	n/a	\$106
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	21-Mar-2021	19-Aug-2022	1.41	\$18	n/a	\$18

Notes for DELAYED costs

Estimated costs to submit a revised deviation report for the August 20, 2020 through February 19, 2021 reporting period that includes the deviations for failing to install a totalizing fuel flow meter that measures the gas and liquid fuel usage for VCU-3 and VCU-4 and failing to paint the roof of Storage Tank No. 400-2 white (\$250) and to implement measures and/or procedures designed to ensure that all instances of deviations are reported in a timely manner (\$1,500). The Dates Required are the date the deviations should have been reported and the Final Dates are the estimated dates of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,750

TOTAL

\$124



Compliance History Report

Compliance History Report for CN603316548, RN100223445, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN603316548, HFOTCO LLC **Classification:** SATISFACTORY **Rating:** 8.43
Regulated Entity: RN100223445, HOUSTON TERMINAL **Classification:** SATISFACTORY **Rating:** 8.43
Complexity Points: 29 **Repeat Violator:** NO
CH Group: 14 - Other
Location: 16642 JACINTOPOORT BOULEVARD IN HOUSTON, HARRIS COUNTY, TEXAS
TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0345C
AIR NEW SOURCE PERMITS PERMIT 5783
AIR NEW SOURCE PERMITS AFS NUM 4820100356
AIR NEW SOURCE PERMITS REGISTRATION 54377
AIR NEW SOURCE PERMITS REGISTRATION 111202
AIR NEW SOURCE PERMITS EPA PERMIT N57M1
AIR NEW SOURCE PERMITS REGISTRATION 111194
AIR NEW SOURCE PERMITS EPA PERMIT PAL52
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 31774
WASTEWATER EPA ID TX0031534

AIR OPERATING PERMITS PERMIT 1093
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0345C
AIR NEW SOURCE PERMITS EPA PERMIT N57
AIR NEW SOURCE PERMITS REGISTRATION 111207
AIR NEW SOURCE PERMITS REGISTRATION 111205
AIR NEW SOURCE PERMITS EPA PERMIT N57M2
AIR NEW SOURCE PERMITS REGISTRATION 164643
AIR NEW SOURCE PERMITS REGISTRATION 160723
WASTEWATER PERMIT WQ0002277000

INDUSTRIAL AND HAZARDOUS WASTE OTS REQUEST 41702
INDUSTRIAL AND HAZARDOUS WASTE OTS REQUEST 41829
INDUSTRIAL AND HAZARDOUS WASTE OTS REQUEST 41597
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXT490013372
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD097307029

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0345C
INDUSTRIAL AND HAZARDOUS WASTE OTS REQUEST 41484
INDUSTRIAL AND HAZARDOUS WASTE OTS REQUEST 41748
INDUSTRIAL AND HAZARDOUS WASTE OTS REQUEST 41542
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 31774

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

Date Compliance History Report Prepared: March 28, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 28, 2017 to March 28, 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? NO

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

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

- 1 Effective Date: 12/05/2017 ADMINORDER 2017-0531-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.121
30 TAC Chapter 122, SubChapter C 122.210(a)

5C THSC Chapter 382 382.054
5C THSC Chapter 382 382.085(b)

Description: Failure to include applicable requirements in Title V operating permit revision application. (Category C3)

- 2 Effective Date: 01/16/2018 ADMINORDER 2017-0819-AIR-E (1660 Order-Agreed Order With 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: FOP General Terms and Conditions OP
Description: Failed to report all instances of deviations
- 3 Effective Date: 01/31/2018 ADMINORDER 2017-0323-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Major
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 Terms and Conditions (ST&C) 8 OP
Description: Failure to comply with the Maximum Allowable Emission Rate (MAER) for particulate matter.
Classification: Major
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 (SC) 1 PERMIT
Special Terms and Conditions (ST&C) 8 OP
Description: Failure to comply with the Maximum Allowable Emission Rate (MAER) for particulate matter.
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)
Rqmt Prov: Special Condition (SC) 28C PERMIT
Special Term and Condition (ST&C) 8 OP
Description: Failure to conduct stack testing by the required deadline.
- 4 Effective Date: 10/22/2019 ADMINORDER 2018-0894-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Major
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: NSR 5783 Special Condition 1 PERMIT
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Description: Failure to comply with the reporting requirements of an emissions event.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Description: Failure to comply with the reporting requirements of an emissions event.
- 5 Effective Date: 12/17/2019 ADMINORDER 2018-1455-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: NSR 5783 Special Condition 1 PERMIT

Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. [Category A12(i)(6)]

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THSC Chapter 382 382.085(b)

Description: Failure to comply with the reporting requirements of an emissions event. [Category C3]

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit a final incident report 14 days after the end of the event. [Category C3]

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	April 17, 2017	(1418062)
Item 2	May 19, 2017	(1425655)
Item 3	June 19, 2017	(1431693)
Item 4	July 18, 2017	(1440276)
Item 5	August 17, 2017	(1443956)
Item 6	November 20, 2017	(1461884)
Item 7	December 18, 2017	(1468270)
Item 8	January 19, 2018	(1474966)
Item 9	February 20, 2018	(1487186)
Item 10	March 19, 2018	(1490859)
Item 11	April 16, 2018	(1455685)
Item 12	April 20, 2018	(1494105)
Item 13	May 18, 2018	(1501055)
Item 14	June 18, 2018	(1508142)
Item 15	July 06, 2018	(1499653)
Item 16	July 16, 2018	(1514474)
Item 17	August 20, 2018	(1520527)
Item 18	September 20, 2018	(1527696)
Item 19	October 18, 2018	(1534056)
Item 20	December 20, 2018	(1545661)
Item 21	January 16, 2019	(1560982)
Item 22	February 20, 2019	(1560980)
Item 23	March 20, 2019	(1560981)
Item 24	May 20, 2019	(1584125)
Item 25	June 20, 2019	(1584126)
Item 26	July 17, 2019	(1593597)
Item 27	August 19, 2019	(1599927)
Item 28	August 27, 2019	(1591606)
Item 29	October 11, 2019	(1613671)
Item 30	October 14, 2019	(1596848)
Item 31	November 14, 2019	(1619485)
Item 32	December 18, 2019	(1626838)
Item 33	January 17, 2020	(1634479)
Item 34	February 19, 2020	(1641095)
Item 35	March 18, 2020	(1647612)
Item 36	April 20, 2020	(1653956)
Item 37	May 13, 2020	(1646669)
Item 38	May 19, 2020	(1660535)
Item 39	May 27, 2020	(1421081)
Item 40	June 18, 2020	(1667049)
Item 41	July 15, 2020	(1650447)
Item 42	July 16, 2020	(1673997)

Item 43	July 21, 2020	(1597676)
Item 44	August 05, 2020	(1632170)
Item 45	August 19, 2020	(1680776)
Item 46	August 24, 2020	(1664248)
Item 47	September 18, 2020	(1687345)
Item 48	October 19, 2020	(1693685)
Item 49	October 23, 2020	(1415902)
Item 50	November 18, 2020	(1713747)
Item 51	December 11, 2020	(1713748)
Item 52	January 19, 2021	(1698188)
Item 53	January 20, 2021	(1713749)
Item 54	February 22, 2021	(1726811)
Item 55	March 19, 2021	(1726812)
Item 56	April 13, 2021	(1726813)
Item 57	May 18, 2021	(1740714)
Item 58	June 15, 2021	(1740715)
Item 59	July 19, 2021	(1752134)
Item 60	August 05, 2021	(1757585)
Item 61	September 07, 2021	(1766764)
Item 62	October 11, 2021	(1777262)
Item 63	November 03, 2021	(1784054)
Item 64	December 07, 2021	(1791089)
Item 65	January 05, 2022	(1798873)

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: 12/13/2021 (1760441)
- 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 9 PERMIT
Special Term and Condition 10 OP
- Description: Failure to prevent an exceedance of the hourly maximum throughput for Storage Tank No. 220-1 (EPN: T220-1). (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 9 PERMIT
Special Term and Condition 10 OP
- Description: Failure to prevent an exceedance of the hourly maximum throughput for Storage Tank No. 175-3 (EPN: T175-3). (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 9 PERMIT
Special Term and Condition 10 OP
- Description: Failure to prevent an exceedance of the hourly maximum throughput for Storage Tank No. 250-7 (EPN: T250-7). (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 10F PERMIT
Special Term and Condition 10 OP
- Description: Failure to paint the roof of Storage Tank No. 400-2 (EPN: 400-2) white. (Category B18(g)(1))
- 2 Date: 02/03/2022 (1774671)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 115, SubChapter B 115.112(e)(2)(B)
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 close sample gauge hatch on storage tank T400-1 (EPN T400-1/ Unit ID HFOTK40001). (Category C4 violation)

F. Environmental audits:

Notice of Intent Date: 02/23/2018 (1472799)

Disclosure Date: 04/25/2018

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT Permit Conditions No. 4.d.

Description: Failed to report receipt of a new waste stream not described in the permit application.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT Monitoring and Reporting Requirements 7a

Description: Failed to report and/or sample discharge of wastewater from Outfall 001 between September 8, 2017 and September 11, 2017.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT Operational Requirements No. 1

Description: Failed to document certain maintenance and operational activities.

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

- 6 Date: 08/27/2018 (1482555)
 Self Report? NO Classification: Minor
 Citation:
 30 TAC Chapter 319, SubChapter A 319.1
 WQ0002277000 PERMIT
 Description: A Water Quality Record Review was conducted on February 5, 2019 to evaluate the facility's compliance with the applicable regulation.
- 7 Date: 10/31/2018 (1541888)
 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
- 8 Date: 02/13/2019 (1544706)
 Self Report? NO Classification: Minor
 Citation:
 30 TAC Chapter 319, SubChapter A 319.1
 WQ0002277000 PERMIT
 Description: A Water Quality Record Review was conducted on February 5, 2019 to evaluate the facility's compliance with the applicable regulation.
- 9 Date: 03/31/2019 (1572258)
 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
- 10 Date: 08/31/2019 (1606830)
 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
- 11 Date: 07/21/2020 (1592199)
 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 10 F PERMIT
 ST&C 10 OP
 Description: Failure to paint the exterior of a storage tank white. (Category B(18)(g)(1))
 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)
 ST&C 13 OP
 Description: Failure to submit a Deviation Report (DR) within 30 days of the end of the reporting period. (Category B(3))
- 12* Date: 11/30/2020 (1672709)
 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 and Conditions OP
 Description: Failure to report all instances of deviations. (Category B3)
 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 11 OP
 NSR, Special Condition 20.D. PERMIT
 Description: Failure to perform audio, olfactory, and visual (AVO) inspections as required for marine loading operations (EPN: GRPMARCLD) (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 11 OP
 NSR, Special Condition 9 PERMIT
 Description: Failure to prevent hourly throughput exceedance of the storage tank (EPN: HFOTK32502) (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)
 FOP, Special Term & Condition 11 OP
 NSR, Special Condition 9 PERMIT
 Description: Failure to prevent hourly throughput exceedance of storage tank (EPN: HFOTK22001)(Category C4)

13

Date: 12/13/2021 (1760441)
 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 9 PERMIT
 Special Term and Condition 10 OP
 Description: Failure to prevent an exceedance of the hourly maximum throughput for Storage Tank No. 220-1 (EPN: T220-1). (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 9 PERMIT
 Special Term and Condition 10 OP
 Description: Failure to prevent an exceedance of the hourly maximum throughput for Storage Tank No. 175-3 (EPN: T175-3). (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 9 PERMIT
 Special Term and Condition 10 OP
 Description: Failure to prevent an exceedance of the hourly maximum throughput for Storage Tank No. 250-7 (EPN: T250-7). (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 10F PERMIT
 Special Term and Condition 10 OP
 Description: Failure to paint the roof of Storage Tank No. 400-2 (EPN: 400-2) white. (Category B18(g)(1))

14 Date: 02/03/2022 (1774671)

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 115, SubChapter B 115.112(e)(2)(B)
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 close sample gauge hatch on storage tank T400-1 (EPN T400-1/ Unit ID HFOTK40001). (Category C4 violation)

* NOVs applicable for the Compliance History rating period 9/1/2016 to 8/31/2021

Appendix B

All Investigations Conducted During Component Period March 28, 2017 and March 28, 2022

Item 1	April 07, 2017**	(1401373)
Item 2*	April 17, 2017**	(1418062)
Item 3*	May 19, 2017**	(1425655)
Item 4	May 22, 2017**	(1400453)
Item 5*	June 19, 2017**	(1431693)
Item 6*	July 18, 2017**	(1440276)
Item 7*	August 17, 2017**	(1443956)
Item 8	August 24, 2017**	(1408194)
Item 9	September 20, 2017**	(1450561)
Item 10	October 20, 2017**	(1456418)
Item 11*	November 20, 2017**	(1461884)
Item 12*	December 18, 2017**	(1468270)
Item 13*	January 19, 2018**	(1474966)
Item 14	February 15, 2018**	(1467128)
Item 15*	February 20, 2018**	(1487186)
Item 16*	March 19, 2018**	(1490859)
Item 17*	April 16, 2018**	(1455685)
Item 18*	April 20, 2018**	(1494105)
Item 19*	May 18, 2018**	(1501055)
Item 20*	June 18, 2018**	(1508142)
Item 21	June 21, 2018**	(1428875)
Item 22*	July 06, 2018**	(1499653)
Item 23*	July 16, 2018**	(1514474)
Item 24	August 08, 2018**	(1481984)
Item 25*	August 20, 2018**	(1520527)
Item 26	August 27, 2018**	(1482555)
Item 27	August 31, 2018**	(1428892)
Item 28*	September 20, 2018**	(1527696)
Item 29*	October 18, 2018**	(1534056)
Item 30	November 19, 2018**	(1541888)
Item 31*	December 20, 2018**	(1545661)
Item 32*	January 16, 2019**	(1560982)
Item 33	February 12, 2019**	(1544706)
Item 34*	February 20, 2019**	(1560980)
Item 35*	March 20, 2019**	(1560981)
Item 36	April 17, 2019**	(1572258)

Item 37*	May 20, 2019**	(1584125)
Item 38*	June 20, 2019**	(1584126)
Item 39*	July 17, 2019**	(1593597)
Item 40	July 26, 2019**	(1499892)
Item 41*	August 19, 2019**	(1599927)
Item 42*	August 27, 2019**	(1591606)
Item 43	September 20, 2019**	(1606830)
Item 44*	October 11, 2019**	(1613671)
Item 45*	October 14, 2019**	(1596848)
Item 46*	November 14, 2019**	(1619485)
Item 47*	December 18, 2019**	(1626838)
Item 48*	January 17, 2020**	(1634479)
Item 49*	February 19, 2020**	(1641095)
Item 50*	March 18, 2020**	(1647612)
Item 51*	April 20, 2020**	(1653956)
Item 52*	May 13, 2020**	(1646669)
Item 53*	May 19, 2020**	(1660535)
Item 54*	May 27, 2020**	(1421081)
Item 55*	June 18, 2020**	(1667049)
Item 56*	July 15, 2020**	(1650447)
Item 57*	July 16, 2020**	(1673997)
Item 58	July 21, 2020**	(1592199)
Item 59*	August 05, 2020**	(1632170)
Item 60*	August 19, 2020**	(1680776)
Item 61*	August 24, 2020**	(1664248)
Item 62*	September 18, 2020**	(1687345)
Item 63*	October 19, 2020**	(1693685)
Item 64*	October 23, 2020**	(1415902)
Item 65*	November 18, 2020**	(1713747)
Item 66	November 25, 2020**	(1672709)
Item 67*	December 11, 2020**	(1713748)
Item 68*	January 19, 2021**	(1698188)
Item 69*	January 20, 2021**	(1713749)
Item 70*	February 22, 2021**	(1726811)
Item 71*	March 19, 2021**	(1726812)
Item 72*	April 13, 2021**	(1726813)
Item 73*	May 18, 2021**	(1740714)
Item 74*	June 15, 2021**	(1740715)
Item 75*	July 19, 2021**	(1752134)
Item 76*	August 05, 2021**	(1757585)
Item 77*	September 07, 2021	(1766764)
Item 78*	October 11, 2021	(1777262)
Item 79*	November 03, 2021	(1784054)
Item 80*	December 07, 2021	(1791089)
Item 81	December 13, 2021	(1760441)
Item 82*	January 05, 2022	(1798873)
Item 83	February 03, 2022	(1774671)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2016 and 08/31/2021.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
HFOTCO LLC
RN100223445**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2022-0047-AIR-E

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

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that 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. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a bulk petroleum liquid storage and distribution terminal located at 16642 Jacintoport Boulevard in Houston, 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. During a record review conducted from September 1, 2021 through December 3, 2021, an investigator documented that:
 - a. The Respondent installed a natural gas flow meter for Vapor Combustor Unit-3 ("VCU-3") and VCU-4 in a location that did not measure all supplemental natural gas fed to the VCUs; and
 - b. The deviation report for the August 20, 2020 through February 19, 2021 reporting period did not include the deviations for failing to install a totalizing fuel flow meter that measures the gas and liquid fuel usage for VCU-3 and VCU-4 and failing to paint the roof of Storage Tank No. 400-2 white.

3. The Executive Director recognizes that the Respondent implemented a corrective measure at the Plant by installing a totalizing fuel flow meter on the additional natural gas line feeding the VCUs in order to continuously measure the total natural gas usage supplied to VCU-3 and VCU-4 that work in tandem with each other by September 1, 2020.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to install a totalizing fuel flow meter to measure the gas and liquid fuel usage, in violation of 30 TEX. ADMIN. CODE §§ 117.340(a) and 122.143(4), Federal Operating Permit ("FOP") No. O1093, General Terms and Conditions ("GTC") and Special Terms and Conditions No. 1.A, and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O1093, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of \$3,563 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid the \$3,563 penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 5 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: HFOTCO LLC, Docket No. 2022-0047-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:
 - i. Submit a revised deviation report for the August 20, 2020 through February 19, 2021 reporting period that includes the deviations for failing to install a totalizing fuel flow meter that measures the gas and liquid fuel usage for VCU-3 and VCU-4 and failing to paint the roof of Storage Tank No. 400-2 white; and
 - ii. Implement measures and/or procedures designed to ensure that all instances of deviations are reported in a timely manner.
 - 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. 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 in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. 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.
10. 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.

11. 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

8/15/2022

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.

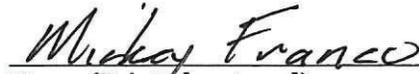
In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature



Date



Name (Printed or typed)
Authorized Representative of
HFOTCO LLC



Title

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

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