

Executive Summary – Enforcement Matter – Case No. 63559
Intercontinental Terminals Company LLC
RN100210806
Docket No. 2023-0175-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Intercontinental Terminals Deer Park Terminal, 1943 Independence Parkway South, La Porte, Harris County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 19, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$25,000

Total Paid to General Revenue: \$12,500

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$12,500

Name of SEP: Houston-Galveston Area Council-AERCO (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: \$13,000

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 4, 2022 through September 2, 2022

Date(s) of NOE(s): January 10, 2023

Executive Summary – Enforcement Matter – Case No. 63559
Intercontinental Terminals Company LLC
RN100210806
Docket No. 2023-0175-AIR-E

Violation Information

Failed to prevent unauthorized emissions and failed to limit highly reactive volatile organic compounds emissions to 1,200 pounds or less per one-hour block period. The emissions event was determined to be an excessive emissions event [30 TEX. ADMIN. CODE §§ 115.722(c)(1), 116.115(c), 116.715(a) and 122.143(4), New Source Review Permit No. 1078, Special Conditions No. 1, Federal Operating Permit No. O1061, General Terms and Conditions and Special Terms and Conditions Nos. 1.A and 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By November 30, 2023, the Respondent implemented the approved corrective action plan, in accordance with the approved schedule, to address the excessive emissions event that occurred on July 16, 2022 (Incident No. 383571).

Technical Requirements:

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

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 R-12, (512) 239-2548

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

SEP Third-Party Administrator: Houston-Galveston Area Council-AERCO, Emission Reduction Credit Corporation, 3555 Timmons Lane, Suite 120, Houston, Texas 77027

Respondent: Michael Gaudet, Environmental Compliance Manager, Intercontinental Terminals Company LLC, 1943 Independence Parkway South, La Porte, Texas 77571
Carl Holley, Vice President of Safety, Health, Environmental, and Regulatory Compliance, Intercontinental Terminals Company LLC, 1943 Independence Parkway South, 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	30-Jan-2023	Screening	3-Feb-2023	EPA Due	
	PCW	21-Jul-2025				

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	63559	No. of Violations	1
Docket No.	2023-0175-AIR-E	Order Type	Findings
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	\$25,000
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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	62.0%	Adjustment	Subtotals 2, 3, & 7	\$15,500
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Notes: Enhancement for one NOV with same/similar violations and three orders containing a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

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	\$688
Estimated Cost of Compliance	\$10,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$38,000
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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	\$38,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$25,000
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$25,000
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Screening Date	3-Feb-2023	Docket No.	2023-0175-AIR-E	PCW
Respondent	Intercontinental Terminals Company LLC			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	63559			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN100210806			
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>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 62%

>> 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 same/similar violations and three orders containing a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 62%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 62%

Screening Date	3-Feb-2023	Docket No.	2023-0175-AIR-E	PCW
Respondent	Intercontinental Terminals Company LLC			
Case ID No.	63559	<i>Policy Revision 5 (January 28, 2021)</i>		
Reg. Ent. Reference No.	RN100210806	<i>PCW Revision February 11, 2021</i>		
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 115.722(c)(1), 116.115(c), 116.715(a) and 122.143(4), New Source Review Permit No. 1078, Special Conditions No. 1, Federal Operating Permit No. O1061, General Terms and Conditions and Special Terms and Conditions Nos. 1.A and 15, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions and failed to limit highly reactive volatile organic compounds ("HRVOC") emissions to 1,200 pounds ("lbs") or less per one-hour block period. Specifically, the Respondent released 4,508 pounds of HRVOC as fugitive emissions, during an emissions event (Incident No. 383571) that occurred on July 16, 2022 and lasted 11 minutes. The emissions event was determined to be an excessive emissions event.			
Base Penalty				\$25,000
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	x		
	Potential			
Percent				100.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
Percent				0.0%
Matrix Notes	Human health or the environment has been exposed to pollutants that exceed levels that are protective of human health or environmental receptors as a result of the violation.			
Adjustment				\$0
				\$25,000
Violation Events				
Number of Violation Events		1	Number of violation days	
	daily	x		
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event			
Violation Base Penalty				\$25,000
One daily event is recommended.				
Good Faith Efforts to Comply		10.0%	Reduction	\$2,500
Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer				
	Extraordinary			
	Ordinary		x	
	N/A			
Notes	The Respondent completed corrective measures by November 30, 2023, after the Notice of Enforcement dated January 10, 2023.			
Violation Subtotal				\$22,500
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount		\$688	Violation Final Penalty Total	\$38,000
This violation Final Assessed Penalty (adjusted for limits)				\$25,000

Economic Benefit Worksheet

Respondent Intercontinental Terminals Company LLC
Case ID No. 63559
Reg. Ent. Reference No. RN100210806
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)	\$10,000	16-Jul-2022	30-Nov-2023	1.38	\$688	n/a	\$688
Notes for DELAYED costs	Estimated cost to implement the approved corrective action plan, in accordance with the approved schedule, to address the excessive emissions event that occurred on July 16, 2022 (Incident No. 383571). The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$10,000	TOTAL	\$688
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Compliance History Report

Compliance History Report for CN601470222, RN100210806, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator:	CN601470222, Intercontinental Terminals Company LLC	Classification:	SATISFACTORY	Rating:	3.29
Regulated Entity:	RN100210806, INTERCONTINENTAL TERMINALS DEER PARK TERMINAL	Classification:	SATISFACTORY	Rating:	3.03
Complexity Points:	27	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	1943 INDEPENDENCE PKWY S, LA PORTE, HARRIS COUNTY, TX				
TCEQ Region:	REGION 12 - HOUSTON				
ID Number(s):					
AIR OPERATING PERMITS	ACCOUNT NUMBER HG0403N	AIR OPERATING PERMITS	PERMIT 1061		
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION 1011622	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER HG0403N		
AIR NEW SOURCE PERMITS	REGISTRATION 76266	AIR NEW SOURCE PERMITS	AFS NUM 4820100153		
AIR NEW SOURCE PERMITS	PERMIT 1078	AIR NEW SOURCE PERMITS	REGISTRATION 91627		
AIR NEW SOURCE PERMITS	REGISTRATION 95093	AIR NEW SOURCE PERMITS	REGISTRATION 116651		
AIR NEW SOURCE PERMITS	REGISTRATION 168196	AIR NEW SOURCE PERMITS	REGISTRATION 169562		
AIR NEW SOURCE PERMITS	REGISTRATION 165710	AIR NEW SOURCE PERMITS	REGISTRATION 169162		
AIR NEW SOURCE PERMITS	REGISTRATION 147713	AIR NEW SOURCE PERMITS	REGISTRATION 176117		
AIR NEW SOURCE PERMITS	REGISTRATION 177780	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR) 30966		
STORMWATER	PERMIT TXR05EX41	WASTEWATER	PERMIT WQ0001984000		
WASTEWATER	EPA ID TX0068349	PETROLEUM STORAGE TANK	NON REGISTERED ID NUMBER LGL100210806		
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER HG0403N	POLLUTION PREVENTION PLANNING	ID NUMBER P00342		
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID TXD073912974	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR) 30966		
Compliance History Period:	September 01, 2019 to August 31, 2024	Rating Year:	2024	Rating Date:	09/01/2024
Date Compliance History Report Prepared:	March 24, 2025				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	March 24, 2020 to March 24, 2025				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Yuliya Dunaway	Phone:	(210) 403-4077		

Site and Owner/Operator History:

- | | |
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| 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: 07/23/2024 ADMINORDER 2022-0766-AIR-E (1660 Order-Agreed Order With Denial)
	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)
	Rqmt Prov: O1061, GTC and STC No. 15 OP

Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on November 19, 2021, TCEQ/STEERS Incident No. 370365. Specifically, the Respondent released 172.0 pounds ("lbs") of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 370365) that occurred on November 19, 2021 and lasted 22 minutes.

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)

Rqmt Prov: O1061, GTC and STC No. 15 OP

Special condition 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on February 5, 2022, TCEQ/STEERS Incident No. 373963. Category A12.i.(6).

Specifically, the Respondent released 36.0 lbs of benzene as fugitive emissions, during an emissions event (Incident No. 373963) that occurred on February 5, 2022 and lasted three hours and 45 minutes. The emissions event occurred due to corrosion on a one-inch valve nipple attached to the product transfer piping.

2 Effective Date: 11/13/2024 ADMINORDER 2022-0827-IWD-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Eff Lim & Mon Req No 1 PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

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	April 20, 2020	(1654345)
Item 2	May 20, 2020	(1660910)
Item 3	June 19, 2020	(1667443)
Item 4	July 20, 2020	(1674392)
Item 5	August 14, 2020	(1681167)
Item 6	September 17, 2020	(1687736)
Item 7	October 20, 2020	(1694082)
Item 8	November 06, 2020	(1677829)
Item 9	November 20, 2020	(1714903)
Item 10	December 19, 2020	(1714904)
Item 11	February 20, 2021	(1727968)
Item 12	March 18, 2021	(1727969)
Item 13	May 20, 2021	(1741278)
Item 14	June 19, 2021	(1748015)
Item 15	June 30, 2021	(1735913)
Item 16	August 09, 2021	(1690649)
Item 17	August 18, 2021	(1757941)
Item 18	September 07, 2021	(1755176)
Item 19	September 18, 2021	(1767174)
Item 20	October 20, 2021	(1777644)
Item 21	November 19, 2021	(1784443)
Item 22	December 20, 2021	(1791473)
Item 23	January 18, 2022	(1799315)
Item 24	May 02, 2022	(1789383)
Item 25	May 28, 2022	(1829604)
Item 26	June 20, 2022	(1835901)
Item 27	August 19, 2022	(1849270)

Item 28	September 20, 2022	(1857032)
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Item 29	October 20, 2022	(1863389)
Item 30	November 19, 2022	(1870301)
Item 31	December 20, 2022	(1876150)
Item 32	January 20, 2023	(1882970)
Item 33	February 17, 2023	(1805808)
Item 34	February 20, 2023	(1890780)
Item 35	March 19, 2023	(1899349)
Item 36	April 03, 2023	(1894318)
Item 37	April 20, 2023	(1906153)
Item 38	April 21, 2023	(1888693)
Item 39	May 19, 2023	(1913309)
Item 40	June 20, 2023	(1919917)
Item 41	July 20, 2023	(1926885)
Item 42	August 17, 2023	(1933841)
Item 43	September 20, 2023	(1939985)
Item 44	December 14, 2023	(1924883)
Item 45	December 19, 2023	(1962287)
Item 46	January 19, 2024	(1968877)
Item 47	February 20, 2024	(1977942)
Item 48	March 21, 2024	(1984516)
Item 49	April 19, 2024	(1991038)
Item 50	May 20, 2024	(1997493)
Item 51	June 20, 2024	(2004445)
Item 52	July 20, 2024	(2012002)
Item 53	August 01, 2024	(1989546)
Item 54	August 20, 2024	(2017596)
Item 55	September 19, 2024	(2001755)
Item 56	September 20, 2024	(2024633)
Item 57	October 22, 2024	(2030741)
Item 58	November 19, 2024	(2037063)
Item 59	December 17, 2024	(2043444)
Item 60	January 16, 2025	(2050001)

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:	02/27/2025	(2009571)		
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 5C THSC Chapter 382 382.085(b) Special Condition 8E PERMIT Special Term and Condition 15 OP Special Term and Condition 1A OP			
	Description:	Failure to prevent open-ended lines (OELs) (Category C10)			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(4) 5C THSC Chapter 382 382.085(b) Special Condition 6B PERMIT Special Term and Condition 15 OP Special Term and Condition 1A OP			
	Description:	Failure to conduct tank inspection within the required timeframe for Tank 36-5 (EPN: ST 35-5) (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) Special Condition 24A(3) PERMIT Special Term and Condition 15 OP Special Term and Condition 1A OP			

Description: Failure to route VOC emissions from tank (EPN ST 100-10) to control device within 48 hours of landing the tank roof (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)
 Special Condition 24A(3) PERMIT
 Special Term and Condition 15 OP
 Special Term and Condition 1A OP

Description: Failure to route xylene emissions from tank (EPN ST 100-28) to control device within 48 hours of landing the tank roof (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)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 6B PERMIT
 Special Term and Condition 15 OP
 Special Term and Condition 1A OP

Description: Failure to conduct tank inspection within the required time frame for Tank 100-20 (EPN: ST 100-20) (Category B1).

F. Environmental audits:

Notice of Intent Date: 12/05/2019 (1612807)
 Disclosure Date: 10/06/2020
 Viol. Moderate
 Classification:
 Citation: 30 TAC Chapter 106, SubChapter K 106.263(d)
 30 TAC Chapter 106, SubChapter K 106.263(d)(1)
 30 TAC Chapter 106, SubChapter K 106.263(d)(2)
 30 TAC Chapter 106, SubChapter K 106.263(d)(3)

Description: Failed to demonstrate compliance with 30 TAC § 106.263(d) for piping and hose depressurization and filling activities.
 Viol. Moderate
 Classification:
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PERMIT Special Conditions No. 1

Description: Failed to comply with the maximum allowable emissions rate (MAER). Specifically, emissions from the review period exceeded the Permit 1078 MAER for EPN:HOSEARNND.
 Viol. Minor
 Classification:
 Citation: 30 TAC Chapter 101, SubChapter A 101.10(a)

Description: Failed to include emissions from piping and hose depressurization and filling activities in annual emissions inventories.

Notice of Intent Date: 05/17/2024 (1987999)
 No DOV Associated

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: INTERCONTINENTAL terminalS CO.

Reg Entity Add: 1943 INDEPENDENCE PKWY S

Reg Entity City: DEER PARK

Reg Entity No: RN100210806

EPA Case No: 06-2023-1710

Order Issue Date (yyyymmdd): 20230120

Case Result:

Statute: CWA

Sect of Statute: 301/402

Classification: Minor

Program: NPDES - Base Program

Citation:

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Compliance Orders

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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

AGREED ORDER DOCKET NO. 2023-0175-AIR-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Intercontinental Terminals Company LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that 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. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a chemical manufacturing plant located at 1943 Independence Parkway South in La Porte, Harris County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. During a record review for the Plant conducted from August 4, 2022 through September 2, 2022, an investigator documented that the Respondent released 4,508 pounds ("lbs") of highly reactive volatile organic compounds ("HRVOC") as fugitive emissions, during an emissions event (Incident No. 383571) that occurred on July 16, 2022 and lasted 11 minutes TCEQ staff determined that the emissions event was an excessive emissions event.
3. The Executive Director recognizes that by November 30, 2023, the Respondent implemented the approved corrective action plan, in accordance with the approved schedule, to address the excessive emissions event that occurred on July 16, 2022 (Incident No. 383571).

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to prevent unauthorized emissions and failed to limit HRVOC emissions to 1,200 lbs or less per one-hour block period, in violation of 30 TEX. ADMIN. CODE §§ 115.722(c)(1), 116.115(c), 116.715(a) and 122.143(4), New Source Review Permit No. 1078, Special Conditions No. 1, Federal Operating Permit No. O1061, General Terms and Conditions and Special Terms and Conditions Nos. 1.A and 15, and TEX. HEALTH & SAFETY CODE § 382.085(b). The emissions event was determined to be an excessive emissions event.
3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$25,000 is justified by the facts recited in this Order and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid the \$12,500 penalty. Pursuant to TEX. WATER CODE § 7.067, \$12,500 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.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Intercontinental Terminals Company LLC, Docket No. 2023-0175-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, Conclusion of Law No. 4. The amount of \$12,500 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. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. 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 in this Order.
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. 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.

10. 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.
11. 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

11/02/2025

For the Executive Director

Date

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

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

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

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

[Signature]

Signature

20250806

Date

Carl Holley

Name (Printed or typed)

VP-SITES & Regulatory Compliance

Title

Authorized Representative of
Intercontinental Terminals Company LLC

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

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

Attachment A
Docket Number: 2023-0175-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Intercontinental Terminals Company LLC
Payable Penalty Amount:	\$25,000
SEP Offset Amount:	\$12,500
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO
Project Name:	<i>Clean Vehicles Partnership Project</i>
Location of SEP: Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

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 the **Houston-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to replace old, higher emission buses that do not meet 2010 Environmental Protection Agency (“EPA”) emissions standards (“Old Buses”) with new, lower emission buses that meet the most recent EPA emissions standards (“New Buses”) or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities (“SEP Administrators”) that apply for replacement, retrofit, or conversion of buses.

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for purchase of New Buses or conversion or retrofit equipment and contract labor for installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards.

Intercontinental Terminals Company LLC
Docket No. 2023-0175-AIR-E
Agreed Order - Attachment A

Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months.

All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

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

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed to settle this enforcement action. The Respondent shall not profit 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 many respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

c. Minimum Expenditure

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

2. Performance Schedule

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

Houston-Galveston Area Council-AERCO
Emission Reduction Credit Corporation
Attn: Air Quality Program Manager
3555 Timmons Lane, Suite 120
Houston, Texas 77027

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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