

**Executive Summary – Enforcement Matter – Case No. 63531
LaPorte Rail and Terminal, LLC
RN100225085
Docket No. 2023-0144-AIR-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

LaPorte Rail and Terminal, 12501 Strang Road, La Porte, Harris County

Type of Operation:

Chemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 20, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$17,500

Amount Deferred for Expedited Settlement: \$3,500

Total Paid to General Revenue: \$7,000

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$7,000

Name of SEP: Barbers Hill Independent School District (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Unsatisfactory

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: October 26, 2022 through November 29, 2022

Date(s) of NOE(s): January 12, 2023

Executive Summary – Enforcement Matter – Case No. 63531
LaPorte Rail and Terminal, LLC
RN100225085
Docket No. 2023-0144-AIR-E

Violation Information

1. Failed to include a signed certification of accuracy and completeness. Specifically, the signed certification of accuracy and completeness, Form OP-CRO1, was not included with the permit compliance certification ("PCC") for the September 18, 2021 through March 17, 2022 certification period [30 TEX. ADMIN. CODE §§ 122.143(4) and (15) and 122.165(a)(8), Federal Operating Permit ("FOP") No. O1907, General Terms and Conditions ("GTC"), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to certify compliance with the terms and conditions of the permit for at least each 12-month period following initial permit issuance and failed to submit a permit compliance certification ("PCC") within 30 days of any certification period. Specifically, the PCC for the March 18, 2021 through September 17, 2021 certification period was due by October 17, 2021, but was not submitted [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(1) and (2), FOP No. O1907, GTC and Special Terms and Conditions No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. On December 5, 2022, submitted the signed certification of accuracy and completeness, Form OP-CRO1, with the PCC for the September 18, 2021 through March 17, 2022 certification period; and
- b. On December 5, 2022, submitted the PCC for the March 18, 2021 through September 17, 2021 certification period.

Technical Requirements:

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

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Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Johnnie Wu, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2524; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

SEP Third-Party Administrator: Griffith, Moseley, Johnson & Associates, Inc., 2901 Turtle Creek Drive, Suite 445, Port Arthur, Texas 77642

Respondent: Alex Ator, Plant Manager, LaPorte Rail and Terminal, LLC, 12501 Strang Road, La Porte, Texas 77571

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	17-Jan-2023	Screening	18-Jan-2023	EPA Due	
	PCW	1-Apr-2025				

RESPONDENT/FACILITY INFORMATION	
Respondent	LaPorte Rail and Terminal, LLC
Reg. Ent. Ref. No.	RN100225085
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	63531	No. of Violations	2
Docket No.	2023-0144-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Johnnie Wu
		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	\$10,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	100.0%	Adjustment	Subtotals 2, 3, & 7	\$10,000
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Notes: Enhancement for two NOVs with dissimilar violations, one order containing a denial of liability, one final judgement without a denial of liability, one criminal conviction, and for unsatisfactory performer classification.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$2,500
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$22	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$17,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$17,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$17,500
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DEFERRAL	20.0%	Reduction	Adjustment	-\$3,500
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$14,000
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Screening Date 18-Jan-2023

Docket No. 2023-0144-AIR-E

PCW

Respondent LaPorte Rail and Terminal, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 63531

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100225085

Media Air

Enf. Coordinator Johnnie Wu

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	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>)	1	30%
	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>)	1	50%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 104%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unsatisfactory Performer

Adjustment Percentage (Subtotal 7) 10%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with dissimilar violations, one order containing a denial of liability, one final judgement without a denial of liability, one criminal conviction, and for unsatisfactory performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 114%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date	18-Jan-2023	Docket No.	2023-0144-AIR-E	PCW
Respondent	LaPorte Rail and Terminal, LLC		Policy Revision 5 (January 28, 2021)	
Case ID No.	63531		PCW Revision February 11, 2021	
Reg. Ent. Reference No.	RN100225085			
Media	Air			
Enf. Coordinator	Johnnie Wu			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and (15) and 122.165(a)(8), Federal Operating Permit ("FOP") No. O1907, General Terms and Conditions ("GTC"), and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to include a signed certification of accuracy and completeness. Specifically, the signed certification of accuracy and completeness, Form OP-CRO1, was not included with the permit compliance certification ("PCC") for the September 18, 2021 through March 17, 2022 certification period.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR	Harm				Percent
	Release	Major	Moderate	Minor	
	Actual				
	Potential				0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			
					20.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$20,000

\$5,000

Violation Events

Number of Violation Events 1 233 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$5,000

One single event is recommended.

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

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

Notes: The Respondent achieved compliance on December 5, 2022, prior to the Notice of Enforcement ("NOE") dated January 12, 2023.

Violation Subtotal \$3,750

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

Estimated EB Amount \$8 Violation Final Penalty Total \$8,750

This violation Final Assessed Penalty (adjusted for limits) \$8,750

Economic Benefit Worksheet

Respondent LaPorte Rail and Terminal, LLC
Case ID No. 63531
Reg. Ent. Reference No. RN100225085
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	16-Apr-2022	5-Dec-2022	0.64	\$8	n/a	\$8

Notes for DELAYED costs

Estimated cost to submit the signed certification of accuracy and completeness, Form OP-CRO1, with the PCC for the September 18, 2021 through March 17, 2022 certification period. The Date Required is the date the PCC was due and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$8

Screening Date 18-Jan-2023 **Docket No.** 2023-0144-AIR-E **PCW**
Respondent LaPorte Rail and Terminal, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 63531 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100225085
Media Air
Enf. Coordinator Johnnie Wu

Violation Number
Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.146(1) and (2), FOP No. O1907, GTC and Special Terms and Conditions No. 10, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to certify compliance with the terms and conditions of the permit for at least each 12-month period following initial permit issuance and failed to submit a permit compliance certification ("PCC") within 30 days of any certification period. Specifically, the PCC for the March 18, 2021 through September 17, 2021 certification period was due by October 17, 2021, but was not submitted.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="20.0%"/>

Matrix Notes: 100% of the rule requirements were not met.

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 checked="" type="text" value="x"/>

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply Reduction

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

Notes: The Respondent achieved compliance on December 5, 2022, prior to the NOE dated January 12, 2023.

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 LaPorte Rail and Terminal, LLC
Case ID No. 63531
Reg. Ent. Reference No. RN100225085
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	17-Oct-2021	5-Dec-2022	1.13	\$14	n/a	\$14

Notes for DELAYED costs

Estimated cost to submit the PCC for the March 18, 2021 through September 17, 2021 certification period.
 The Date Required is the date the PCC was due and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$14

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.62
30 TAC Chapter 335, SubChapter C 335.70
30 TAC Chapter 335, SubChapter R 335.504
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11
40 CFR Chapter 262, SubChapter I, PT 262, SubPT D 262.40(c)

Description: Failure to make hazardous waste determination for solid wastes generated from Process Tank

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.62
30 TAC Chapter 335, SubChapter C 335.70(a)
30 TAC Chapter 335, SubChapter C 335.70(c)
30 TAC Chapter 335, SubChapter R 335.504
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11
40 CFR Chapter 262, SubChapter I, PT 262, SubPT D 262.40(c)

Description: Failure to make and keep record of hazardous waste determination for solid wastes generated from the Plant A process unit

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.2(a)
30 TAC Chapter 335, SubChapter B 335.43(a)
40 CFR Chapter 270, SubChapter I, PT 270, SubPT A 270.1(c)

Description: Storage, Treatment or Disposal of Hazardous Waste in the Clean Water Ditch without a Hazardous Waste Permit

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)(1)
40 CFR Chapter 268, SubChapter I, PT 268, SubPT D 268.40

Rqmt Prov: II.A.7 PERMIT

Description: Disposal of F002 Listed Hazardous Waste into the Clean Water Ditch in violation of the Land Disposal Prohibition

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.2(a)
30 TAC Chapter 335, SubChapter B 335.43(a)
40 CFR Chapter 270, SubChapter I, PT 270, SubPT A 270.1(c)

Description: Storage, Treatment or Disposal of Hazardous Waste in the Emergency Retention Basin without a Hazardous Waste Permit

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter E 335.128(a)
30 TAC Chapter 335, SubChapter F 335.179(b)
30 TAC Chapter 37, SubChapter P 37.6021
40 CFR Chapter 264, SubChapter I, PT 264, SubPT F 264.101
40 CFR Chapter 264, SubChapter I, PT 264, SubPT G 264.143
40 CFR Chapter 265, SubChapter I, PT 265, SubPT H 265.143

Description: Failure to have Financial Assurance for corrective action and closure of solid waste and hazardous waste management units

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 106, SubChapter A 106.4(a)(6)
30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 113, SubChapter C 113.700
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.133(a)(2)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.133(b)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1362(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1362(d)
5C THSC Chapter 382 382.085(b)

Description: Failed to meet all process vent control requirements, in violation of 40 C.F.R. § 63.133(a)(2)(i) and (b)(2), 63.1362(b) and (d), 30 Tex. Admin. Code §§ 101.20(2), 106.4(a)(6), 113.120, 113.700, 116.115(c), and 122.143(4), and Texas Health and Safety Code Section 382.085(b).

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.100

Classification: Moderate

30 TAC Chapter 113, SubChapter C 113.120

30 TAC Chapter 113, SubChapter C 113.700
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.9(h)(2)(i)(C)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.9(h)(2)(i)(F)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.9(h)(2)(i)(G)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.138(a)(7)(i)(C)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.145(a)(7)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146(b)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146(b)(5)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146(b)(6)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1362(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1368(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1368(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1368(f)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1368(h)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit a complete and accurate Notification of Compliance Status ("NOCS) report, in violation of 40 C.F.R. §§ 63.138(a)(7)(i)(C), 63.1368(a), (d), (f), and (h), 63.1362(d), 63.9(h)(2)(i)(C), 63.9(h)(2)(i)(F) and (h)(2)(i)(G), 63.132(a)(1), 63.145.(a)(7), 63.146(b)(2), (b)(5), and (b)(6), and 30 Tex. Admin. Code §§ 113.100, 113.120, 113.700, 116.115(c), and 122.143(4), and Texas Health and Safety Code Section 382.085(b).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.700
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1362(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1362(b)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1365(c)
5C THSC Chapter 382 382.085(b)

Description: Failed to meet either the 6.8 Mg/yr (7.5 tons per year) emission limit or the 94% destruction efficiency requirement for the sum of all process vents within the Lannate process, in violation of 40 C.F.R. §§ 63.1362(b) and (b)(3) and 63.1365(c), 30 Tex. Admin. Code §§ 101.20(2), 113.700, 116.115(c), and 122.143(4), and Texas Health and Safety Code Section 382.085(b).

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 113, SubChapter C 113.700
30 TAC Chapter 115, SubChapter B 115.144(1)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.143(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.148(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1362(d)
5C THSC Chapter 382 382.085(b)

Description: Failed to comply with all inspection requirements for each wastewater tank, surface impoundment, container, individual drain system, and oil-water separator that receives, manages, or treats a Group 1 wastewater stream, a residual removed from a Group 1 wastewater stream, a recycled Group 1 wastewater stream, or a recycled residual removed from a Group 1 wastewater stream.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.4(a)(6)
30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 113, SubChapter C 113.700
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.138(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.145(f)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.145(h)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1362(d)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1433(a)
5C THSC Chapter 382 382.085(b)

Description: Failed to demonstrate compliance with biological treatment process requirements, in violation of 40 C.F.R. §§ 63.138(a), 63.145(f) and (h)(1), 63.1362(d), and 63.1433(a), and 30 Tex. Admin. Code §§ 106.4(a)(6), 113.120, 113.700, and 122.143(4), and Texas Health and Safety Code Section 382.085(b).

Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1362(b)(2)(ii)(A)

Description: Failed to reduce the emissions from the Lannate process unit by 98% or greater by weight, in violation of 40 C.F.R. § 63.1362(b)(2)(ii)(A). Specifically, a July 2003 stack test report by DuPont, both the Lannate and MIC Incinerators met a destruction efficiency of greater than 98%, which made the units subject to the 98% reduction requirement of 40 C.F.R. § 63.1362(b)(2)(ii)(A); however, the Respondent was operating with a minimum 90%-by-weight destruction efficiency at the time.

Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.133(f)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.133(h)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.143(a)

Description: Failed to demonstrate compliance with the inspection and repair requirements of the PAI MACT, in violation of 40 C.F.R. §§ 63.133(f) and (h), and 63.143(a). Specifically, the Respondent failed to document the inspection and repair of a hole in an Hexazinone-Herbicides Business Unit tank that was subject to the inspection and repair requirements for Group 1 wastewater streams, as observed by EPA during the inspection.

Classification: Moderate

Citation: 40 CFR Chapter 110, SubChapter D, PT 110 112.7(e)
40 CFR Chapter 112, SubChapter D, PT 112 112.7(a)(3)(ii)
40 CFR Chapter 112, SubChapter D, PT 112 112.7(a)(3)(iii)
40 CFR Chapter 112, SubChapter D, PT 112 112.7(a)(3)(iv)
40 CFR Chapter 112, SubChapter D, PT 112 112.7(a)(3)(v)
40 CFR Chapter 112, SubChapter D, PT 112 112.7(a)(3)(vi)
40 CFR Chapter 112, SubChapter D, PT 112 112.7(c)
40 CFR Chapter 112, SubChapter D, PT 112 112.7(f)(1)

Description: Failed to fully implement its Spill Prevention Control and Countermeasures ("SPCC") Plan for the Facility, in violation of 40 C.F.R. §§ 112.7(a)(3)(ii)-(vi), (c), (e), and (f)(1), Section 311(j)(1)(C) of the Clean Water Act, 33 United States Code § 1321(j)(1)(C), and Section I.D.2 of Defendant's SPCC Plan.

Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132(a)(1)

Description: Failed to comply with PAI MACT requirements for wastewater streams generated by the Lannate Process, and failed to provide data from the point of determination to demonstrate how its Group 1 wastewater determination conformed to the procedures for determining a Group 1 or Group 2 stream, in violation of 40 C.F.R. § 63.132(a)(1) and 40 C.F.R. Part 63, Subpart G, Table 9.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.4(a)(6)
30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 113, SubChapter C 113.700
30 TAC Chapter 113, SubChapter C 113.730
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.138(a)(7)(i)(D)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.145(a)(7)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.145(f)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.145(h)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1362(d)
5C THSC Chapter 382 382.085(b)

Description: Failed to conduct a performance test or design evaluation to determine compliance from the "inlet" to the "outlet" point across the TC stripper, associated condensers, vapor-liquid separator, and the biological treatment system processes, in violation of 40 C.F.R. §§ 63.138(a)(7)(i)(D) and 63.145(a)(7), (f), and (h) and 63.1362(d), and 30 Tex. Admin. Code §§ 106.4(a)(6), 113.120, 113.700, 113.730, 116.115(c), and 122.143(4), and Texas Health and Safety Code Section 382.085(b);

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.2(a)
30 TAC Chapter 335, SubChapter B 335.43(a)
40 CFR Chapter 270, SubChapter I, PT 270, SubPT A 270.1(c)

Description: Storage, Treatment or Disposal of Hazardous Waste in the Equalization Basin, North Aeration Basin and South Aeration Basin without a Hazardous Waste Permit

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)(1)
40 CFR Chapter 268, SubChapter I, PT 268, SubPT C 268.39

Rqmt Prov: II.A.7 PERMIT

Description: Disposal of K156 and K157 and F002 listed hazardous waste into the Equalization Basin, North Aeration Basin and South Aeration Basin in violation of the Land Disposal Prohibition

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.2(a)
30 TAC Chapter 335, SubChapter B 335.43(a)

40 CFR Chapter 270, SubChapter I, PT 270, SubPT A 270.1(c)

Description: Storage, Treatment or Disposal of Hazardous Wastes in the Alcoholysis Kettle Drip Tank without a Hazardous Waste Permit

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter E 335.111(a)
30 TAC Chapter 335, SubChapter E 335.112(a)(21)
30 TAC Chapter 335, SubChapter F 335.151(b)
30 TAC Chapter 335, SubChapter F 335.152(a)(19)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT CC 264.1080(a)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT CC 265.1080(a)

Description: Failure to Comply with 40 C.F.R. Parts 264 and 265, Subpart CC requirements for the Alcoholysis Kettle Drip Tank

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)(1)
40 CFR Chapter 268, SubChapter I, PT 268, SubPT C 268.39(a)

Rqmt Prov: II.A.7 PERMIT

Description: Disposal of K156 and K157 and F002 listed hazardous wastes into the Emergency Retention Basin in violation of the Land Disposal Prohibition

See addendum for information regarding federal actions.

B. Criminal convictions:

1 Conviction Date: 04/24/2023 Type of Action: COURTORDER
Classification: Major
Rqmt Prov:
Citation: 42 USC Chapter 85 Subchapter I 85.7413(c)(4)
Description: On April 24, 2023, DuPont plead guilty to one count of 42 U.S.C. 7413(c)(4), Criminal Negligent Endangerment under the Clean Air Act. DuPont was sentenced to pay \$12 in million fines, make an additional community service payment of \$4 million to the National Fish and Wildlife Foundation pursuant to USSG §8B1.3 and serve a term of probation for 2 years.

C. Chronic excessive emissions events:

N/A

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

Item 1	April 20, 2020	(1653549)
Item 2	May 20, 2020	(1660136)
Item 3	June 18, 2020	(1633144)
Item 4	June 19, 2020	(1666640)
Item 5	July 17, 2020	(1673597)
Item 6	August 20, 2020	(1680373)
Item 7	September 17, 2020	(1686941)
Item 8	October 20, 2020	(1693288)
Item 9	November 18, 2020	(1712554)
Item 10	January 19, 2021	(1712556)
Item 11	February 19, 2021	(1725609)
Item 12	March 18, 2021	(1725610)
Item 13	April 20, 2021	(1725611)
Item 14	May 07, 2021	(1705080)
Item 15	May 19, 2021	(1740108)
Item 16	June 11, 2021	(1723380)
Item 17	July 21, 2021	(1737444)
Item 18	July 26, 2021	(1722978)
Item 19	August 09, 2021	(1750164)
Item 20	August 17, 2021	(1757201)
Item 21	September 22, 2021	(1766281)
Item 22	November 22, 2021	(1783653)
Item 23	December 20, 2021	(1790679)
Item 24	January 20, 2022	(1798473)
Item 25	February 16, 2022	(1806347)
Item 26	March 18, 2022	(1813414)
Item 27	April 20, 2022	(1819985)
Item 28	May 20, 2022	(1813016)

J. Early compliance:
N/A

Sites Outside of Texas:
N/A

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: E I DUPONT DE NEMOURS - LA PORTE P

Reg Entity Add: 12501 STRANG RD

Reg Entity City: LA PORTE

Reg Entity No: RN100225085

EPA Case No: 06-2010-1100

Order Issue Date (yyyymmdd): 20200924

Case Result: Final Order With Penalty

Statute: CAA

Sect of Statute: 111

Classification: Minor

Program: National Emission Stand

Citation:

Violation Type: Record Keeping Violations

Cite Sect:

Cite Part:

Enforcement Action: Consent Decree or Court Order Resolving a Civil

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
LAPORTE RAIL AND TERMINAL, LLC
RN100225085

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2023-0144-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 LaPorte Rail and Terminal, 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 plant located at 12501 Strang Road 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 \$17,500 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$7,000 of the penalty and \$3,500 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$7,000 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. On December 5, 2022, submitted the signed certification of accuracy and completeness, Form OP-CRO1, with the PCC for the September 18, 2021 through March 17, 2022 certification period; and
 - b. On December 5, 2022, submitted the PCC for the March 18, 2021 through September 17, 2021 certification period.

II. ALLEGATIONS

During a record review for the Plant conducted from October 26, 2022 through November 29, 2022, an investigator documented that the Respondent:

1. Failed to include a signed certification of accuracy and completeness, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and (15) and 122.165(a)(8), Federal Operating Permit ("FOP") No. O1907, General Terms and Conditions ("GTC"), and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the signed certification of accuracy and completeness, Form OP-CRO1, was not included with the permit compliance certification ("PCC") for the September 18, 2021 through March 17, 2022 certification period.
2. Failed to certify compliance with the terms and conditions of the permit for at least each 12-month period following initial permit issuance and failed to submit a permit compliance certification ("PCC") within 30 days of any certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(1) and (2), FOP No. O1907, GTC and Special Terms and Conditions No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the PCC for the March 18, 2021 through September 17, 2021 certification period was due by October 17, 2021, but was not submitted.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: LaPorte Rail and Terminal, LLC, Docket No. 2023-0144-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$7,000 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. 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.
6. 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.
7. 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.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Krista Mello-Jurack

For the Executive Director

08/08/2025

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]

Signature

5/5/2025

Date

Alex Aror

Name (Printed or typed)
Authorized Representative of
LaPorte Rail and Terminal, LLC

Plant Manager

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.

Attachment A
Docket Number: 2023-0144-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	LaPorte Rail and Terminal, LLC
Payable Penalty Amount:	\$14,000
SEP Offset Amount:	\$7,000
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Barbers Hill Independent School District
Project Name:	<i>Alternative Fuel School Bus Replacement</i>
Total Project Budget:	\$1,590,000
Location of SEP:	Chambers County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to **Barbers Hill Independent School District** for the *Alternative Fuel School Bus Replacement* program (the “Project”). The Project is to reduce carbon monoxide (“CO”), nitrogen oxides (“NO_x”), particulate matter (“PM”), and volatile organic compounds (“VOCs”) emissions by replacing older school buses with new propane-fueled buses. The Third-Party Administrator is obligated to ensure that each Replacement Bus purchased has an engine that meets 2010 EPA Standards. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations.

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

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

B. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a new 2010 ultra-low emission model, passengers’ exposures to NO_x may be reduced by 98 percent; VOCs by 93 percent; CO by 83 percent; and PM by 99 percent.

C. Minimum Expenditure

LaPorte Rail and Terminal, LLC
Docket No. 2023-0144-AIR-E
Agreed Order - Attachment A

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

2. Performance Schedule

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

Megan Gallien, Chief Financial Officer
Griffith, Moseley, Johnson & Associates, Inc.
2901 Turtle Creek Drive, Suite 445
Port Arthur, Texas 77642

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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