

Executive Summary – Enforcement Matter – Case No. 62271
NEDERLAND TANK WASH, INC.
RN101625713
Docket No. 2022-0495-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Nederland Tank Wash, 7744 Beauxart Garden Road, Nederland, Jefferson County

Type of Operation:

Tank truck washing facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

Texas Register Publication Date: September 27, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$59,004

Amount Deferred for Expedited Settlement: \$11,800

Total Paid to General Revenue: \$47,204

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - Unclassified

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): December 11, 2021

Complaint Information: Alleged that a tank wash location was emitting odors from a tank.

Date(s) of Investigation: December 11, 2021 through December 22, 2021

Date(s) of NOE(s): April 11, 2022

Executive Summary – Enforcement Matter – Case No. 62271
NEDERLAND TANK WASH, INC.
RN101625713
Docket No. 2022-0495-AIR-E

Violation Information

1. Failed to prevent nuisance odor conditions. Specifically, TCEQ staff conducted odor surveys at off-site locations at the complainants' sites or equal distance on December 11, 2021, December 12, 2021, December 13, 2021, December 14, 2021, December 15, 2021, December 16, 2021, December 17, 2021, December 20, 2021, and December 21, 2021; detected light to very strong and highly offensive mercaptan and hydrogen sulfide odors; and experienced headaches, sore throats, coughing, and light headedness on December 11, 2021 and December 20, 2021 that resulted in the documentation of nuisance odor conditions [30 TEX. ADMIN. CODE § 101.4 and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b)].
2. Failed to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event. Specifically, the final record for Incident No. 371291 was due by January 5, 2022, but was not submitted [30 TEX. ADMIN. CODE § 101.201(c) and TEX. HEALTH & SAFETY CODE § 382.085(b)]

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On November 2, 2023, the Respondent ceased operations at the Site.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Danielle Porras, Enforcement Division, Enforcement Team 2, MC R-12, (713) 767-3682; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Tom Gossett, President, NEDERLAND TANK WASH, INC., 5858 Westheimer, Suite 110, Houston, Texas 77056

Respondent's Attorney: Eddie Lewis, Norton Rose Fulbright US LLP, 1550 Lamar Street, Suite 2000, Houston, Texas 77010



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	18-Apr-2022	Screening	27-Apr-2022	EPA Due	
	PCW	2-Jul-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	NEDERLAND TANK WASH, INC.		
Reg. Ent. Ref. No.	RN101625713		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	62271	No. of Violations	2
Docket No.	2022-0495-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Danielle Porras
		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	\$58,750
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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	No adjustment for compliance history.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.				
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$396
Estimated Cost of Compliance	\$1,750

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$58,750
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.4%	Adjustment	\$254
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Recommended enhancement to capture the avoided costs of compliance associated with Violation No. 2.		
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Final Penalty Amount	\$59,004
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$59,004
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DEFERRAL	20.0%	Reduction	Adjustment	-\$11,800
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.			
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PAYABLE PENALTY	\$47,204
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Screening Date	27-Apr-2022	Docket No.	2022-0495-AIR-E	PCW
Respondent	NEDERLAND TANK WASH, INC.			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62271			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101625713			
Media	Air			
Enf. Coordinator	Danielle Porras			

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	0	0%
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>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 27-Apr-2022 Respondent NEDERLAND TANK WASH, INC. Case ID No. 62271 Reg. Ent. Reference No. RN101625713 Media Air Enf. Coordinator Danielle Porras	Docket No. 2022-0495-AIR-E <div style="text-align: right; font-size: small;"> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> </div>	PCW
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Violation Number	1	
Rule Cite(s)	30 Tex. Admin. Code § 101.4 and Tex. Health & Safety Code § 382.085(a) and (b)	
Violation Description	Failed to prevent nuisance odor conditions. Specifically, TCEQ staff conducted odor surveys at off-site locations at the complainants' sites or equal distance on December 11, 2021, December 12, 2021, December 13, 2021, December 14, 2021, December 15, 2021, December 16, 2021, December 17, 2021, December 20, 2021, and December 21, 2021; detected light to very strong and highly offensive mercaptan and hydrogen sulfide odors; and experienced headaches, sore throats, coughing, and light headedness on December 11, 2021 and December 20, 2021 that resulted in the documentation of nuisance odor conditions.	

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual		x		
	Potential				
					Percent 25.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Human health or the environment has been exposed to significant amounts of pollutants as a result of the violation.
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Adjustment	\$18,750
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	\$6,250
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Violation Events

Number of Violation Events	9	9	Number of violation days
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	daily		Violation Base Penalty	\$56,250
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		

Nine single events are recommended (one event for each day an odor was detected that contributed to the odor nuisance conditions).
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Good Faith Efforts to Comply

	0.0%	
	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	\$56,250
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Economic Benefit (EB) for this violation

Estimated EB Amount	Statutory Limit Test
\$142	

Violation Final Penalty Total	\$56,493
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This violation Final Assessed Penalty (adjusted for limits)	\$56,493
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Economic Benefit Worksheet

Respondent NEDERLAND TANK WASH, INC.
Case ID No. 62271
Reg. Ent. Reference No. RN101625713
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)	\$1,500	11-Dec-2021	2-Nov-2023	1.89	\$142	n/a	\$142

Notes for DELAYED costs

Estimated cost to cease operations at the Site. The Date Required is the first date an odor was detected and the Final Date is the date of the change in ownership.

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

\$1,500

TOTAL

\$142

Screening Date 27-Apr-2022 Respondent NEDERLAND TANK WASH, INC. Case ID No. 62271 Reg. Ent. Reference No. RN101625713 Media Air Enf. Coordinator Danielle Porras	Docket No. 2022-0495-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2	
Rule Cite(s)		30 Tex. Admin. Code § 101.201(c) and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failed to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event. Specifically, the final record for Incident No. 371291 was due by January 5, 2022, but was not submitted.	

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input style="width: 50px;" type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input style="width: 50px;" type="text" value="10.0%"/>
Matrix Notes	100% of the rule requirements were not met.				

Adjustment	\$22,500
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	\$2,500
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Violation Events

Number of Violation Events	1	112	Number of violation days
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	daily	<input type="text"/>	Violation Base Penalty <input style="width: 100px;" type="text" value="\$2,500"/>
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input checked="" type="text" value="x"/>	

One single event is recommended.

Good Faith Efforts to Comply

0.0%	Reduction <input style="width: 100px;" type="text" value="\$0"/>
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	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>	
Notes	The Respondent does not meet the good faith criteria for this violation.		

Violation Subtotal	\$2,500
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$254
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Statutory Limit Test

Violation Final Penalty Total	\$2,511
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This violation Final Assessed Penalty (adjusted for limits)	\$2,511
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Economic Benefit Worksheet

Respondent NEDERLAND TANK WASH, INC.
Case ID No. 62271
Reg. Ent. Reference No. RN101625713
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				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

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	\$250	5-Jan-2022	27-Apr-2022	0.31	\$4	\$250	\$254
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to submit a final record for Incident No. 371291. The Date Required is the date the final record was due and the Final Date is the screening date.

Approx. Cost of Compliance

\$250

TOTAL

\$254

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 CN600871164, RN101625713, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN600871164, NEDERLAND TANK WASH, INC.	Classification: UNCLASSIFIED	Rating: -----
Regulated Entity:	RN101625713, NEDERLAND TANK WASH	Classification: UNCLASSIFIED	Rating: -----
Complexity Points:	9	Repeat Violator:	NO
CH Group:	14 - Other		
Location:	7744 BEAUXART GARDEN ROAD, NEDERLAND, JEFFERSON COUNTY, TEXAS		
TCEQ Region:	REGION 10 - BEAUMONT		
ID Number(s):			
AIR NEW SOURCE PERMITS PERMIT 25393	AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0488D		
AIR NEW SOURCE PERMITS REGISTRATION 75486	AIR NEW SOURCE PERMITS REGISTRATION 81522		
STORMWATER PERMIT TXRNECF74	POLLUTION PREVENTION PLANNING ID NUMBER P09941		
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD026873950	INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 31443		
INDUSTRIAL AND HAZARDOUS WASTE OTS REQUEST 42288	INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXP490355510		
Compliance History Period:	September 01, 2018 to August 31, 2023	Rating Year: 2023	Rating Date: 09/01/2023
Date Compliance History Report Prepared:	April 24, 2024		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	April 24, 2019 to April 24, 2024		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	Danielle Porras		Phone: (512) 239-2923

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:

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	April 11, 2022	(1796752)
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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.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
NEDERLAND TANK WASH, INC.
RN101625713

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0495-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 NEDERLAND TANK WASH, INC. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Eddie Lewis of the law firm of Norton Rose Fulbright US LLP, together stipulate that:

1. The Respondent owned and operated a tank truck washing facility located at 7744 Beauxart Garden Road in Nederland, Jefferson County, Texas (the "Site"). The Site consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$59,004 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$47,204 of the penalty and \$11,800 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 November 2, 2023, the Respondent ceased operations at the Site.

II. ALLEGATIONS

During an investigation at the Site conducted from December 11, 2021 through December 22, 2021, an investigator documented that the Respondent:

1. Failed to prevent nuisance odor conditions, in violation of 30 TEX. ADMIN. CODE § 101.4 and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b). Specifically, TCEQ staff conducted odor surveys at off-site locations at the complainants' sites or equal distance on December 11, 2021, December 12, 2021, December 13, 2021, December 14, 2021, December 15, 2021, December 16, 2021, December 17, 2021, December 20, 2021, and December 21, 2021; detected light to very strong and highly offensive mercaptan and hydrogen sulfide odors; and experienced headaches, sore throats, coughing, and light headedness on December 11, 2021 and December 20, 2021 that resulted in the documentation of nuisance odor conditions.
2. Failed to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event, in violation of 30 TEX. ADMIN. CODE § 101.201(c) and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the final record for Incident No. 371291 was due by January 5, 2022, but was not submitted.

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: NEDERLAND TANK WASH, INC., Docket No. 2022-0495-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

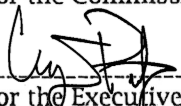
2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant 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



9/26/2024

For the Executive Director

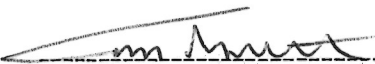
Date

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

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

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

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



Signature

8/17/2024

Date

Tom Gossett

Name (Printed or typed)
Authorized Representative of
NEDERLAND TANK WASH, INC.

President

Title

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

Nederland Tank Wash Inc
c/o The Younger Living Trust
5858 Weschmen
Suite 110
Houston, TX 77096

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.