

**Executive Summary – Enforcement Matter – Case No. 62524**  
**Intercontinental Terminals Company LLC**  
**RN100210806**  
**Docket No. 2022-0766-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 Deer Park Terminal, 1943 Independence Parkway South, La Porte, Harris County

**Type of Operation:**

Chemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket Nos. 2023-0175-AIR-E and 2023-1688-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 24, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$18,150

**Amount Deferred for Expedited Settlement:** \$3,630

**Total Paid to General Revenue:** \$14,520

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

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** December 6, 2021 through December 21, 2021 and February 2, 2022 through May 2, 2023

**Date(s) of NOE(s):** June 9, 2022 and May 23, 2023

**Executive Summary – Enforcement Matter – Case No. 62524**  
**Intercontinental Terminals Company LLC**  
**RN100210806**  
**Docket No. 2022-0766-AIR-E**

***Violation Information***

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 172.0 pounds ("lbs") of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 370365) that occurred on November 19, 2021 and lasted 22 minutes. The emissions event occurred when after completion of semiannual testing of the safety relief valves, the sensing line valve was inadvertently left in the closed position, resulting in the opening of the Tank 31-1 Safety Relief Valve and in the release to the atmosphere [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 1078, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1061, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 36.0 lbs of benzene as fugitive emissions, during an emissions event (Incident No. 373963) that occurred on February 5, 2022 and lasted three hours and 45 minutes. The emissions event occurred due to corrosion on a one-inch valve nipple attached to the product transfer piping known as Shell Benzene Pipeline within the facility, resulting in the release to the atmosphere [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 1078, SC No. 1, FOP No. O1061, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent updated procedures and existing pressure safety valve isolation verification log to require written verification that the sense line valve is open before returning the system to normal operation following testing and conducted training to employees and the third-party contractor that conduct the pressure safety valve semiannual testing on the updated procedures in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 370365 by November 10, 2022.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days, implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 373963; and
- b. Within 45 days, submit written certification to demonstrate compliance with a.

**Executive Summary – Enforcement Matter – Case No. 62524**  
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**Docket No. 2022-0766-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Yuliya Dunaway, Enforcement Division, Enforcement Team 4, MC R-13, (210) 403-4077; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Carl Holley, Vice President, Intercontinental Terminals Company LLC, P.O. Box 698, Deer Park, Texas 77536

**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>	14-Jun-2022		
	<b>PCW</b>	6-Feb-2024	<b>Screening</b>	21-Jun-2022
			<b>EPA Due</b>	

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Intercontinental Terminals Company LLC			
<b>Reg. Ent. Ref. No.</b>	RN100210806			
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	62524		<b>No. of Violations</b>	2	
<b>Docket No.</b>	2022-0766-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 4	
<b>Admin. Penalty \$</b>	<b>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>	\$15,000
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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.

<b>Compliance History</b>	26.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$3,900
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Notes

Enhancement for one NOV with same/similar violations, two NOVs with dissimilar violations, and one order containing a denial of liability.  
Reduction for one notice of intent to conduct an audit and one disclosure of violations.

<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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Notes

The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$750
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$1,732
Estimated Cost of Compliance	\$20,000

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$18,150
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<b>Final Penalty Amount</b>	\$18,150
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$18,150
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<b>DEFERRAL</b>	20.0%	<b>Reduction</b>	<b>Adjustment</b>	-\$3,630
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$14,520
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Screening Date

21-Jun-2022

Docket No.

2022-0766-AIR-E

PCW

Respondent

Intercontinental Terminals Company LLC

Case ID No.

62524

Reg. Ent. Reference No.

RN100210806

Media

Air

Enf. Coordinator

Yuliya Dunaway

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	1	5%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	1	-2%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)26%

>> Repeat Violator (Subtotal 3)

NoAdjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory PerformerAdjustment Percentage (Subtotal 7)0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations, two NOVs with dissimilar violations, and one order containing a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)26%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%26%

Screening Date		21-Jun-2022		Docket No.		2022-0766-AIR-E		PCW	
Respondent		Intercontinental Terminals Company LLC						Policy Revision 5 (January 28, 2021)	
Case ID No.		62524						PCW Revision February 11, 2021	
Reg. Ent. Reference No.		RN100210806							
Media		Air							
Enf. Coordinator		Yuliya Dunaway							
Violation Number		1							
Rule Cite(s)		30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 1078, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1061, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 15, and Tex. Health & Safety Code § 382.085(b)							
Violation Description		Failed to prevent unauthorized emissions. Specifically, the Respondent released 172.0 pounds ("lbs") of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 370365) that occurred on November 19, 2021 and lasted 22 minutes. The emissions event occurred when after completion of semiannual testing of the safety relief valves, the sensing line valve was inadvertently left in the closed position, resulting in the opening of the Tank 31-1 Safety Relief Valve and a release to the atmosphere.							
						Base Penalty		\$25,000	
>> Environmental, Property and Human Health Matrix									
OR		Release		Major		Moderate		Minor	
		Actual						x	
		Potential							
						Percent		30.0%	
>> Programmatic Matrix									
		Falsification		Major		Moderate		Minor	
						Percent		0.0%	
Matrix Notes		Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.							
						Adjustment		\$17,500	
								\$7,500	
Violation Events									
		Number of Violation Events		1		Number of violation days		1	
		daily							
		weekly							
		monthly		x					
		quarterly							
		semiannual							
		annual							
		single event							
						Violation Base Penalty		\$7,500	
						One monthly event is recommended.			
Good Faith Efforts to Comply		10.0%				Reduction		\$750	
		Before NOE/NOV		NOE/NOV to EDPRP/Settlement Offer					
		Extraordinary							
		Ordinary				x			
		N/A							
Notes		The Respondent completed the corrective measures by November 10, 2022, after the Notice of Enforcement dated June 9, 2022.							
						Violation Subtotal		\$6,750	
Economic Benefit (EB) for this violation									
						Statutory Limit Test			
Estimated EB Amount				\$488		Violation Final Penalty Total		\$8,700	
						This violation Final Assessed Penalty (adjusted for limits)		\$8,700	

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Intercontinental Terminals Company LLC 62524 RN100210806 Air 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	19-Nov-2021	10-Nov-2022	0.98	\$488	n/a	\$488
Notes for DELAYED costs	Estimated cost to update procedures and existing pressure safety valve isolation verification log to require written verification that the sense line valve is open before returning the system to normal operation following testing and conduct training to employees and the third-party contractor that conduct the pressure safety valve semiannual testing on the updated procedures in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 370365. The Date Required is the date the emissions event occurred 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	\$10,000	TOTAL	\$488
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<b>Screening Date</b>	21-Jun-2022	<b>Docket No.</b>	2022-0766-AIR-E	<b>PCW</b>																	
<b>Respondent</b>	Intercontinental Terminals Company LLC			<i>Policy Revision 5 (January 28, 2021)</i>																	
<b>Case ID No.</b>	62524	<i>PCW Revision February 11, 2021</i>																			
<b>Reg. Ent. Reference No.</b>	RN100210806																				
<b>Media</b>	Air																				
<b>Enf. Coordinator</b>	Yuliya Dunaway																				
<b>Violation Number</b>	2																				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 1078, SC No. 1, FOP No. O1061, GTC and STC No. 15, and Tex. Health & Safety Code § 382.085(b)																				
<b>Violation Description</b>	Failed to prevent unauthorized emissions. Specifically, the Respondent released 36.0 lbs of benzene as fugitive emissions, during an emissions event (Incident No. 373963) that occurred on February 5, 2022 and lasted three hours and 45 minutes. The emissions event occurred due to corrosion on a one-inch valve nipple attached to the product transfer piping known as Shell Benzene Pipeline within the facility, resulting in the release to the atmosphere.																				
<b>Base Penalty</b>				\$25,000																	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																					
<b>OR</b>	<table border="1"> <tr> <td></td> <td colspan="3"><b>Harm</b></td> </tr> <tr> <td><b>Release</b></td> <td>Major</td> <td>Moderate</td> <td>Minor</td> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td>x</td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> </tr> </table>				<b>Harm</b>			<b>Release</b>	Major	Moderate	Minor	Actual			x	Potential				<b>Percent</b>	30.0%
		<b>Harm</b>																			
	<b>Release</b>	Major	Moderate	Minor																	
Actual			x																		
Potential																					
<b>&gt;&gt; Programmatic Matrix</b>																					
<b>Matrix Notes</b>	<table border="1"> <tr> <td></td> <td>Major</td> <td>Moderate</td> <td>Minor</td> </tr> <tr> <td>Falsification</td> <td></td> <td></td> <td></td> </tr> </table>				Major	Moderate	Minor	Falsification				<b>Percent</b>	0.0%								
		Major	Moderate	Minor																	
	Falsification																				
Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.																					
<b>Adjustment</b>				\$17,500																	
				\$7,500																	
<b>Violation Events</b>																					
Number of Violation Events		1	1	Number of violation days																	
		<table border="1"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td>x</td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly	x	quarterly		semiannual		annual		single event		<b>Violation Base Penalty</b>			\$7,500	
daily																					
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monthly	x																				
quarterly																					
semiannual																					
annual																					
single event																					
One monthly event is recommended.																					
<b>Good Faith Efforts to Comply</b>		0.0%		<b>Reduction</b>	\$0																
		<table border="1"> <tr> <td></td> <td>Before NOE/NOV</td> <td>NOE/NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td></td> <td></td> </tr> <tr> <td>N/A</td> <td>x</td> <td></td> </tr> </table>					Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary			N/A	x					
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer																			
Extraordinary																					
Ordinary																					
N/A	x																				
<b>Notes</b>		The Respondent does not meet the good faith criteria for this violation.																			
<b>Violation Subtotal</b>				\$7,500																	
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>																		
<b>Estimated EB Amount</b>		\$1,244	<b>Violation Final Penalty Total</b>		\$9,450																
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$9,450																	



Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Intercontinental Terminals Company LLC 62524 RN100210806 Air 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)	\$10,000	5-Feb-2022	1-Aug-2024	2.49	\$1,244	n/a	\$1,244
Notes for DELAYED costs	Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 373963. The Date Required is the date the emissions event occurred and the Final Date is the estimated date of compliance.						

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

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

Approx. Cost of Compliance	\$10,000	TOTAL	\$1,244
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# Compliance History Report

Compliance History Report for CN601470222, RN100210806, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

<b>Customer, Respondent, or Owner/Operator:</b>	CN601470222, Intercontinental Terminals Company LLC	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	0.54
<b>Regulated Entity:</b>	RN100210806, INTERCONTINENTAL TERMINALS DEER PARK TERMINAL	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	0.77
<b>Complexity Points:</b>	32	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	14 - Other				
<b>Location:</b>	1943 INDEPENDENCE PKWY S, LA PORTE, HARRIS COUNTY, TX				
<b>TCEQ Region:</b>	REGION 12 - HOUSTON				
<b>ID Number(s):</b>					
<b>AIR OPERATING PERMITS</b>	ACCOUNT NUMBER HG0403N	<b>AIR OPERATING PERMITS</b>	PERMIT 1061		
<b>PUBLIC WATER SYSTEM/SUPPLY</b>	REGISTRATION 1011622	<b>AIR NEW SOURCE PERMITS</b>	ACCOUNT NUMBER HG0403N		
<b>AIR NEW SOURCE PERMITS</b>	REGISTRATION 76266	<b>AIR NEW SOURCE PERMITS</b>	AFS NUM 4820100153		
<b>AIR NEW SOURCE PERMITS</b>	PERMIT 1078	<b>AIR NEW SOURCE PERMITS</b>	REGISTRATION 91627		
<b>AIR NEW SOURCE PERMITS</b>	REGISTRATION 95093	<b>AIR NEW SOURCE PERMITS</b>	REGISTRATION 116651		
<b>AIR NEW SOURCE PERMITS</b>	REGISTRATION 168196	<b>AIR NEW SOURCE PERMITS</b>	REGISTRATION 169562		
<b>AIR NEW SOURCE PERMITS</b>	REGISTRATION 165710	<b>AIR NEW SOURCE PERMITS</b>	REGISTRATION 169162		
<b>AIR NEW SOURCE PERMITS</b>	REGISTRATION 147713	<b>IHW CORRECTIVE ACTION</b>	SOLID WASTE REGISTRATION # (SWR) 30966		
<b>STORMWATER</b>	PERMIT TXR05EX41	<b>WASTEWATER</b>	PERMIT WQ0001984000		
<b>WASTEWATER</b>	EPA ID TX0068349	<b>PETROLEUM STORAGE TANK NON REGISTERED</b>	ID NUMBER LGL100210806		
<b>AIR EMISSIONS INVENTORY</b>	ACCOUNT NUMBER HG0403N	<b>POLLUTION PREVENTION PLANNING</b>	ID NUMBER P00342		
<b>INDUSTRIAL AND HAZARDOUS WASTE</b>	EPA ID TXD073912974	<b>INDUSTRIAL AND HAZARDOUS WASTE</b>	SOLID WASTE REGISTRATION # (SWR) 30966		
<b>Compliance History Period:</b>	September 01, 2018 to August 31, 2023	<b>Rating Year:</b>	2023	<b>Rating Date:</b>	09/01/2023
<b>Date Compliance History Report Prepared:</b>	February 06, 2024				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	February 06, 2019 to February 06, 2024				
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>					
<b>Name:</b>	Yuliya Dunaway	<b>Phone:</b>	(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:**

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	February 20, 2019	(1562177)
Item 2	March 22, 2019	(1562178)
Item 3	April 19, 2019	(1572646)
Item 4	August 22, 2019	(1591051)
Item 5	October 18, 2019	(1614061)
Item 6	November 19, 2019	(1619872)
Item 7	December 20, 2019	(1627233)
Item 8	January 20, 2020	(1634869)
Item 9	February 18, 2020	(1641484)
Item 10	March 19, 2020	(1647994)
Item 11	April 20, 2020	(1654345)
Item 12	May 20, 2020	(1660910)
Item 13	June 19, 2020	(1667443)
Item 14	July 20, 2020	(1674392)
Item 15	August 14, 2020	(1681167)
Item 16	September 17, 2020	(1687736)
Item 17	October 20, 2020	(1694082)
Item 18	November 06, 2020	(1677829)
Item 19	November 20, 2020	(1714903)
Item 20	December 19, 2020	(1714904)
Item 21	February 20, 2021	(1727968)
Item 22	March 18, 2021	(1727969)
Item 23	May 20, 2021	(1741278)
Item 24	June 19, 2021	(1748015)
Item 25	June 30, 2021	(1735913)
Item 26	August 09, 2021	(1690649)
Item 27	August 18, 2021	(1757941)
Item 28	September 07, 2021	(1755176)
Item 29	September 18, 2021	(1767174)
Item 30	October 20, 2021	(1777644)
Item 31	November 19, 2021	(1784443)
Item 32	December 20, 2021	(1791473)
Item 33	January 18, 2022	(1799315)
Item 34	May 02, 2022	(1789383)
Item 35	May 28, 2022	(1829604)
Item 36	June 20, 2022	(1835901)
Item 37	August 19, 2022	(1849270)
Item 38	September 20, 2022	(1857032)
Item 39	October 20, 2022	(1863389)
Item 40	November 19, 2022	(1870301)
Item 41	December 20, 2022	(1876150)
Item 42	January 20, 2023	(1882970)
Item 43	February 17, 2023	(1805808)
Item 44	February 20, 2023	(1890780)
Item 45	March 19, 2023	(1899349)
Item 46	April 03, 2023	(1894318)
Item 47	April 20, 2023	(1906153)
Item 48	April 21, 2023	(1888693)
Item 49	May 19, 2023	(1913309)
Item 50	June 20, 2023	(1919917)
Item 51	July 20, 2023	(1926885)
Item 52	August 17, 2023	(1933841)
Item 53	September 20, 2023	(1939985)
Item 54	December 14, 2023	(1924883)

**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: 03/02/2023 (1841209)	
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) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii) 5C THSC Chapter 382 382.085(b) Special Condition 13A PERMIT Special Term and Condition 15 OP Special Term and Condition 1A OP	
Description:	Failure to maintain the net heating value for the 80s Flare (EPN: FL-80s) (Category C4).	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter B 115.112(e)(2)(I) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(i) 5C THSC Chapter 382 382.085(b) Special Term and Condition 1A OP	
Description:	Failure to prevent tank roof landings for Tank 160-4 (EPN: ST 160-4) (Category B18(g)(1)).	
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) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii) 5C THSC Chapter 382 382.085(b) Special Condition 13A PERMIT Special Term and Condition 15 OP Special Term and Condition 1A OP	
Description:	Failure to maintain the net heating value for the Tank 105-1 Flare (EPN: FL-105-1) (Category C4).	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter B 115.112(e)(2)(I) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(i) 5C THSC Chapter 382 382.085(b) Special Term and Condition 1A OP	
Description:	Failure to prevent tank roof landing for Tank 30-5 (EPN: ST 30-5) (Category B18(g)(1)).	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter B 115.112(e)(2)(I) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(i) 5C THSC Chapter 382 382.085(b) Special Term and Condition 1A OP	
Description:	Failure to prevent tank roof landings for Tank 35-15 (EPN: ST 35-15) (Category B18(g)(1)).	
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) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii) 5C THSC Chapter 382 382.085(b) Special Condition 13A PERMIT Special Term and Condition 15 OP Special Term and Condition 1A OP	
Description:	Failure to maintain the net heating value for the Tank 105-2 Flare (EPN: FL-105-2) (Category C4).	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(4) 5C THSC Chapter 382 382.085(b) Special Condition 6B PERMIT Special Term and Condition 15 OP Special Term and Condition 1A OP	
Description:	Failure to conduct tank inspection within the required timeframe for Tank 35-4 (EPN: ST 35-4) (Category B1).	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4)	

	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 8E PERMIT Special Term and Condition 15 OP Special Term and Condition 1A OP		
	Description: Failure to prevent an open-ended line for Fugitive Emissions (EPN: FUG 12s TKFM) (Category C10).		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 115, SubChapter B 115.112(e)(2)(I) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(i) 5C THSC Chapter 382 382.085(b) Special Term and Condition 1A OP		
	Description: Failure to maintain the tank roof on the liquid surface of Tank 35-13 (EPN: ST 35-13) (Category B18(g)(1)).		
2	Date: 09/30/2023 (1946827) Self Report? YES Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter	Classification: Moderate	
3	Date: 10/31/2023 (1952515) Self Report? YES Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter	Classification: Moderate	

#### F. Environmental audits:

Notice of Intent Date: 12/05/2019 (1612807)  
Disclosure Date: 10/06/2020  
Viol. Moderate  
Classification:  
Citation: 30 TAC Chapter 106, SubChapter K 106.263(d)  
30 TAC Chapter 106, SubChapter K 106.263(d)(1)  
30 TAC Chapter 106, SubChapter K 106.263(d)(2)  
30 TAC Chapter 106, SubChapter K 106.263(d)(3)  
Description: Failed to demonstrate compliance with 30 TAC § 106.263(d) for piping and hose depressurization and filling activities.  
Viol. Moderate  
Classification:  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: PERMIT Special Conditions No. 1  
Description: Failed to comply with the maximum allowable emissions rate (MAER). Specifically, emissions from the review period exceeded the Permit 1078 MAER for EPN:HOSEARNND.  
Viol. Minor  
Classification:  
Citation: 30 TAC Chapter 101, SubChapter A 101.10(a)  
Description: Failed to include emissions from piping and hose depressurization and filling activities in annual emissions inventories.

#### 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

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:** INTERCONTINENTAL TERMINALS CO.

**Reg Entity Add:** 1943 INDEPENDENCE PKWY S

**Reg Entity City:** DEER PARK

**Reg Entity No:** RN100210806

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**EPA Case No:** 06-2023-1710

**Order Issue Date (yyyymmdd):** 20230120

**Case Result:**

**Statute:** CWA

**Sect of Statute:** 301/402

**Classification:** Minor

**Program:** NPDES - Base Program

**Citation:**

**Violation Type:**

**Cite Sect:**

**Cite Part:**

**Enforcement Action:** Administrative Compliance Orders

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
INTERCONTINENTAL TERMINALS  
COMPANY LLC  
RN100210806

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2022-0766-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 chemical manufacturing plant located at 1943 Independence Parkway South in La Porte, 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 \$18,150 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$14,520 of the penalty and \$3,630 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 the Respondent updated procedures and existing pressure safety valve isolation verification log to require written verification that the sense line valve is open before returning the system to normal operation following testing and conducted training to employees and the third-party contractor that conduct the pressure safety valve semiannual testing on the updated procedures in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 370365 by November 10, 2022.

## II. ALLEGATIONS

1. During a record review conducted for the Plant from December 6, 2021 through December 21, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 1078, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1061, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 172.0 pounds ("lbs") of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 370365) that occurred on November 19, 2021 and lasted 22 minutes. The emissions event occurred when after completion of semiannual testing of the safety relief valves, the sensing line valve was inadvertently left in the closed position, resulting in the opening of the Tank 31-1 Safety Relief Valve and in the release to the atmosphere.
2. During a record review conducted for the Plant from February 2, 2022 through May 2, 2023, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 1078, SC No. 1, FOP No. O1061, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 36.0 lbs of benzene as fugitive emissions, during an emissions event (Incident No. 373963) that occurred on February 5, 2022 and lasted three hours and 45 minutes. The emissions event occurred due to corrosion on a one-inch valve nipple attached to the product transfer piping known as Shell Benzene Pipeline within the facility, resulting in the release to the atmosphere.

### 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. 2022-0766-AIR-E" to:

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

2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order, implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 373963.
  - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Street, Suite H  
Houston, Texas 77023-1452

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

9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

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Date

  
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For the Executive Director

6/11/2024

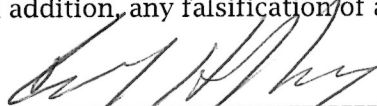
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Date

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.

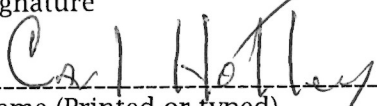
I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- 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

20240424  
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Date

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

  
-----  
Title

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

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