

**Executive Summary – Enforcement Matter – Case No. 62392**

**Targa Downstream LLC  
RN100214212  
Docket No. 2022-0626-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Galena Park Terminal, 12510 American Petroleum Road, Galena Park, Harris County

**Type of Operation:**

Petroleum hydrocarbon storage and loading terminal

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** April 28, 2023

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$17,550

**Amount Deferred for Expedited Settlement:** \$3,510

**Total Paid to General Revenue:** \$7,020

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$7,020

Name of SEP: Texas Natural Gas Foundation (Third-Party Pre-Approved)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** March 4, 2022 through May 13, 2022

**Date(s) of NOE(s):** May 16, 2022

**Executive Summary – Enforcement Matter – Case No. 62392**  
**Targa Downstream LLC**  
**RN100214212**  
**Docket No. 2022-0626-AIR-E**

***Violation Information***

1. Failed to obtain authorization prior to constructing or modifying a source of air contaminants. Specifically, surface coating and abrasive blasting operations were conducted at the Site prior to obtaining the proper authorization [30 TEX. ADMIN. CODE §§ 116.110(a) and 122.143(4), Federal Operating Permit ("FOP") No. O614, General Terms and Conditions ("GTC"), and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b)].

2. Failed to provide notification for the replacement facility to the Executive Director within ten days following installation of the replacement facility. Specifically, the Respondent replaced the Dock 5 Loading Arm on July 3, 2020 and the notification for the replacement facility was due by July 13, 2020, but was not submitted until December 29, 2020 [30 TEX. ADMIN. CODE §§ 106.264(7) and 122.143(4), FOP No. O614, GTC and Special Terms and Conditions No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

- a. On December 29, 2020, provided the notification for the replacement of the Dock 5 Loading Arm; and
- b. On November 17, 2021, obtained Permit by Rule Registration No. 166727 that authorized the surface coating and abrasive blasting operations and the associated emissions.

**Technical Requirements:**

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

**Executive Summary – Enforcement Matter – Case No. 62392**  
**Targa Downstream LLC**  
**RN100214212**  
**Docket No. 2022-0626-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

**SEP Third-Party Administrator:** Texas Natural Gas Foundation, 2315 Newfield Lane, Austin, Texas 78703

**Respondent:** Michael Mullis, Area Manager, Targa Downstream LLC, P.O. Box 485, Galena Park, Texas 77547

Bill Grantham, Vice President of Operations, Targa Downstream LLC, P.O. Box 485, Galena Park, Texas 77547

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	23-May-2022			
	<b>PCW</b>	18-Mar-2023	<b>Screening</b>	26-May-2022	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Targa Downstream LLC
<b>Reg. Ent. Ref. No.</b>	RN100214212
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	62392	<b>No. of Violations</b>	2
<b>Docket No.</b>	2022-0626-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Yuliya Dunaway
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$15,000</b>
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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.

<b>Compliance History</b>	<b>42.0%</b> Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$6,300</b>
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<b>Notes</b>	Enhancement for one NOV with dissimilar violations and two orders containing a denial of liability.
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<b>Culpability</b>	No	<b>0.0%</b> Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>-\$3,750</b>
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<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$12	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$700	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$17,550</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b> Adjustment	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	<b>\$17,550</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$17,550</b>
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<b>DEFERRAL</b>	<b>20.0%</b> Reduction	<b>Adjustment</b>	<b>-\$3,510</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral offered for expedited settlement.
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<b>PAYABLE PENALTY</b>	<b>\$14,040</b>
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Screening Date 26-May-2022

Docket No. 2022-0626-AIR-E

PCW

Respondent Targa Downstream LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 62392

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100214212

Media Air

Enf. Coordinator Yuliya Dunaway

### 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> )	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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)** 42%

#### >> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

#### >> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations and two orders containing a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 42%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 42%

Screening Date 26-May-2022

Docket No. 2022-0626-AIR-E

PCW

Respondent Targa Downstream LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 62392

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100214212

Media Air

Enf. Coordinator Yuliya Dunaway

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.110(a) and 122.143(4), Federal Operating Permit ("FOP") No. O614, General Terms and Conditions ("GTC"), and Tex. Health & Safety Code §§ 382.0518(a) and 382.085(b)

Violation Description Failed to obtain authorization prior to constructing or modifying a source of air contaminants. Specifically, surface coating and abrasive blasting operations were conducted at the Site prior to obtaining the proper authorization.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			20.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$20,000

\$5,000

Violation Events

Number of Violation Events 2 100 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$10,000

Two quarterly events are recommended from the date of non-compliance on August 9, 2021 to the date of compliance on November 17, 2021.

Good Faith Efforts to Comply

25.0%

Reduction \$2,500

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

Notes The Respondent completed the corrective measures on November 17, 2021, prior to the Notice of Enforcement ("NOE") dated May 16, 2022.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$11,700

This violation Final Assessed Penalty (adjusted for limits) \$11,700

## Economic Benefit Worksheet

**Respondent** Targa Downstream LLC  
**Case ID No.** 62392  
**Reg. Ent. Reference No.** RN100214212  
**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	\$450	9-Aug-2021	17-Nov-2021	0.27	\$6	n/a	\$6
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Actual cost to obtain Permit by Rule Registration No. 166727 that authorized the surface coating and abrasive blasting operations and the associated emissions. The Date Required is the initial 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**

\$450

**TOTAL**

\$6

**Screening Date** 26-May-2022 **Docket No.** 2022-0626-AIR-E **PCW**  
**Respondent** Targa Downstream LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62392 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100214212  
**Media** Air  
**Enf. Coordinator** Yuliya Dunaway

**Violation Number** 2  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 106.264(7) and 122.143(4), FOP No. 0614, GTC and Special Terms and Conditions No. 9, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to provide notification for the replacement facility to the Executive Director within ten days following installation of the replacement facility. Specifically, the Respondent replaced the Dock 5 Loading Arm on July 3, 2020 and the notification for the replacement facility was due by July 13, 2020, but was not submitted until December 29, 2020.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 0.0%
Potential					

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
		x			<b>Percent</b> 20.0%
<b>Matrix Notes</b>	100% of the rule requirements were not met.				

**Adjustment** \$20,000

\$5,000

**Violation Events**

Number of Violation Events 1 169 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$5,000

One single event is recommended for the late notification.

**Good Faith Efforts to Comply** 25.0% Reduction \$1,250

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

**Notes** The Respondent completed the corrective measures on December 29, 2020, prior to the NOE dated May 16, 2022.

**Violation Subtotal** \$3,750

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

**Estimated EB Amount** \$6 **Violation Final Penalty Total** \$5,850

**This violation Final Assessed Penalty (adjusted for limits)** \$5,850

# Economic Benefit Worksheet

**Respondent** Targa Downstream LLC  
**Case ID No.** 62392  
**Reg. Ent. Reference No.** RN100214212  
**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)	\$250	13-Jul-2020	29-Dec-2020	0.46	\$6	n/a	\$6

**Notes for DELAYED costs**

Estimated cost to provide the notification for the replacement of the Dock 5 Loading Arm. The Date Required is the date the notification was due 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**

\$250

**TOTAL**

\$6



# Compliance History Report

Compliance History Report for CN603592940, RN100214212, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

**Customer, Respondent, or Owner/Operator:** CN603592940, Targa Downstream LLC **Classification:** SATISFACTORY **Rating:** 8.18  
**Regulated Entity:** RN100214212, GALENA PARK TERMINAL **Classification:** SATISFACTORY **Rating:** 2.77  
**Complexity Points:** 15 **Repeat Violator:** NO  
**CH Group:** 14 - Other  
**Location:** 12510 AMERICAN PETROLEUM ROAD, GALENA PARK, HARRIS COUNTY, TEXAS  
**TCEQ Region:** REGION 12 - HOUSTON

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER HG07860  
**AIR QUALITY NON PERMITTED ID NUMBER** R12100214212  
**AIR NEW SOURCE PERMITS** REGISTRATION 2052  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER HG07860  
**AIR NEW SOURCE PERMITS** AFS NUM 4820100192  
**AIR NEW SOURCE PERMITS** REGISTRATION 118083  
**AIR NEW SOURCE PERMITS** REGISTRATION 153250  
**AIR NEW SOURCE PERMITS** PERMIT AMOC177  
**AIR NEW SOURCE PERMITS** REGISTRATION 168477  
**AIR NEW SOURCE PERMITS** REGISTRATION 163654  
**AIR NEW SOURCE PERMITS** REGISTRATION 146065  
**AIR NEW SOURCE PERMITS** REGISTRATION 146939  
**AIR NEW SOURCE PERMITS** REGISTRATION 160739  
**AIR NEW SOURCE PERMITS** REGISTRATION 159227  
**AIR NEW SOURCE PERMITS** REGISTRATION 158048

**AIR OPERATING PERMITS** PERMIT 614  
**AIR NEW SOURCE PERMITS** REGISTRATION 131  
**AIR NEW SOURCE PERMITS** PERMIT 5414  
**AIR NEW SOURCE PERMITS** REGISTRATION 144834  
**AIR NEW SOURCE PERMITS** REGISTRATION 139811  
**AIR NEW SOURCE PERMITS** REGISTRATION 111565  
**AIR NEW SOURCE PERMITS** REGISTRATION 151509  
**AIR NEW SOURCE PERMITS** REGISTRATION 166727  
**AIR NEW SOURCE PERMITS** REGISTRATION 169891  
**AIR NEW SOURCE PERMITS** REGISTRATION 164546  
**AIR NEW SOURCE PERMITS** REGISTRATION 151158  
**AIR NEW SOURCE PERMITS** REGISTRATION 156207  
**AIR NEW SOURCE PERMITS** REGISTRATION 161043  
**AIR NEW SOURCE PERMITS** REGISTRATION 157751  
**PETROLEUM STORAGE TANK REGISTRATION** REGISTRATION 75346  
**ON SITE SEWAGE FACILITY** PERMIT 101-1071

**IHW CORRECTIVE ACTION** SOLID WASTE REGISTRATION # (SWR) 35997  
**STORMWATER** PERMIT TXR05EN35  
**WASTEWATER** PERMIT WQ0004988000  
**POLLUTION PREVENTION PLANNING** ID NUMBER P06892  
**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE REGISTRATION # (SWR) 35997

**WASTEWATER** EPA ID TX0133574  
**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER HG07860  
**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXD000835082

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

**Date Compliance History Report Prepared:** December 21, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** December 21, 2017 to December 21, 2022

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

**Name:** Yuliya Dunaway

**Phone:** (210) 403-4077

## 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: 11/29/2021 ADMINORDER 2020-1378-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter C 115.214(a)(3)(A)(ii)  
30 TAC Chapter 115, SubChapter C 115.216(4)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart Y 63.567(i)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: General Terms and Conditions OP  
Special Terms and Conditions No. 12.G OP  
Description: Failed to verify that the marine vessel has passed an annual vapor tightness test prior to loading a marine vessel with a volatile organic compound ("VOC") which has a vapor pressure equal to or greater than 0.5 pound per square inch absolute ("psia") under actual storage conditions. Specifically, the Respondent did not verify that 29 foreign flagged ships passed the annual vapor tightness test prior to loading the marine vessels with ethylene from October 27, 2017 to October 26, 2019.

See addendum for information regarding federal actions.

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

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

Item 1	January 12, 2018	(1476839)
Item 2	February 19, 2018	(1488970)
Item 3	March 19, 2018	(1492625)
Item 4	April 13, 2018	(1495936)
Item 5	May 14, 2018	(1502901)
Item 6	June 12, 2018	(1509994)
Item 7	July 20, 2018	(1516312)
Item 8	August 09, 2018	(1522359)
Item 9	August 10, 2018	(1504937)
Item 10	September 17, 2018	(1529574)
Item 11	October 17, 2018	(1535865)
Item 12	November 19, 2018	(1543740)
Item 13	December 12, 2018	(1547435)
Item 14	January 18, 2019	(1566525)
Item 15	February 18, 2019	(1566523)
Item 16	March 15, 2019	(1566524)
Item 17	April 17, 2019	(1574106)
Item 18	May 16, 2019	(1587763)
Item 19	June 18, 2019	(1587764)
Item 20	July 18, 2019	(1595489)
Item 21	August 15, 2019	(1601734)
Item 22	September 13, 2019	(1608635)
Item 23	October 17, 2019	(1615513)
Item 24	November 19, 2019	(1621314)
Item 25	December 16, 2019	(1628651)
Item 26	January 17, 2020	(1636271)
Item 27	April 15, 2020	(1655762)
Item 28	May 14, 2020	(1662303)
Item 29	June 17, 2020	(1668848)
Item 30	July 20, 2020	(1675795)
Item 31	August 20, 2020	(1682589)
Item 32	September 18, 2020	(1689136)
Item 33	October 20, 2020	(1695500)
Item 34	November 13, 2020	(1719095)

Item 35	December 20, 2020	(1719096)
Item 36	January 19, 2021	(1719097)
Item 37	February 19, 2021	(1732165)
Item 38	March 17, 2021	(1732166)
Item 39	April 20, 2021	(1708524)
Item 40	May 19, 2021	(1743366)
Item 41	June 17, 2021	(1748703)
Item 42	July 08, 2021	(1711363)
Item 43	July 15, 2021	(1753887)
Item 44	August 19, 2021	(1759263)
Item 45	August 25, 2021	(1738763)
Item 46	September 20, 2021	(1768646)
Item 47	October 15, 2021	(1779393)
Item 48	November 19, 2021	(1785820)
Item 49	December 20, 2021	(1792869)
Item 50	January 21, 2022	(1800704)
Item 51	February 11, 2022	(1808534)
Item 52	March 18, 2022	(1815584)
Item 53	March 28, 2022	(1797451)
Item 54	April 19, 2022	(1822145)
Item 55	May 18, 2022	(1831047)
Item 56	June 20, 2022	(1837294)
Item 57	July 20, 2022	(1844482)
Item 58	August 19, 2022	(1850691)
Item 59	September 20, 2022	(1858421)
Item 60	October 21, 2022	(1864764)

**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: 05/16/2022 (1797023)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 2A PERMIT  
 Special Term and Condition 1A OP  
 Special Term and Condition 9 OP  
 Description: Failure to maintain minimum net heating value for Flare FL-1 (EPN: FL-1).  
 (Category C4)

**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

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## *Addendum to Compliance History Federal Enforcement Actions*

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**Reg Entity Name:** TARGA GALENA PARK MARINE TERMINA

**Reg Entity Add:** 12510 AMERICAN PETROLEUM RD

**Reg Entity City:** GALENA PARK

**Reg Entity No:** RN100214212

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**EPA Case No:** 06-2021-0921

**Order Issue Date (yyyymmdd):** 20210630

**Case Result:**

**Statute:** RCRA      **Sect of Statute:** 3002

**Classification:** Minor

**Program:** Gen Hazardous Waste M      **Citation:**

**Violation Type:**

**Cite Sect:**

**Cite Part:**

**Enforcement Action:** Administrative Penalty Order With or Without Inj

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
TARGA DOWNSTREAM LLC  
RN100214212

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2022-0626-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 Targa Downstream 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 petroleum hydrocarbon storage and loading terminal located at 12510 American Petroleum Road in Galena Park, Harris County, Texas (the "Site"). The Site consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$17,550 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$7,020 of the penalty and \$3,510 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$7,020 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms

and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Site:
  - a. On December 29, 2020, provided the notification for the replacement of the Dock 5 Loading Arm; and
  - b. On November 17, 2021, obtained Permit by Rule Registration No. 166727 that authorized the surface coating and abrasive blasting operations and the associated emissions.

## II. ALLEGATIONS

During a record review for the Site conducted from March 4, 2022 through May 13, 2022, an investigator documented that the Respondent:

1. Failed to obtain authorization prior to constructing or modifying a source of air contaminants, in violation of 30 TEX. ADMIN. CODE §§ 116.110(a) and 122.143(4), Federal Operating Permit ("FOP") No. O614, General Terms and Conditions ("GTC"), and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b). Specifically, surface coating and abrasive blasting operations were conducted at the Site prior to obtaining the proper authorization.
2. Failed to provide notification for the replacement facility to the Executive Director within ten days following installation of the replacement facility, in violation of 30 TEX. ADMIN. CODE §§ 106.264(7) and 122.143(4), FOP No. O614, GTC and Special Terms and Conditions No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent replaced the Dock 5 Loading Arm on July 3, 2020 and the notification for the replacement facility was due by July 13, 2020, but was not submitted until December 29, 2020.

### 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: Targa Downstream LLC, Docket No. 2022-0626-AIR-E" to:

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

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$7,020 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. 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 Site 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.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the

terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

-----  
For the Commission  
  
-----  
Date  
5/26/2023  
-----  
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.

  
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Signature  
3-30-23  
-----  
Date  
Bill Grantham  
-----  
Name (Printed or typed)  
Vice President Operations  
-----  
Title  
Authorized Representative of  
Targa Downstream LLC

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

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

**Attachment A**  
**Docket Number: 2022-0626-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Targa Downstream LLC</b>
<b>Payable Penalty Amount:</b>	<b>\$14,040</b>
<b>SEP Offset Amount:</b>	<b>\$7,020</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Administrator SEP</b>
<b>Third-Party Administrator:</b>	<b>Texas Natural Gas Foundation</b>
<b>Project Name:</b>	<b><i>High Emission Vehicle Replacement Project</i></b>
<b>Location of SEP:</b>	<b>TCEQ Air Quality Control Region 216 – Houston-Galveston - Preference for Harris County</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above, **Texas Natural Gas Foundation**, for the *High Emission Vehicle Replacement Project* (the “Project”). The contribution will be used in accordance with the Supplemental Environmental Project between the Third-Party Administrator and the TCEQ, which details the terms and conditions of the Project.

Specifically, the SEP Offset Amount will be used to reimburse an eligible public entity for the total purchase price or five-year lease price of a standard base model alternative-fueled vehicle that will replace an eligible older, diesel-fueled vehicle that the public entity has decommissioned and removed from its fleet. Public entities eligible to receive assistance include state agencies, counties, municipalities, school districts, or other political subdivisions created under the constitution or any statute of this state.

Old, diesel-fueled vehicles emit large amounts of nitrogen oxides (“NOx”) and particulate matter (“PM”), as well as other harmful pollutants such as volatile organic compounds (“VOCs”) and carbon monoxide (“CO”). These pollutants contribute to serious public health problems. This Project shall reduce NOx, PM, VOCs, and CO emissions by replacing high-emission, diesel-fueled vehicles with low-emission, alternative-fueled vehicles. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely to settle this enforcement action. The Respondent shall not profit from this SEP.

b. Environmental Benefit

This Project will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, replacing a model year 2002 heavy-duty diesel dump truck with a model year 2010 or newer dump truck powered by natural gas or propane may reduce passengers' exposure to NOx by 95% and PM by 99.9%. Moreover, replacing a model year 1989 diesel school bus with a model year 2010 or newer school bus powered by natural gas or propane may reduce passengers' exposure to NOx by 98%, VOCs by 83%; and PM by 99%.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Natural Gas Foundation SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Natural Gas Foundation  
Attention: Heather Ball, Executive Director  
2315 Newfield Lane  
Austin, Texas 78703

**3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached

Targa Downstream LLC  
Docket No. 2022-0626-AIR-E  
Agreed Order - Attachment A

Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

**6. Recognition**

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.