

Executive Summary – Enforcement Matter – Case No. 63770
Odfjell Terminals (Houston) Inc.
RN100218411
Docket No. 2023-0367-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Odfjell Terminals, 12211 Port Road, Seabrook, Harris County

Type of Operation:

Chemical storage facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 18, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$41,063

Total Paid to General Revenue: \$41,063

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 5, 2022 through February 1, 2023 and April 18, 2023 through June 20, 2023

Date(s) of NOE(s): March 8, 2023 and August 16, 2023

Executive Summary – Enforcement Matter – Case No. 63770
Odfjell Terminals (Houston) Inc.
RN100218411
Docket No. 2023-0367-AIR-E

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 285.00 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 383646) that occurred on July 18, 2022 and lasted four hours [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 8865, Special Conditions No. 1, Federal Operating Permit ("FOP") No. O3027, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 18, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event. Specifically, the final record for Incident No. 383646 was due by August 1, 2022, but was not submitted until December 2, 2022 [30 TEX. ADMIN. CODE §§ 101.201(c) and 122.143(4), FOP No. O3027, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to submit a permit compliance certification ("PCC") within 30 days of any certification period. Specifically, the PCC for the October 13, 2021 through October 12, 2022 certification period was due by November 11, 2022, but was not submitted until January 17, 2023 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), FOP No. O3027, GTC and STC No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to submit a deviation report no later than 30 days after the end of each reporting period. Specifically, the deviation report for the April 13, 2022 through October 12, 2022 reporting period was due by November 11, 2022, but was not submitted until January 17, 2023 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), FOP No. O3027, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
5. 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 deviation report for the April 13, 2022 through October 12, 2022 reporting period [30 TEX. ADMIN. CODE §§ 122.143(4) and (15) and 122.165(a)(7), FOP No. O3027, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By August 31, 2022, modified piping insulation to avoid contact with the rack valve and conducted operator training in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 383646;
- b. On December 2, 2022, submitted the final record for Incident No. 383646; and

Executive Summary – Enforcement Matter – Case No. 63770
Odfjell Terminals (Houston) Inc.
RN100218411
Docket No. 2023-0367-AIR-E

c. On January 17, 2023, submitted the PCC for the October 13, 2021 through October 12, 2022 certification period and the deviation report for the April 13, 2022 through October 12, 2022 reporting period.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, submit a signed certification of accuracy and completeness, Form OP-CRO1, with the deviation report for the April 13, 2022 through October 12, 2022 reporting period; and
- b. Within 45 days, submit written certification to demonstrate compliance with a.

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

Respondent: Patrick Mentzel, Terminal Manager, Odfjell Terminals (Houston) Inc., 12211 Port Road, Seabrook, Texas 77586-1624
Michael Dragos, Vice President of Operations and Technical Services, Odfjell Terminals (Houston) Inc., 12211 Port Road, Seabrook, Texas 77586-1624

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	14-Mar-2023	Screening	14-Mar-2023	EPA Due	
	PCW	13-Mar-2025				

RESPONDENT/FACILITY INFORMATION

Respondent	Odfjell Terminals (Houston) Inc.				
Reg. Ent. Ref. No.	RN100218411				
Facility/Site Region	12-Houston	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	63770	No. of Violations	5
Docket No.	2023-0367-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	\$22,750
-------------------------------------------------------------	-------------------	----------

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	\$22,750
---------------------------	--------	-------------------	--------------------------------	----------

Notes: Enhancement for one NOV with same/similar violations and five orders containing a denial of liability. Reduction for one notice of intent to conduct an audit.

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	-\$4,437
------------------------------------------------------	-------------------	----------

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

Total EB Amounts \$56
Estimated Cost of Compliance \$6,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$41,063
-----------------------------	-----------------------	----------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$41,063
-----------------------------	----------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$41,063
-----------------------------------	-------------------------------	----------

DEFERRAL	0.0%	Reduction	Adjustment	\$0
-----------------	------	------------------	-------------------	-----

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral for orders in which the Respondent has two or more prior administrative penalty orders as set out in Tex. Water Code § 7.105(b)(2), (b)(4), and (b)(6).

PAYABLE PENALTY	\$41,063
------------------------	----------

Screening Date 14-Mar-2023	Docket No. 2023-0367-AIR-E	PCW
Respondent Odfjell Terminals (Houston) Inc.		Policy Revision 5 (January 28, 2021)
Case ID No. 63770		PCW Revision February 11, 2021
Reg. Ent. Reference No. RN100218411		
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>)	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>)	5	100%
	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>)	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)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations and five orders containing a denial of liability. Reduction for one notice of intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 104%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date	14-Mar-2023	Docket No.	2023-0367-AIR-E	PCW
Respondent	Odfjell Terminals (Houston) Inc.	Policy Revision 5 (January 28, 2021)		
Case ID No.	63770	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN100218411			
Media	Air			
Enf. Coordinator	Johnnie Wu			
Violation Number	<div style="border: 1px solid black; padding: 2px; text-align: center;">1</div>			
Rule Cite(s)	<div style="border: 1px solid black; padding: 5px;">30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit No. 8865, Special Conditions No. 1, Federal Operating Permit ("FOP") No. O3027, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 18, and Tex. Health & Safety Code § 382.085(b)</div>			
Violation Description	<div style="border: 1px solid black; padding: 5px;">Failed to prevent unauthorized emissions. Specifically, the Respondent released 285.00 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 383646) that occurred on July 18, 2022 and lasted four hours.</div>			
Base Penalty				<div style="border: 1px solid black; padding: 2px; text-align: center;">\$25,000</div>
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	x
	Potential	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
				Percent <div style="border: 1px solid black; padding: 2px; text-align: center;">30.0%</div>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
				Percent <div style="border: 1px solid black; padding: 2px; text-align: center;">0.0%</div>
Matrix Notes	<div style="border: 1px solid black; padding: 5px;">Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.</div>			
Adjustment				<div style="border: 1px solid black; padding: 2px; text-align: center;">\$17,500</div>
				\$7,500
Violation Events				
Number of Violation Events		<div style="border: 1px solid black; padding: 2px; text-align: center;">1</div>	Number of violation days	
		<div style="border: 1px solid black; padding: 2px; text-align: center;">1</div>		
	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
	weekly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
	monthly	x		
	quarterly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
	annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
	single event	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
One monthly event is recommended.				
Good Faith Efforts to Comply		<div style="border: 1px solid black; padding: 2px; text-align: center;">25.0%</div>	Reduction	
			\$1,875	
		Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer	
	Extraordinary	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	Ordinary	x	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	N/A	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	Notes	<div style="border: 1px solid black; padding: 5px;">The Respondent completed the corrective measures by August 31, 2022, prior to the Notice of Enforcement ("NOE") dated March 8, 2023.</div>		
Violation Subtotal				<div style="border: 1px solid black; padding: 2px; text-align: center;">\$5,625</div>
Economic Benefit (EB) for this violation				
Statutory Limit Test				
Estimated EB Amount		<div style="border: 1px solid black; padding: 2px; text-align: center;">\$30</div>	Violation Final Penalty Total	
			\$13,125	
This violation Final Assessed Penalty (adjusted for limits)				\$13,125

Economic Benefit Worksheet

Respondent Odfjell Terminals (Houston) Inc.
Case ID No. 63770
Reg. Ent. Reference No. RN100218411
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)	\$5,000	18-Jul-2022	31-Aug-2022	0.12	\$30	n/a	\$30

Notes for DELAYED costs

Estimated cost to modify piping insulation to avoid contact with the rack valve and conduct operator training in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 383646. 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

\$5,000

TOTAL

\$30

Screening Date 14-Mar-2023 Respondent Odfjell Terminals (Houston) Inc. Case ID No. 63770 Reg. Ent. Reference No. RN100218411 Media Air Enf. Coordinator Johnnie Wu	Docket No. 2023-0367-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
Violation Number 2		
Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(c) and 122.143(4), FOP No. O3027, GTC and STC No. 2.F, and Tex. Health & Safety Code § 382.085(b)		
Violation Description Failed to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event. Specifically, the final record for Incident No. 383646 was due by August 1, 2022, but was not submitted until December 2, 2022.		
Base Penalty		\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
				x	Percent 1.0%
Matrix Notes	Less than 30% of the rule requirements were not met.				

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events	1		Number of violation days	123
----------------------------	---	--	--------------------------	-----

	daily		Violation Base Penalty \$250
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

One single event is recommended.

Good Faith Efforts to Comply

	25.0%	
		Reduction \$62
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent completed corrective actions on December 2, 2022, prior to the NOE dated March 8, 2023.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount \$4	Violation Final Penalty Total \$438
This violation Final Assessed Penalty (adjusted for limits) \$438	

Economic Benefit Worksheet

Respondent Odfjell Terminals (Houston) Inc.
Case ID No. 63770
Reg. Ent. Reference No. RN100218411
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)	\$250	1-Aug-2022	2-Dec-2022	0.34	\$4	n/a	\$4

Notes for DELAYED costs

Estimated costs to submit the final record for Incident No. 383646. The Date Required is the date the final record 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

\$4

Screening Date	14-Mar-2023	Docket No.	2023-0367-AIR-E	PCW
Respondent	Odfjell Terminals (Houston) Inc.		Policy Revision 5 (January 28, 2021)	
Case ID No.	63770	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN100218411			
Media	Air			
Enf. Coordinator	Johnnie Wu			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.146(2), FOP No. 03027, GTC and STC No. 21, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to submit a permit compliance certification ("PCC") within 30 days of any certification period. Specifically, the PCC for the October 13, 2021 through October 12, 2022 certification period was due by November 11, 2022, but was not submitted until January 17, 2023.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 20.0%

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

Adjustment	\$20,000
	\$5,000

Violation Events

Number of Violation Events	1	Number of violation days	67
----------------------------	---	--------------------------	----

	daily				Violation Base Penalty \$5,000
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			

One single event is recommended.

Good Faith Efforts to Comply

	25.0%				
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			Reduction \$1,250
Extraordinary					
Ordinary	x				
N/A					

Notes	The Respondent completed corrective actions on January 17, 2023, prior to the NOE dated August 16, 2023.
--------------	----------------------------------------------------------------------------------------------------------

Violation Subtotal	\$3,750
---------------------------	---------

Economic Benefit (EB) for this violation

Estimated EB Amount	\$2	Statutory Limit Test	
		Violation Final Penalty Total	\$8,750
		This violation Final Assessed Penalty (adjusted for limits)	\$8,750

Economic Benefit Worksheet

Respondent Odfjell Terminals (Houston) Inc.
Case ID No. 63770
Reg. Ent. Reference No. RN100218411
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)	\$250	11-Nov-2022	17-Jan-2023	0.18	\$2	n/a	\$2
Notes for DELAYED costs	Estimated cost to submit the PCC for the October 13, 2021 through October 12, 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 \$2

Screening Date 14-Mar-2023 Respondent Odfjell Terminals (Houston) Inc. Case ID No. 63770 Reg. Ent. Reference No. RN100218411 Media Air Enf. Coordinator Johnnie Wu	Docket No. 2023-0367-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
Violation Number 4		
Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(C), FOP No. O3027, GTC, and Tex. Health & Safety Code § 382.085(b)		
Violation Description <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Failed to submit a deviation report no later than 30 days after the end of each reporting period. Specifically, the deviation report for the April 13, 2022 through October 12, 2022 reporting period was due by November 11, 2022, but was not submitted until January 17, 2023. </div>		
Base Penalty		\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential				
				Percent	0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			
				Percent	20.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$20,000

\$5,000

Violation Events

Number of Violation Events	1		67	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%		
	Before NOE/NOV	NOE/NOV to EDP RP/Settlement Offer	
Extraordinary			
Ordinary	x		
N/A			

Notes

The Respondent completed corrective actions on January 17, 2023, prior to the NOE dated August 16, 2023.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$2
	Violation Final Penalty Total
	\$8,750
This violation Final Assessed Penalty (adjusted for limits)	
\$8,750	

Economic Benefit Worksheet

Respondent Odfjell Terminals (Houston) Inc.
Case ID No. 63770
Reg. Ent. Reference No. RN100218411
Media Air
Violation No. 4

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)	\$250	11-Nov-2022	17-Jan-2023	0.18	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to submit the deviation report for the April 13, 2022 through October 12, 2022 reporting period. The Date Required is the date the deviation report 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

\$2

Screening Date 14-Mar-2023 Respondent Odfjell Terminals (Houston) Inc. Case ID No. 63770 Reg. Ent. Reference No. RN100218411 Media Air Enf. Coordinator Johnnie Wu	Docket No. 2023-0367-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
Violation Number 5		
Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and (15) and 122.165(a)(7), FOP No. O3027, 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 deviation report for the April 13, 2022 through October 12, 2022 reporting period.		
Base Penalty		\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 20.0%

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

Adjustment \$20,000

\$5,000

Violation Events

Number of Violation Events	1		284	Number of violation days
----------------------------	---	--	-----	--------------------------

	daily		Violation Base Penalty \$5,000
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

One single event is recommended.

Good Faith Efforts to Comply

	0.0%	
	Before NOE/NOV	NOE/NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$18
	Violation Final Penalty Total \$10,000
This violation Final Assessed Penalty (adjusted for limits) \$10,000	

Economic Benefit Worksheet

Respondent Odfjell Terminals (Houston) Inc.
Case ID No. 63770
Reg. Ent. Reference No. RN100218411
Media Air
Violation No. 5

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)	\$250	11-Nov-2022	18-Apr-2024	1.44	\$18	n/a	\$18
Notes for DELAYED costs	Estimated cost to submit the signed certification of accuracy and completeness, Form OP-CRO1, with the deviation report for the April 13, 2022 through October 12, 2022 reporting period. Date Required is the date the form was due and the Final Date is the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance \$250

TOTAL \$18



Compliance History Report

Compliance History Report for CN603233974, RN100218411, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator:	CN603233974, Odfjell Terminals (Houston) Inc.	Classification:	SATISFACTORY	Rating:	5.50
Regulated Entity:	RN100218411, ODFJELL TERMINALS	Classification:	SATISFACTORY	Rating:	5.50
Complexity Points:	24	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	12211 Port Road Seabrook, Harris County, Texas 77586-1624				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG1006U
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1012008

AIR NEW SOURCE PERMITS PERMIT 8865
AIR NEW SOURCE PERMITS REGISTRATION 29436
AIR NEW SOURCE PERMITS REGISTRATION 30969
AIR NEW SOURCE PERMITS ACCOUNT NUMBER
HG1006U

AIR NEW SOURCE PERMITS REGISTRATION 98261
AIR NEW SOURCE PERMITS REGISTRATION 112311
AIR NEW SOURCE PERMITS REGISTRATION 167667

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 60262

WASTEWATER PERMIT WQ0002547000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER
HG1006U

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 33983

AIR OPERATING PERMITS PERMIT 3027

AIR NEW SOURCE PERMITS REGISTRATION 72184

AIR NEW SOURCE PERMITS REGISTRATION 26083

AIR NEW SOURCE PERMITS REGISTRATION 30968

AIR NEW SOURCE PERMITS REGISTRATION 31082

AIR NEW SOURCE PERMITS AFS NUM 4820100370

AIR NEW SOURCE PERMITS REGISTRATION 112129

AIR NEW SOURCE PERMITS REGISTRATION 163566

AIR NEW SOURCE PERMITS REGISTRATION 143432

VOLUNTARY CLEANUP PROGRAM ID NUMBER 2255

WASTEWATER EPA ID TX0089192

POLLUTION PREVENTION PLANNING ID NUMBER
P00070

TAX RELIEF ID NUMBER 20309

Compliance History Period: September 01, 2019 to August 31, 2024

Rating Year: 2024

Rating Date: 09/01/2024

Date Compliance History Report Prepared: March 13, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 13, 2020 to March 13, 2025

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

Name: Johnnie Wu

Phone: (512) 239-2524

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: 08/16/2020 | ADMINORDER 2019-1280-AIR-E | (1660 Order-Agreed Order With Denial) |
| | Classification: Moderate | | |
| | Citation: 30 TAC Chapter 101, SubChapter A 101.20(1) | | |
| | 30 TAC Chapter 116, SubChapter B 116.115(c) | | |
| | 30 TAC Chapter 122, SubChapter B 122.143(4) | | |
| | 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(5) | | |
| | 5C THSC Chapter 382 382.085(b) | | |

Rqmt Prov: Special Conditions (SC) 14A PERMIT

Special Terms and Conditions (ST&C) 17 PERMIT

Description: Failure to design and operate air-assisted flares with an exit velocity less than the maximum permitted velocity. Specifically, the exit velocity of the vent gas and assist gas from the Operating Flare exceeded the maximum permitted velocity for approximately 120.25 hours on 60 days from October 16, 2017 through September 6, 2018.

Classification: Moderate

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: Special Conditions (SC) 1 PERMIT

Special Terms and Conditions (ST&C) 17 PERMIT

Description: Failure to comply with MAER. Specifically, the Respondent exceeded the CO MAER of 12.24 tons per year based on a 12-month rolling period for the Operating Flare, EPN FL-1, for the 12-month periods ending from October 2017 through April 2018, resulting in 0.85 ton of unauthorized CO emissions.

2 Effective Date: 08/25/2021 ADMINORDER 2020-1180-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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: Special Condition 1 PERMIT

Special Term and Condition 17 PERMIT

Description: Failed to comply with the MAERs. Specifically, the Respondent exceeded the CO MAER of 2.31 tpy based on a 12-month rolling period and exceeded the NOx MAER of 1.16 tpy based on a 12-month rolling period for the 12-month periods ending from September 2019 through August 2020 for the Propylene/Acetaldehyde Flare, EPN FL-3/FL-4, resulting in 0.18 ton of unauthorized CO emissions and 0.06 ton of unauthorized NOx emissions.

3 Effective Date: 11/30/2021 ADMINORDER 2021-0144-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: Special Conditions 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,386.80 pounds of volatile organic compounds from the Barge Loading, EPN No. BARGE-1, during an emissions event that occurred on September 16, 2020 and lasted two hours. The emissions event occurred when the barge was over-pressured during loading operations, resulting in the release to the atmosphere.

4 Effective Date: 06/06/2022 ADMINORDER 2021-0525-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

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 O3027 GTC and STC No. 18 OP

Special Condition (SC) (1) PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on December 11, 2020, STEERS Incident No. 347485. (Category A12.i.(6)).

5 Effective Date: 09/27/2022 ADMINORDER 2021-1396-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: GTC and STC No. 18 OP

SC No. 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on June 22, 2021, TCEQ/STEERS Incident No. 360797. Category A12.i.(6)

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	March 17, 2020	(1648371)
Item 2	April 17, 2020	(1654723)
Item 3	May 12, 2020	(1661289)
Item 4	July 07, 2020	(1674764)
Item 5	August 07, 2020	(1681534)
Item 6	September 08, 2020	(1688112)
Item 7	October 05, 2020	(1678932)
Item 8	November 12, 2020	(1716012)
Item 9	December 11, 2020	(1716013)
Item 10	January 05, 2021	(1716014)
Item 11	February 19, 2021	(1729085)
Item 12	March 12, 2021	(1729086)
Item 13	April 16, 2021	(1729087)
Item 14	May 19, 2021	(1741839)
Item 15	June 17, 2021	(1748193)
Item 16	July 20, 2021	(1752884)
Item 17	July 26, 2021	(1722968)
Item 18	August 20, 2021	(1758292)
Item 19	September 16, 2021	(1767565)
Item 20	November 05, 2021	(1784810)
Item 21	December 02, 2021	(1791842)
Item 22	December 20, 2021	(1775980)
Item 23	February 01, 2022	(1807527)
Item 24	March 02, 2022	(1814568)
Item 25	April 18, 2022	(1821136)
Item 26	May 17, 2022	(1829973)
Item 27	June 07, 2022	(1836283)
Item 28	July 07, 2022	(1843469)
Item 29	August 05, 2022	(1849633)
Item 30	October 04, 2022	(1863755)
Item 31	November 08, 2022	(1870663)
Item 32	December 22, 2022	(1876520)
Item 33	January 20, 2023	(1883332)
Item 34	February 14, 2023	(1891148)
Item 35	March 17, 2023	(1899717)
Item 36	April 03, 2023	(1906520)
Item 37	May 18, 2023	(1913673)
Item 38	July 19, 2023	(1927267)
Item 39	August 01, 2023	(1934211)
Item 40	September 08, 2023	(1860657)
Item 41	September 18, 2023	(1940384)
Item 42	October 10, 2023	(1947190)
Item 43	November 10, 2023	(1952878)
Item 44	December 08, 2023	(1962651)
Item 45	January 10, 2024	(1969238)
Item 46	February 12, 2024	(1978304)
Item 47	March 15, 2024	(1984877)
Item 48	April 12, 2024	(1991400)
Item 49	May 08, 2024	(1997856)
Item 50	June 12, 2024	(2004818)
Item 51	June 13, 2024	(1988372)
Item 52	July 15, 2024	(2012386)
Item 53	August 09, 2024	(1951027)
Item 54	August 13, 2024	(2017956)
Item 55	September 16, 2024	(2024991)

Item 56	October 01, 2024	(2031103)
Item 57	November 18, 2024	(2037422)
Item 58	December 06, 2024	(2043812)
Item 59	January 16, 2025	(2050375)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 05/31/2024 (1967087)	
	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 A 60.18(c)(3)(ii) 5C THSC Chapter 382 382.085(b) FOP, Special Term & Condition 18 OP FOP, Special Term & Condition 1A OP NSR, Special Condition 14D PERMIT NSR, Special Condition 27A PERMIT	
	Description: Failure to maintain the permitted minimum net heating value for Operating Flare (EPN: FL-1)(Category C4)	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(5) 5C THSC Chapter 382 382.085(b) FOP, Special Term & Condition 18 OP FOP, Special Term & Condition 1A OP NSR, Special Condition 25 PERMIT	
	Description: Failure to maintain the exit velocity of the Operating Flare [EPN FL-1] below the maximum requirement. (Category C4)	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii) 30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.144(1) 5C THSC Chapter 382 382.085(b) FOP, Special Term & Condition 17 OP FOP, Special Term & Condition 1A OP	
	Description: Failure to provide records of daily visible emission observations for the flares (Unit IDs FL-2 and FL-3/4). (Category B3 violation)	
	Self Report? NO	Classification: Minor
	Citation: 30 TAC Chapter 115, SubChapter C 115.216(1)(C) 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 17 OP	
	Description: Failure to record weekly liquid level measurements for Wharf-1 (Category B3 violation)	
	Self Report? NO	Classification: Minor
	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 18 OP NSR Special Conditions 27 PERMIT	
	Description: Failure to monitor carbon vessels weekly for breakthrough. EPN's TK03-23, TK05-40, TK08-83, TK09-104 and TK19-54. (Category C1)	

F. Environmental audits:

Notice of Intent Date: 09/29/2021 (1782354)
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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ODFJELL TERMINALS (HOUSTON) INC.
RN100218411

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

AGREED ORDER DOCKET NO. 2023-0367-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 Odfjell Terminals (Houston) 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 chemical storage facility located at 12211 Port Road in Seabrook, 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 \$41,063 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$41,063 of the penalty.
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. By August 31, 2022, modified piping insulation to avoid contact with the rack valve and conducted operator training in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 383646;
 - b. On December 2, 2022, submitted the final record for Incident No. 383646; and
 - c. On January 17, 2023, submitted the permit compliance certification ("PCC") for the October 13, 2021 through October 12, 2022 certification period and the deviation report for the April 13, 2022 through October 12, 2022 reporting period.

II. ALLEGATIONS

1. During a record review for the Site conducted from December 5, 2022 through February 1, 2023, an investigator documented that the Respondent:
 - a. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 8865, Special Conditions No. 1, Federal Operating Permit ("FOP") No. O3027, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 18, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 285.00 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 383646) that occurred on July 18, 2022 and lasted four hours.
 - b. Failed to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(c) and 122.143(4), FOP No. O3027, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the final record for Incident No. 383646 was due by August 1, 2022, but was not submitted until December 2, 2022.
2. During a record review for the Site conducted from April 18, 2023 through June 20, 2023, an investigator documented that the Respondent:
 - a. Failed to submit a PCC within 30 days of any certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), FOP No. O3027, GTC and STC No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the PCC for the October 13, 2021 through October 12, 2022 certification period was due by November 11, 2022, but was not submitted until January 17, 2023.

- b. Failed to submit a deviation report no later than 30 days after the end of each reporting period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), FOP No. O3027, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the April 13, 2022 through October 12, 2022 reporting period was due by November 11, 2022, but was not submitted until January 17, 2023.
- c. 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)(7), FOP No. O3027, 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 deviation report for the April 13, 2022 through October 12, 2022 reporting period.

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: Odfjell Terminals (Houston) Inc., Docket No. 2023-0367-AIR-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of the Order, submit a signed certification of accuracy and completeness, Form OP-CRO1, with the deviation report for the April 13, 2022 through October 12, 2022 reporting period.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe

that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Site 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

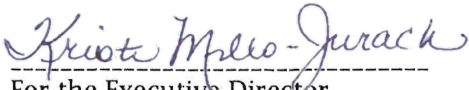
process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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



For the Executive Director

Date

08/17/2025


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

Michael Dragos

Name (Printed or typed)
Authorized Representative of
Odfjell Terminals (Houston) Inc.

May 20th, 2025

Date

VP Operations and Technical Services

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.