

Executive Summary – Enforcement Matter – Case No. 62925
Vopak Terminal Deer Park Inc.
RN100225093
Docket No. 2022-1166-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Vopak Terminal Deer Park, 2759 Independence Parkway, Deer Park, Harris County

Type of Operation:

Storage terminal

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2024-1458-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 31, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$34,500

Amount Deferred for Expedited Settlement: \$6,900

Total Paid to General Revenue: \$27,600

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: April 22, 2022 through August 29, 2022

Date(s) of NOE(s): August 30, 2022

Executive Summary – Enforcement Matter – Case No. 62925
Vopak Terminal Deer Park Inc.
RN100225093
Docket No. 2022-1166-AIR-E

Violation Information

1. Failed to maintain chemicals in storage tanks at a temperature less than or equal to the control temperature. Specifically, styrene stored in Emissions Point Number (“EPN”) 792 exceeded the control temperature limit of 67°F by a range from 1° Fahrenheit (“F”) to 4.4°F for 72 hours from October 23, 2020 through October 25, 2020 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review (“NSR”) Permit No. 466A, Special Conditions (“SC”) No. 13, Federal Operating Permit (“FOP”) No. O1068, General Terms and Conditions (“GTC”) and Special Terms and Conditions (“STC”) No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to refill a tank as rapidly as possible within the specified limits. Specifically, the Respondent began refilling an idle tank (EPN 615) with a different product on June 9, 2020 at 8:20 p.m., but the landed tank roof was not refloated until February 12, 2021 at 10:00 p.m. [30 TEX. ADMIN. CODE §§ 101.20(2), 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 63.112b(a)(1)(i), NSR Permit No. 466A, SC No. 30, FOP No. O1068, GTC and STC No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to comply with the tank withdrawal rate. Specifically, the Respondent exceeded the tank withdrawal rate limit of 2,000 barrels per hour (“bbl/hr”) for pyrolysis gasoline by a range from 143 bbl/hr to 364 bbl/hr for a total of ten hours on March 19, 2021, March 21, 2021, March 22, 2021, and September 18, 2021 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 466A, SC No. 6, FOP No. O1068, GTC and STC No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. Repaired the chillers on the receiving pipeline in order to comply with the maximum control temperature of 67 degrees F for styrene by October 26, 2020;
- b. Refloated the tank roof for EPN 615 and created an alert for customer service when making orders if a tank roof is close to landing by February 12, 2021; and
- c. By initiating a multi-level departmental tool box session to reinforce internal management loading protocols and respective permit requirements in order to ensure compliance with the tank withdrawal rate limit for pyrolysis gasoline by September 18, 2021.

Technical Requirements:

N/A

**Executive Summary – Enforcement Matter – Case No. 62925
Vopak Terminal Deer Park Inc.
RN100225093
Docket No. 2022-1166-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

Respondent: Gustavo Nery, Site Director, Vopak Terminal Deer Park Inc., P.O. Box 897, Deer Park, Texas 77536

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	6-Sep-2022	Screening	15-Sep-2022	EPA Due	26-Feb-2023
	PCW	5-Dec-2024				

RESPONDENT/FACILITY INFORMATION	
Respondent	Vopak Terminal Deer Park Inc.
Reg. Ent. Ref. No.	RN100225093
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	62925	No. of Violations	3
Docket No.	2022-1166-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		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	\$30,000
---	-------------------	-----------------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	40.0%	Adjustment	Subtotals 2, 3, & 7	\$12,000
---------------------------	--------------	------------	--------------------------------	-----------------

Notes: Enhancement for one NOV with the same or similar violations and two agreed order containing a denial of liability. Reduction for one notice of intent to conduct an audit and two disclosures of violations.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
--------------------	----	-------------	-------------	-------------------	------------

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$7,500
--	-------------------	-----------------

Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
-------------------------	-------------	--------------	-------------------	------------

Total EB Amounts: \$1,092
 Estimated Cost of Compliance: \$30,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$34,500
-----------------------------	-----------------------	-----------------

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
---	-------------	------------	------------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$34,500
-----------------------------	-----------------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$34,500
-----------------------------------	-------------------------------	-----------------

DEFERRAL	20.0%	Reduction	Adjustment	-\$6,900
-----------------	--------------	-----------	-------------------	-----------------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$27,600
------------------------	-----------------

Screening Date 15-Sep-2022

Docket No. 2022-1166-AIR-E

PCW

Respondent Vopak Terminal Deer Park Inc.

Policy Revision 5 (January 28, 2021)

Case ID No. 62925

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100225093

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>)	1	5%
	Other written NOVs	0	0%
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>)	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>)	2	-4%
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) 40%

>> 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 the same or similar violations and two agreed order containing a denial of liability. Reduction for one notice of intent to conduct an audit and two disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 40%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 40%

Screening Date 15-Sep-2022 **Docket No.** 2022-1166-AIR-E **PCW**
Respondent Vopak Terminal Deer Park Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 62925 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100225093
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. 466A, Special Conditions ("SC") No. 13, Federal Operating Permit ("FOP") No. O1068, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 16, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain chemicals in storage tanks at a temperature less than or equal to the control temperature. Specifically, styrene stored in Emissions Point Number ("EPN") 792 exceeded the control temperature limit of 67 degrees Fahrenheit ("°F") by a range from 1°F to 4.4°F for 72 hours from October 23, 2020 through October 25, 2020.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	30.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 Number of violation days 3

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$1,875

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent achieved compliance by October 26, 2020, prior to the Notice of Enforcement ("NOE") dated August 30, 2022.

Violation Subtotal \$5,625

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

Estimated EB Amount \$4 **Violation Final Penalty Total** \$8,625

This violation Final Assessed Penalty (adjusted for limits) \$8,625

Economic Benefit Worksheet

Respondent Vopak Terminal Deer Park Inc.
Case ID No. 62925
Reg. Ent. Reference No. RN100225093
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	23-Oct-2020	26-Oct-2020	0.01	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to repair the chillers on the receiving pipeline in order to comply with the maximum control temperature of 67°F for styrene. 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

\$10,000

TOTAL

\$4

Screening Date 15-Sep-2022 **Docket No.** 2022-1166-AIR-E **PCW**
Respondent Vopak Terminal Deer Park Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 62925 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100225093
Media Air
Enf. Coordinator Yuliya Dunaway

Violation Number

Rule Cite(s)
 30 Tex. Admin. Code §§ 101.20(2), 116.115(c) and 122.143(4), 40 Code of Federal Regulations § 63.112b(a)(1)(i), NSR Permit No. 466A, SC No. 30, FOP No. O1068, GTC and STC No. 16, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to refill a tank as rapidly as possible within the specified limits. Specifically, the Respondent began refilling an idle tank (EPN 615) with a different product on June 9, 2020 at 8:20 p.m., but the landed tank roof was not refloated until February 12, 2021 at 10:00 p.m.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text" value="30.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes
 Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>

Notes
 The Respondent achieved compliance by February 12, 2021, prior to the NOE dated August 30, 2022.

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Vopak Terminal Deer Park Inc.
Case ID No. 62925
Reg. Ent. Reference No. RN100225093
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	11-Jun-2020	12-Feb-2021	0.67	\$337	n/a	\$337

Notes for DELAYED costs

Estimated cost to refloat the tank roof for EPN 615 and to create an alert for customer service when making orders if a tank roof is close to landing. The Date Required is 48 hours after the refilling of EPN 615 began 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

\$337

Screening Date 15-Sep-2022 **Docket No.** 2022-1166-AIR-E **PCW**
Respondent Vopak Terminal Deer Park Inc. *Policy Revision 5 (January 28, 2021)*
Case ID No. 62925 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100225093
Media Air
Enf. Coordinator Yuliya Dunaway

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 466A, SC No. 6, FOP No. O1068, GTC and STC No. 16, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to comply with the tank withdrawal rate. Specifically, the Respondent exceeded the tank withdrawal rate limit of 2,000 barrels per hour ("bbl/hr") for pyrolysis gasoline by a range from 143 bbl/hr to 364 bbl/hr for a total of ten hours on March 19, 2021, March 21, 2021, March 22, 2021, and September 18, 2021.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	30.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 2 4 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Two monthly events are recommended for the instances of noncompliance that occurred in March and September 2021.

Good Faith Efforts to Comply 25.0% Reduction \$3,750

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

Notes The Respondent achieved compliance by September 18, 2021, prior to the NOE dated August 30, 2022.

Violation Subtotal \$11,250

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

Estimated EB Amount \$751 **Violation Final Penalty Total** \$17,250

This violation Final Assessed Penalty (adjusted for limits) \$17,250

Economic Benefit Worksheet

Respondent Vopak Terminal Deer Park Inc.
Case ID No. 62925
Reg. Ent. Reference No. RN100225093
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

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-Mar-2020	18-Sep-2021	1.50	\$751	n/a	\$751

Notes for DELAYED costs

Estimated cost to initiate a multi-level departmental tool box session to reinforce internal management loading protocols and respective permit requirements in order in order to ensure compliance with the tank withdrawal rate limit for pyrolysis gasoline. 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

\$10,000

TOTAL

\$751



Compliance History Report

Compliance History Report for CN601178734, RN100225093, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator:	CN601178734, Vopak Terminal Deer Park Inc.	Classification: SATISFACTORY	Rating: 1.94
Regulated Entity:	RN100225093, VOPAK TERMINAL DEER PARK	Classification: SATISFACTORY	Rating: 1.78
Complexity Points:	30	Repeat Violator: NO	
CH Group:	11 - Waste Management (Excluding Landfills)		
Location:	2759 INDEPENDENCE PKWY, DEER PARK, HARRIS COUNTY, TX		
TCEQ Region:	REGION 12 - HOUSTON		

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0629I
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1010580
AIR NEW SOURCE PERMITS REGISTRATION 50085

AIR NEW SOURCE PERMITS PERMIT 466A
AIR NEW SOURCE PERMITS REGISTRATION 77743
AIR NEW SOURCE PERMITS REGISTRATION 166608
AIR NEW SOURCE PERMITS REGISTRATION 167215
AIR NEW SOURCE PERMITS REGISTRATION 168649
AIR NEW SOURCE PERMITS REGISTRATION 168492
AIR NEW SOURCE PERMITS REGISTRATION 158759

STORMWATER EPA ID TX0030937
STORMWATER EPA ID TX0084115

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0629I

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD000807982

TAX RELIEF ID NUMBER 17251
TAX RELIEF ID NUMBER 23700
TAX RELIEF ID NUMBER 20404
TAX RELIEF ID NUMBER 23274
TAX RELIEF ID NUMBER 23273
TAX RELIEF ID NUMBER 23698

AIR OPERATING PERMITS PERMIT 1068
AIR NEW SOURCE PERMITS REGISTRATION 40132

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0629I
AIR NEW SOURCE PERMITS AFS NUM 4820100248
AIR NEW SOURCE PERMITS REGISTRATION 141104
AIR NEW SOURCE PERMITS REGISTRATION 169055
AIR NEW SOURCE PERMITS REGISTRATION 169601
AIR NEW SOURCE PERMITS REGISTRATION 168494
AIR NEW SOURCE PERMITS REGISTRATION 149179

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 33579

STORMWATER PERMIT WQ0002383000
STORMWATER PERMIT TXR15800E

POLLUTION PREVENTION PLANNING ID NUMBER P00505

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 33579

TAX RELIEF ID NUMBER 23699
TAX RELIEF ID NUMBER 23705
TAX RELIEF ID NUMBER 16923
TAX RELIEF ID NUMBER 23276
TAX RELIEF ID NUMBER 23275

Compliance History Period: September 01, 2019 to August 31, 2024 **Rating Year:** 2024 **Rating Date:** 09/01/2024

Date Compliance History Report Prepared: December 05, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 05, 2019 to December 05, 2024

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: 07/07/2022 ADMINORDER 2021-0527-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O1068, GTC and STC No. 15 OP
NSR No. 466A, SC No. 1 PERMIT
Special Condition 1 PERMIT
Special Term and Condition 16 OP

Description: Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the PM MAER of 0.01 pound per hour for 24 hours from December 23, 2018 through December 24, 2018 and for 24 hours from May 30, 2019 through May 31, 2019 for Bioler No. 1, EPN B-1, resulting in 1.48 pounds of unauthorized PM emissions.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O1068, GTC and STC No. 15 OP
NSR No. 466A, SC No. 1 PERMIT
Special Condition 1 PERMIT
Special Term and Condition 16 OP

Description: Failed to comply with the MAER. Specifically, the Respondent exceeded the PM MAER of 0.01 lb/hr for 24 hours from December 23, 2018 through December 24, 2018, for 24 hours from May 30, 2019 through May 31, 2019, and for 24 hours from August 20, 2019 through August 21, 2019 for Boiler No. 2, EPN B-2, resulting in 6.19 pounds of unauthorized PM emissions.

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	December 06, 2019	(1626829)
Item 2	January 08, 2020	(1635144)
Item 3	February 07, 2020	(1641759)
Item 4	February 10, 2020	(1641086)
Item 5	March 03, 2020	(1648273)
Item 6	March 04, 2020	(1647603)
Item 7	April 04, 2020	(1653947)
Item 8	May 12, 2020	(1660526)
Item 9	June 05, 2020	(1667720)
Item 10	July 06, 2020	(1673988)
Item 11	August 07, 2020	(1680767)
Item 12	August 24, 2020	(1658689)
Item 13	August 25, 2020	(1632576)
Item 14	September 12, 2020	(1687336)
Item 15	October 06, 2020	(1693676)
Item 16	November 04, 2020	(1715724)
Item 17	November 05, 2020	(1713720)
Item 18	December 08, 2020	(1715725)
Item 19	December 10, 2020	(1713721)
Item 20	January 11, 2021	(1713722)
Item 21	February 05, 2021	(1726784)
Item 22	March 02, 2021	(1726785)
Item 23	March 03, 2021	(1728801)
Item 24	April 08, 2021	(1728802)

Item 25	April 09, 2021	(1726786)
Item 26	May 10, 2021	(1740699)
Item 27	July 08, 2021	(1723591)
Item 28	July 12, 2021	(1752125)
Item 29	July 14, 2021	(1752788)
Item 30	August 06, 2021	(1757577)
Item 31	September 10, 2021	(1766754)
Item 32	September 14, 2021	(1767467)
Item 33	October 11, 2021	(1777918)
Item 34	October 12, 2021	(1777253)
Item 35	November 04, 2021	(1784717)
Item 36	November 11, 2021	(1784045)
Item 37	December 13, 2021	(1791080)
Item 38	January 05, 2022	(1799586)
Item 39	February 16, 2022	(1807421)
Item 40	March 11, 2022	(1814472)
Item 41	April 08, 2022	(1821041)
Item 42	May 05, 2022	(1829880)
Item 43	June 06, 2022	(1836174)
Item 44	July 11, 2022	(1843374)
Item 45	August 04, 2022	(1805813)
Item 46	August 09, 2022	(1849539)
Item 47	September 09, 2022	(1857307)
Item 48	October 10, 2022	(1846025)
Item 49	October 12, 2022	(1863661)
Item 50	October 24, 2022	(1846057)
Item 51	November 10, 2022	(1870571)
Item 52	December 07, 2022	(1876425)
Item 53	December 16, 2022	(1853672)
Item 54	January 16, 2023	(1883239)
Item 55	February 10, 2023	(1891056)
Item 56	March 07, 2023	(1899623)
Item 57	April 13, 2023	(1906426)
Item 58	May 20, 2023	(1913581)
Item 59	June 12, 2023	(1920189)
Item 60	July 13, 2023	(1927157)
Item 61	August 16, 2023	(1934120)
Item 62	September 20, 2023	(1940259)
Item 63	October 20, 2023	(1947097)
Item 64	November 19, 2023	(1952785)
Item 65	December 20, 2023	(1962559)
Item 66	January 17, 2024	(1969146)
Item 67	February 13, 2024	(1978212)
Item 68	March 20, 2024	(1984785)
Item 69	April 12, 2024	(1991308)
Item 70	May 16, 2024	(1997764)
Item 71	May 25, 2024	(1987177)
Item 72	June 14, 2024	(2004726)
Item 73	July 15, 2024	(2012296)
Item 74	August 29, 2024	(2017864)
Item 75	September 17, 2024	(2024901)

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: 08/28/2024 (1976650)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, Special Term & Condition 16 OP

Description: NSR, Special Condition 46A PERMIT
 Failure to sample and analyze emissions of the carbon adsorption system (CAS) (Unit ID WFECAS-1). (Category B1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term & Condition 16 OP
 NSR, Special Condition 37H PERMIT

Description: Failure to maintain product storage temperature data for storage tanks (Unit IDs: T-784; T-787; T-791; T-792; T-793; T-920; T-922; T-908; T-909; T-927; T-913; T-914; T-915; T-916; T-917; T-919; and T-921). (Category B3)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term & Condition 16 OP
 NSR, Special Condition 14 PERMIT

Description: Failure to maintain permitted temperature for Isoprene tank (EPN: T-909). (Category B18(g)(1))

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term & Condition 16 OP
 NSR, Special Condition 15 PERMIT

Description: Failure to maintain the pH level of the scrubber (unit ID AAS-1). (Category B18(g)(1))

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term & Condition 16 OP
 NSR, Special Condition 15 PERMIT

Description: Failure to continuously operate unit (unit ID AAS-1). (Category B18(g)(1))

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term & Condition 16 OP
 NSR, Special Condition 50b PERMIT

Description: Failure to continuously operate unit (Unit ID: WWTS VCU). (Category B18(g)(1))

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
 5C THSC Chapter 382 382.085(b)
 NSR, Special Condition 38 PERMIT

Description: Failure to operate as represented on permit application (Unit IDs: T-784, T-787, T-791, T-792, T-793, T-920, and T-922). (Category B17)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term & Condition 16 OP
 NSR, Special Condition 11A PERMIT

Description: Failure to maintain a constant pilot flame (Unit IDs: FL-MARINE1 and FL-MARINE2). (Category B18(g)(1))

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term & Condition 16 OP
 NSR, Special Condition 15 PERMIT

Description: Failure to maintain Caustic Scrubber data (EPN: AAS-1). (Category C3)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term & Condition 16 OP
 NSR, Special Condition 50 PERMIT

Description: Failure to maintain the combustion chamber temperature (unit ID: WWTS VCU). (Category B18(g)(1))
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term & Condition 16 OP
 NSR, Special Condition 44C PERMIT

Description: Failure to maintain flare data (Unit ID: FL-MARINE1 and FL-MARINE2). (Category B3)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term and Condition 16 OP
 NSR, Special Condition 14 PERMIT

Description: Failure to comply with permitted temperature for Styrene tank (EPN: T-922). (Category B18(g)(1))
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term and Condition 16 OP
 NSR, Special Condition 14 PERMIT

Description: Failure to comply with permitted temperature for Styrene tank (EPN: T-791). (Category B18(g)(1))
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term and Condition 16 OP
 NSR, Special Condition 14 PERMIT

Description: Failure to comply with permitted temperature for Styrene tank (EPN: T-792). (Category B18(g)(1))

F. Environmental audits:

Notice of Intent Date: 11/11/2019 (1616519)

Disclosure Date: 10/21/2020

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)

Rqmt Prov: OP STC 16

Description: Failure to properly permit vessel loading emissions from EPNs SD-4, SD-5, and BD-7 and associated control devices FL-MARINE1 and FL-MARINE2 when the North Dock expanded.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(5)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(a)(1)

Rqmt Prov: OP STCs

Description: Failure to submit the required notifications related to 40 CFR 60 Subpart Kb related to floating internal roof tanks and the construction of new tanks with applicable controls.

Viol. Moderate

Classification:

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

Rqmt Prov: OP STCs

Description: Failure to submit required notifications related to 40 CFR 63 Subpart EEEE and floating internal roof tanks and the construction of new tanks.

Notice of Intent Date: 04/22/2022 (1817149)

Disclosure Date: 08/29/2022

Viol. Moderate

Classification:

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC 13

Description: Failed to prevent exceedances of Styrene Tank pressure relief set point on numerous occasions between 3/5/22 and 7/15/22.

Viol. Moderate

Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 13

Description: Failed to continuously operator a Flare at the Facility that was received a vent stream from tanks containing styrene on numerous occasions from 1/17/22 - 7/1/22.

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

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: DEER PARK TERMINAL

Reg Entity Add: 2759 INDEPENDENCE PARKWAY SOUTH

Reg Entity City: DEER PARK

Reg Entity No: RN100225093

EPA Case No: 06-2024-0921

Order Issue Date (yyyymmdd): 20231211

Case Result: Administrative Penalty Ord

Statute: RCRA

Sect of Statute: 3004

Classification: Minor

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

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
VOPAK TERMINAL DEER PARK INC.
RN100225093

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2022-1166-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 Vopak Terminal Deer Park 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 together stipulate that:

1. The Respondent owns and operates a storage terminal located at 2759 Independence Parkway in Deer 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 \$34,500 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$27,600 of the penalty and \$6,900 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 implemented the following corrective measures at the Site:
 - a. Repaired the chillers on the receiving pipeline in order to comply with the maximum control temperature of 67 degrees Fahrenheit ("F") for styrene by October 26, 2020.
 - b. Refloated the tank roof for Emissions Point Number ("EPN") 615 and created an alert for customer service when making orders if a tank roof is close to landing by February 12, 2021.
 - c. By initiating a multi-level departmental tool box session to reinforce internal management loading protocols and respective permit requirements in order to ensure compliance with the tank withdrawal rate limit for pyrolysis gasoline by September 18, 2021.

II. ALLEGATIONS

During a record review for the Site conducted from April 22, 2022 through August 29, 2022, an investigator documented that the Respondent:

1. Failed to maintain chemicals in storage tanks at a temperature less than or equal to the control temperature, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 466A, Special Conditions ("SC") No. 13, Federal Operating Permit ("FOP") No. O1068, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, styrene stored in EPN 792 exceeded the control temperature limit of 67°F by a range from 1°F to 4.4°F for 72 hours from October 23, 2020 through October 25, 2020.
2. Failed to refill a tank as rapidly as possible within the specified limits, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 63.112b(a)(1)(i), NSR Permit No. 466A, SC No. 30, FOP No. O1068, GTC and STC No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent began refilling an idle tank (EPN 615) with a different product on June 9, 2020 at 8:20 p.m., but the landed tank roof was not refloated until February 12, 2021 at 10:00 p.m.
3. Failed to comply with the tank withdrawal rate, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 466A, SC No. 6, FOP No. O1068, GTC and STC No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent

exceeded the tank withdrawal rate limit of 2,000 barrels per hour ("bbl/hr") for pyrolysis gasoline by a range from 143 bbl/hr to 364 bbl/hr for a total of ten hours on March 19, 2021, March 21, 2021, March 22, 2021, and September 18, 2021.

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: Vopak Terminal Deer Park Inc., Docket No. 2022-1166-AIR-E" to:

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

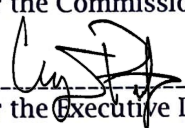
2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Site operations referenced in this Order.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used.

The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

Date
2/24/2025

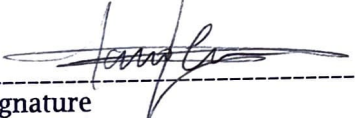
Date

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

01/07/2025

Date

Gustavo Nery

Name (Printed or typed)
Authorized Representative of
Vopak Terminal Deer Park Inc.

Site Director

Title

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