

Executive Summary – Enforcement Matter – Case No. 62241
Intercontinental Terminals Company LLC
RN106119175
Docket No. 2022-0460-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Intercontinental Terminals Pasadena Terminal, 1030 Ethyl Road, Pasadena, Harris County

Type of Operation:

Bulk liquid storage tank terminal

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2023-1149-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 22, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$10,500

Amount Deferred for Expedited Settlement: \$2,100

Total Paid to General Revenue: \$8,400

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - High

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: March 29, 2022 through March 31, 2022

Date(s) of NOE(s): April 13, 2022

**Executive Summary – Enforcement Matter – Case No. 62241
Intercontinental Terminals Company LLC
RN106119175
Docket No. 2022-0460-AIR-E**

Violation Information

Failed to perform stack sampling no later than 180 days after initial start-up. Specifically, stack sampling for the Vapor Combustor Unit C was required to be performed by March 23, 2020, but was not performed [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 95754, Special Conditions No. 45.C., Federal Operating Permit No. O3785, General Terms and Conditions and Special Terms and Conditions No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On March 10, 2022, the Respondent performed stack sampling for Vapor Combustor Unit C.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Desmond Martin, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2814; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Robert Surguy, Plant Manager, Intercontinental Terminals Company LLC, P.O. Box 698, Deer Park, Texas 77503
Carl Holley, Vice President, SHES & RC, Intercontinental Terminals Company LLC, P.O. Box 698, Deer Park, Texas 77503

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	18-Apr-2022			
	PCW	11-Jan-2024	Screening	21-Apr-2022	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Intercontinental Terminals Company LLC
Reg. Ent. Ref. No.	RN106119175
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	62241	No. of Violations	1
Docket No.	2022-0460-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Desmond Martin
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$14,000
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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	0.0% Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: Since the enhancement for one NOV with dissimilar violations and the reduction for two notices of intent to conduct an audit and one disclosure of violations is less than zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

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	-\$3,500
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$786
 Estimated Cost of Compliance: \$8,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,500
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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	\$10,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,500
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DEFERRAL	20.0% Reduction	Adjustment	-\$2,100
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$8,400
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Screening Date 21-Apr-2022

Docket No. 2022-0460-AIR-E

PCW

Respondent Intercontinental Terminals Company LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 62241

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN106119175

Media Air

Enf. Coordinator Desmond Martin

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	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	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) 0%

>> 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

Since the enhancement for one NOV with dissimilar violations and the reduction for two notices of intent to conduct an audit and one disclosure of violations is less than zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 21-Apr-2022 **Docket No.** 2022-0460-AIR-E **PCW**
Respondent Intercontinental Terminals Company LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 62241 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN106119175
Media Air
Enf. Coordinator Desmond Martin

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit No. 95754, Special Conditions No. 45.C., Federal Operating Permit No. O3785, General Terms and Conditions and Special Terms and Conditions No. 19, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to perform stack sampling no later than 180 days after initial start-up. Specifically, stack sampling for the Vapor Combustor Unit C was required to be performed by March 23, 2020, but was not performed.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				7.0%
	Potential			x	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment will or 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 8 717 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$14,000

Eight quarterly events are recommended from the March 23, 2020 stack sampling due date to the March 10, 2022 compliance date.

Good Faith Efforts to Comply

25.0%

Reduction \$3,500

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

Notes The Respondent completed the corrective measures on March 10, 2022, before the Notice of Enforcement dated April 13, 2022.

Violation Subtotal \$10,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$786

Violation Final Penalty Total \$10,500

This violation Final Assessed Penalty (adjusted for limits) \$10,500

Economic Benefit Worksheet

Respondent Intercontinental Terminals Company LLC
Case ID No. 62241
Reg. Ent. Reference No. RN106119175
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)	\$8,000	23-Mar-2020	10-Mar-2022	1.96	\$786	n/a	\$786

Notes for DELAYED costs

Estimated cost to perform stack sampling for Vapor Combustor Unit C. The Date Required is the date the stack sampling was required 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

\$8,000

TOTAL

\$786



Compliance History Report

Compliance History Report for CN601470222, RN106119175, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN601470222, Intercontinental Terminals Company LLC **Classification:** SATISFACTORY **Rating:** 0.89

Regulated Entity: RN106119175, Intercontinental Terminals Pasadena Terminal **Classification:** HIGH **Rating:** 0.00

Complexity Points: 14 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 1030 Ethyl Road, Pasadena, Harris County, Texas 77503

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS PERMIT 3785	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1013546
AIR NEW SOURCE PERMITS PERMIT 95754	AIR NEW SOURCE PERMITS REGISTRATION 166799
AIR NEW SOURCE PERMITS AFS NUM 4820102008	ON SITE SEWAGE FACILITY PERMIT 1011097
ON SITE SEWAGE FACILITY PERMIT 1011101	ON SITE SEWAGE FACILITY PERMIT 101-1274
WASTEWATER EPA ID TX0135593	WASTEWATER PERMIT WQ0005136000
WASTEWATER PERMIT WQ0005135000	AIR EMISSIONS INVENTORY ACCOUNT NUMBER HGA153W
POLLUTION PREVENTION PLANNING ID NUMBER P10598	INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000083046
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 95924	TAX RELIEF ID NUMBER 19598
TAX RELIEF ID NUMBER 19052	TAX RELIEF ID NUMBER 22316
TAX RELIEF ID NUMBER 23021	

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

Date Compliance History Report Prepared: April 21, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 21, 2018 to April 21, 2023

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

Name: Desmond Martin

Phone: (512) 239-2814

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? Intercontinental Terminals Company LLC OWNER OPERATOR since 4/15/2011
Vitol Inc. OWNER OPERATOR since 7/19/2019
- 4) Who was/were the prior owner(s)/operator(s)? Intercontinental Terminals Management Company, OWNER OPERATOR, 12/12/2017 to 9/23/2020

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 20, 2018	(1503003)
Item 2	June 20, 2018	(1510084)
Item 3	July 18, 2018	(1516412)
Item 4	August 19, 2018	(1522451)
Item 5	September 19, 2018	(1529667)
Item 6	October 19, 2018	(1535952)
Item 7	November 20, 2018	(1543828)
Item 8	December 19, 2018	(1547524)
Item 9	January 19, 2019	(1566798)
Item 10	February 20, 2019	(1566796)
Item 11	March 22, 2019	(1566797)
Item 12	April 19, 2019	(1574197)
Item 13	May 17, 2019	(1587947)
Item 14	June 20, 2019	(1587948)
Item 15	July 20, 2019	(1595615)
Item 16	August 19, 2019	(1601828)
Item 17	September 20, 2019	(1608729)
Item 18	October 18, 2019	(1615603)
Item 19	November 19, 2019	(1621406)
Item 20	December 20, 2019	(1628745)
Item 21	January 20, 2020	(1636361)
Item 22	February 19, 2020	(1642979)
Item 23	April 20, 2020	(1655850)
Item 24	May 20, 2020	(1662391)
Item 25	June 19, 2020	(1668944)
Item 26	July 20, 2020	(1675888)
Item 27	August 14, 2020	(1682680)
Item 28	September 17, 2020	(1689226)
Item 29	October 20, 2020	(1695590)
Item 30	November 20, 2020	(1719364)
Item 31	December 19, 2020	(1719365)
Item 32	January 20, 2021	(1719366)
Item 33	February 20, 2021	(1732445)
Item 34	February 24, 2021	(1702053)
Item 35	March 18, 2021	(1732446)
Item 36	April 20, 2021	(1732447)
Item 37	May 20, 2021	(1743516)
Item 38	June 19, 2021	(1748746)
Item 39	July 14, 2021	(1739573)
Item 40	July 19, 2021	(1753993)
Item 41	August 10, 2021	(1750940)
Item 42	August 11, 2021	(1749644)
Item 43	August 18, 2021	(1759346)
Item 44	September 18, 2021	(1768748)
Item 45	October 04, 2021	(1764051)
Item 46	October 20, 2021	(1779935)
Item 47	November 19, 2021	(1785989)
Item 48	December 20, 2021	(1792978)
Item 49	January 18, 2022	(1800801)
Item 50	February 20, 2022	(1808620)
Item 51	March 18, 2022	(1815719)
Item 52	April 19, 2022	(1822303)
Item 53	May 13, 2022	(1812919)
Item 54	May 20, 2022	(1831137)
Item 55	June 20, 2022	(1837415)
Item 56	July 20, 2022	(1844582)
Item 57	August 19, 2022	(1851107)
Item 58	August 23, 2022	(1818637)
Item 59	September 20, 2022	(1858537)
Item 60	October 20, 2022	(1864874)

Item 61	November 19, 2022	(1871764)
Item 62	December 20, 2022	(1877645)
Item 63	January 20, 2023	(1884450)
Item 64	February 20, 2023	(1892247)

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: 03/17/2023 (1866017)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to create a final record of an emissions event no later than two weeks after the end of an emissions event. (Category B3).

F. Environmental audits:

Notice of Intent Date: 06/18/2019 (1576243)

Disclosure Date: 09/22/2020

Viol. Classification: Minor

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

Rqmt Prov: PERMIT Special Conditions No. 18.D

Description: Failed to conduct 8-hour AVO marine loading inspections. Specifically, instances when 8-hour AVO marine loading inspections were not conducted were identified.

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP Special Terms and Conditions 3.A(iv)(3)

Description: Failed to make available records of visible emissions observations for some firewater pump engines and emergency generators (EPNs EFWP-1, EFWP-2, EFWP-3, EGEN-7, EGEN-8, AND EGEN-9).

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Conditions No. 31

Description: Failed to make available records of calibration for vapor combustors Pilot Flame Thermocouple or Infrared Monitor were (EPNs VC-001, VC-002, and VC-003).

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Conditions No. 46

Description: Failed to make available records of calibration for vapor combustors Pressure Monitor (EPNs VC-001, VC-002, and VC-003).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT BB 61.303(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.564(e)(4)

Rqmt Prov: PERMIT CAM

PERMIT Special Conditions No. 30

Description: Failed to make available records of calibration for vapor combustors Temperature Monitor (EPN VC-003).

Notice of Intent Date: 03/24/2023 (1887758)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
INTERCONTINENTAL
TERMINALS COMPANY LLC
RN106119175

§
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§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0460-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 Intercontinental Terminals Company 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 together stipulate that:

1. The Respondent owns and operates a bulk liquid storage tank terminal located at 1030 Ethyl Road in Pasadena, 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 \$10,500 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$8,400 of the penalty and \$2,100 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.
9. The Executive Director recognizes that on March 10, 2022, the Respondent performed stack sampling for Vapor Combustor Unit C.

II. ALLEGATIONS

During a record review for the Plant conducted from March 29, 2022 through March 31, 2022, an investigator documented that the Respondent failed to perform stack sampling no later than 180 days after initial start-up, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 95754, Special Conditions No. 45.C., Federal Operating Permit No. O3785, General Terms and Conditions and Special Terms and Conditions No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, stack sampling for the Vapor Combustor Unit C was required to be performed by March 23, 2020, but was not performed.

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: Intercontinental Terminals Company LLC, Docket No. 2022-0460-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. All relief not expressly granted in this Order is denied.
3. 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.

4. 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.
5. 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.
6. 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.
7. 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

4/3/2024

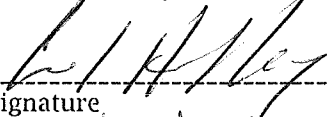
Date

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

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

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

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


Signature

20240131
Date

Chris Holley
Name (Printed or typed)
Authorized Representative of
Intercontinental Terminals Company LLC

V.P. SERVICES
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.