

Executive Summary – Enforcement Matter – Case No. 63978
HEP Javelina Company, LLC
RN102190139
Docket No. 2023-0611-IWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Javelina Gas Processing Facility, 5314 IH-37, Corpus Christi, Nueces County

Type of Operation:

Petroleum gas liquids processing facility

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: July 18, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$35,200

Amount Deferred for Expedited Settlement: \$7,040

Total Paid to General Revenue: \$14,080

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$14,080

Name of SEP: Texas State Aquarium Institute for Wildlife Conservation (Third-Party Pre-Approved)

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: January 31, 2023

Date(s) of NOE(s): March 24, 2023

Executive Summary – Enforcement Matter – Case No. 63978
HEP Javelina Company, LLC
RN102190139
Docket No. 2023-0611-IWD-E

Violation Information

Failed to comply with permitted effluent limitations for free cyanide and chemical oxygen demand [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003137000, Interim Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Within three months, and every quarter thereafter until March 30, 2026, submit progress reports on the permit renewal and the cyanide monitoring and treatment options; and
 - b. By March 30, 2026, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0003137000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Harley Hobson, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-1337; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

SEP Third-Party Administrator: Texas State Aquarium Institute for Wildlife Conservation, 2710 North Shoreline Boulevard, Corpus Christi, Texas 78402

Respondent: J. Michael Howard, Director, HEP Javelina Company, LLC, 16211 La Cantera Parkway 202, San Antonio, Texas 78256

Chester Bullard, Vice President, HEP Javelina Company, LLC, 16211 La Cantera Parkway 202, San Antonio, Texas 78256

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	27-Mar-2023	Screening	8-May-2023	EPA Due	5-Jun-2023
	PCW	2-Oct-2024				

RESPONDENT/FACILITY INFORMATION			
Respondent	HEP Javelina Company, LLC		
Reg. Ent. Ref. No.	RN102190139		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	63978	No. of Violations	2
Docket No.	2023-0611-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Harley Hobson
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$20,000
---	-------------------	----------

ADJUSTMENTS (+ / -) TO SUBTOTAL 1

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

Compliance History	76.0 %	Adjustment	Subtotals 2, 3, & 7	\$15,200
---------------------------	--------	-------------------	--------------------------------	----------

Notes
Enhancement for six months of self-reported effluent violations and two Agreed Orders without denial of liability.
Reduction for two notices of intent to conduct an audit and one disclosure of violations.

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

Notes
The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
--	-------------------	-----

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

Total EB Amounts \$2,686
Estimated Cost of Compliance \$15,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$35,200
-----------------------------	-----------------------	----------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$35,200
-----------------------------	----------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$35,200
-----------------------------------	-------------------------------	----------

DEFERRAL	20.0 %	Reduction	Adjustment	-\$7,040
-----------------	--------	------------------	-------------------	----------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$28,160
------------------------	----------

Screening Date	8-May-2023	Docket No.	2023-0611-IWD-E	PCW
Respondent	HEP Javelina Company, LLC			Policy Revision 5 (January 28, 2021)
Case ID No.	63978			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN102190139			
Media	Water Quality			
Enf. Coordinator	Harley Hobson			

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>)	6	30%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	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	2	50%
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>)	2	-2%
	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) 76%

>> 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 six months of self-reported effluent violations and two Agreed Orders without denial of liability.
Reduction for two notices of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 76%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 76%

Screening Date 8-May-2023 Respondent HEP Javelina Company, LLC Case ID No. 63978 Reg. Ent. Reference No. RN102190139 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2023-0611-IWD-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
--	-----------------------------------	--

Violation Number	1		
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003137000, Interim Effluent Limitations and Monitoring Requirements No. 1		
Violation Description	Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.		
Base Penalty		\$25,000	

> > Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual		x		
	Potential				
				Percent	50.0%

> > Programmatic Matrix

Matrix Notes		Falsification	Major	Moderate	Minor	
				Percent	0.0%	
A simplified model was used to evaluate free cyanide to determine whether the discharged amount of pollutants exceeded levels protective of human health and the environment. Chemical oxygen demand was also evaluated. Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.						
Adjustment					\$12,500	

	\$12,500
--	----------

Violation Events

Number of Violation Events	1	31	Number of violation days
	daily		
	weekly		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		
Violation Base Penalty			
\$12,500			
One monthly event is recommended for the month of October 2022.			

Good Faith Efforts to Comply

	0.0%	
Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
Extraordinary		
Ordinary		
N/A	x	
Notes	The Respondent does not meet the good faith criteria for this violation.	
Violation Subtotal		\$12,500

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$2,686
Violation Final Penalty Total	\$22,000
This violation Final Assessed Penalty (adjusted for limits)	
\$22,000	

Economic Benefit Worksheet

Respondent HEP Javelina Company, LLC
Case ID No. 63978
Reg. Ent. Reference No. RN102190139
Media Water Quality
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)	\$15,000	31-Aug-2022	30-Mar-2026	3.58	\$2,686	n/a	\$2,686

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and make any necessary repairs/adjustments to the Facility to return to compliance with the permitted effluent limitations. Date Required is the end date of the first month of noncompliance, 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

\$15,000

TOTAL

\$2,686

Screening Date 8-May-2023 Respondent HEP Javelina Company, LLC Case ID No. 63978 Reg. Ent. Reference No. RN102190139 Media Water Quality Enf. Coordinator Harley Hobson	Docket No. 2023-0611-IWD-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 § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0003137000, Interim Effluent Limitations and Monitoring Requirements No. 1		
Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.		
Base Penalty		\$25,000

> > Environmental, Property and Human Health Matrix

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

> > Programmatic Matrix

Matrix Notes		Falsification	Major	Moderate	Minor	
						Percent 0.0%
		A simplified model was used to evaluate free cyanide to determine whether the discharged amount of pollutants exceeded levels protective of human health and the environment. Human health or the environment has been exposed to insignificant amounts of pollutants which do exceed levels that are protective of human health or environmental receptors as a result of the violation.				

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1	61	Number of violation days
--	--	--------------------------

daily		Violation Base Penalty \$7,500
weekly		
monthly		
quarterly	x	
semiannual		
annual		
single event		

One quarterly event is recommended for the quarter containing the months of August and September 2022.

Good Faith Efforts to Comply

	0.0 %	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	
Notes	The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$0
Violation Final Penalty Total	\$13,200
This violation Final Assessed Penalty (adjusted for limits) \$13,200	

Economic Benefit Worksheet

Respondent HEP Javelina Company, LLC
Case ID No. 63978
Reg. Ent. Reference No. RN102190139
Media Water Quality
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated other cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations is captured in Economic Benefit Worksheet No. 1.

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

\$0

TOTAL

\$0

HEP Javelina Company, LLC
Docket No. 2023-0611-IWD-E
TPDES Permit No. WQ0003137000

Effluent Violation Table

Monitoring Period	Chemical Oxygen Demand Daily Maximum Concentration Limit = 200 mg/L	Free Cyanide Daily Average Concentration Limit = 0.003 mg/L	Free Cyanide Daily Maximum Concentration Limit = 0.006 mg/L
August 2022	c	0.006	0.008
September 2022	c	0.006	0.009
October 2022	250	0.008	0.009

mg/L = milligrams per liter c = compliant



Compliance History Report

Compliance History Report for CN603319880, RN102190139, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN603319880, HEP Javelina Company, LLC	Classification:	SATISFACTORY	Rating:	5.08
Regulated Entity:	RN102190139, JAVELINA GAS PROCESSING FACILITY	Classification:	SATISFACTORY	Rating:	5.08
Complexity Points:	19	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	5314 Interstate Highway 37, in the City of Corpus Christi, Nueces County, Texas				
TCEQ Region:	REGION 14 - CORPUS CHRISTI				

ID Number(s):

AIR NEW SOURCE PERMITS PERMIT 19296

AIR NEW SOURCE PERMITS AFS NUM 4835500161

AIR NEW SOURCE PERMITS REGISTRATION 83050

AIR NEW SOURCE PERMITS REGISTRATION 168179

WASTEWATER PERMIT WQ0003137000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER
NE0253K

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD987985900

TAX RELIEF ID NUMBER 16197

AIR NEW SOURCE PERMITS ACCOUNT NUMBER
NE0253K

AIR NEW SOURCE PERMITS REGISTRATION 79038

AIR NEW SOURCE PERMITS REGISTRATION 87501

AIR NEW SOURCE PERMITS REGISTRATION 170525

WASTEWATER EPA ID TX0105481

POLLUTION PREVENTION PLANNING ID NUMBER
P00355

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 39228

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: July 22, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 22, 2019 to July 22, 2024

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

Name: Harley Hobson

Phone: (512) 239-1337

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 2020-0056-AIR-E | (Findings Order-Agreed Order Without Denial) |
| | Classification: Moderate | | |
| | Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) | | |
| | 5C THSC Chapter 382 382.085(b) | | |
| | Rqmt Prov: Special Condition 1 PERMIT | | |
| | Description: Failure to prevent unauthorized emissions to the atmosphere during a reportable emissions event discovered on July 24, 2019, TCEQ/STEERS Incident No. 317322. | | |
| | Classification: Moderate | | |
| | Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B) | | |
| | 5C THSC Chapter 382 382.085(b) | | |
| | Description: Failure to notify the TCEQ Corpus Christi Office within 24-hours after discovery of a reportable emissions event (EE). | | |
| 2 | Effective Date: 02/14/2022 | ADMINORDER 2020-1484-AIR-E | (Findings Order-Agreed Order Without Denial) |
| | Classification: Moderate | | |

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 12,010.44 pounds of sulfur dioxide from the Flare, Emissions Point Number 5, during an emissions event (Incident No. 304045) that began on March 21, 2019 and lasted 2,433 hours and 58 minutes.

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	September 19, 2019	(1607909)	Item 32	October 19, 2021	(1778429)
Item 2	November 14, 2019	(1620563)	Item 33	November 15, 2021	(1785100)
Item 3	November 25, 2019	(1603581)	Item 34	December 15, 2021	(1792133)
Item 4	December 20, 2019	(1627913)	Item 35	January 17, 2022	(1799982)
Item 5	January 17, 2020	(1635539)	Item 36	February 18, 2022	(1807814)
Item 6	February 11, 2020	(1642156)	Item 37	March 16, 2022	(1814857)
Item 7	March 16, 2020	(1648668)	Item 39	March 28, 2022	(1804299)
Item 8	May 18, 2020	(1661582)	Item 40	April 19, 2022	(1821426)
Item 9	June 11, 2020	(1652661)	Item 41	May 03, 2022	(1811338)
Item 10	June 17, 2020	(1668116)	Item 42	May 16, 2022	(1830323)
Item 11	June 23, 2020	(1632629)	Item 43	June 14, 2022	(1836573)
Item 12	July 15, 2020	(1675063)	Item 44	June 15, 2022	(1823373)
Item 13	August 14, 2020	(1681831)	Item 45	July 18, 2022	(1843758)
Item 14	August 26, 2020	(1664074)	Item 46	August 17, 2022	(1849919)
Item 15	September 15, 2020	(1688408)	Item 47	September 22, 2022	(1841389)
Item 16	September 16, 2020	(1694769)	Item 48	September 28, 2022	(1846403)
Item 17	October 21, 2020	(1678985)	Item 49	December 28, 2022	(1861714)
Item 18	November 12, 2020	(1716895)	Item 50	January 30, 2023	(1873636)
Item 19	November 16, 2020	(1716893)	Item 52	May 18, 2023	(1913959)
Item 20	December 09, 2020	(1685838)	Item 53	May 26, 2023	(1888687)
Item 21	December 14, 2020	(1716894)	Item 54	June 20, 2023	(1920567)
Item 22	February 03, 2021	(1729973)	Item 55	November 27, 2023	(1953158)
Item 23	April 12, 2021	(1729975)	Item 56	December 19, 2023	(1962945)
Item 24	May 12, 2021	(1707110)	Item 57	March 11, 2024	(1903385)
Item 25	June 14, 2021	(1735823)	Item 58	March 14, 2024	(1965432)
Item 26	June 30, 2021	(1736227)	Item 59	March 18, 2024	(1985161)
Item 27	July 16, 2021	(1753169)	Item 60	March 26, 2024	(1973479)
Item 28	August 12, 2021	(1758573)	Item 61	April 25, 2024	(1950011)
Item 29	September 20, 2021	(1767867)	Item 62	May 15, 2024	(1998139)
Item 30	September 24, 2021	(1739232)			
Item 31	October 14, 2021	(1761659)			

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.

- Date: 07/31/2023 (1934494)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
- Date: 08/31/2023 (1940671)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

- 3 Date: 09/30/2023 (1947473)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 4 Date: 12/31/2023 (1969520)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 5 Date: 01/31/2024 (1978601)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 6 Date: 03/31/2024 (1991705)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

Notice of Intent Date: 10/16/2019 (1603634)
No DOV Associated

Notice of Intent Date: 03/02/2021 (1706932)

Disclosure Date: 10/22/2021

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 335, SubChapter R 335.513
30 TAC Chapter 335, SubChapter R 335.513(a)
30 TAC Chapter 335, SubChapter R 335.513(b)
30 TAC Chapter 335, SubChapter R 335.513(c)

Description: Failed to prepare and retain records supporting hazardous waste determinations for each hazardous waste generated onsite and to meet documentation requirements for waste classification.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 335, SubChapter R 335.513(a)

Description: Failed to maintain complete Class 1 waste classification records. Specifically, there was comingling of Class 1 filters which are similar wastes but generated from different processes.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT O 268.7(a)(8)
30 TAC Chapter 335, SubChapter O 335.431
30 TAC Chapter 335, SubChapter O 335.431(c)

Description: Failed to maintain the Land Disposal Restrictions ("LDR") initial notification and records for all actively generated hazardous waste.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.176
30 TAC Chapter 335, SubChapter F 335.152(a)(7)
30 TAC Chapter 335, SubChapter H 335.262

Description: Failed to store paint and paint related waste that is ignitable greater than 15 meters from the properly line.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.52(a)
30 TAC Chapter 335, SubChapter E 335.112(a)(3)
30 TAC Chapter 335, SubChapter C 335.69(a)(4)

Description: Failed to have a written hazardous waste contingency plan.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.17(a)(7)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.16(d)(1)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.16(d)(2)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.16(d)(3)
30 TAC Chapter 335, SubChapter E 335.112(a)(1)
30 TAC Chapter 335, SubChapter C 335.69(a)(4)

Description: Failed to include in the records of hazardous waste training a written training plan that documents a written description of each job title and description of the type and amount of initial and annual training provided.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(1)

Description: Failed to retain documentation of the quantity of waste remaining onsite as of 12/31 of each year.

Viol. Major

Classification:

Citation: 30 TAC Chapter 106, SubChapter S 106.433
30 TAC Chapter 106, SubChapter T 106.452
30 TAC Chapter 116, SubChapter B 116.110(a)

Description: Failed to authorize the surface coating and abrasive blasting with a Permit By Rule.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.23(a)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT D 262.40(a)
30 TAC Chapter 335, SubChapter C 335.67
30 TAC Chapter 335, SubChapter C 335.69(m)
30 TAC Chapter 335, SubChapter C 335.78

Description: Failed to complete manifest training and failed to maintain disposal facility documentation and/or manifest exception reporting.

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
HEP JAVELINA COMPANY, LLC
RN102190139

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

AGREED ORDER DOCKET NO. 2023-0611-IWD-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 HEP Javelina Company, LLC (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petroleum gas liquids processing facility located at 5314 Interstate Highway 37 in the City of Corpus Christi, Nueces County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
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. WATER CODE ch. 26 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 \$35,200 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$14,080 of the penalty and \$7,040 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$14,080 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms

and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During a record review for the Facility conducted on January 31, 2023, an investigator documented that the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003137000, Interim Effluent Limitations and Monitoring Requirements No. 1, as shown in the effluent violation table below:

Effluent Violation Table

Monitoring Period	Chemical Oxygen Demand Daily Maximum Concentration Limit = 200 mg/L	Free Cyanide Daily Average Concentration Limit = 0.003 mg/L	Free Cyanide Daily Maximum Concentration Limit = 0.006 mg/L
August 2022	c	0.006	0.008
September 2022	c	0.006	0.009
October 2022	250	0.008	0.009

mg/L = milligrams per liter c = compliant

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: HEP Javelina Company, LLC, Docket No. 2023-0611-IWD-E" to:

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

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$14,080 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. The Respondent shall undertake the following technical requirements:
 - a. Within three months after the effective date of this Order, and every quarter thereafter until March 30, 2026, submit progress reports on the permit renewal and the cyanide monitoring and treatment options, in accordance with Ordering Provision No. 3.b below.
 - b. By March 30, 2026, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0003137000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detail supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. 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:

Water Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
500 North Shoreline Boulevard, Suite 500
Corpus Christi, Texas 78401

4. All relief not expressly granted in this Order is denied.
5. 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 Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Krista Mello-Jurack

For the Executive Director

11/10/2025

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.

Chester Bullard

Signature

5/23/25

Date

Chester Bullard

Vice President

Name (Printed or typed)
Authorized Representative of
HEP Javelina Company, LLC

Title

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

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

Attachment A
Docket Number: 2023-0611-IWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	HEP Javelina Company, LLC
Payable Penalty Amount:	\$28,160
SEP Offset Amount:	\$14,080
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas State Aquarium Institute for Wildlife Conservation
Project Name:	<i>Rescue and Recovery Vehicles</i>
Total Project Budget:	\$341,000
Location of SEP:	Texas Gulf Coast - Aransas, Brazoria, Calhoun, Cameron, Chambers, Galveston, Harris, Jackson, Jefferson, Kenedy, Kleberg, Matagorda, Nueces, Orange, Refugio, San Patricio, Victoria, and Willacy Counties

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 compliance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the **Texas State Aquarium Institute for Wildlife Conservation**, as a Third-Party Administrator, for the *Rescue and Recovery Vehicles* project (the "Project"). This Project involves the purchase of specialized vehicles for responding to emergencies to rescue and rehabilitate wildlife along the Texas Gulf Coast. The Third-Party Administrator shall use the SEP Offset Amount to perform the Project. The Project will be done in accordance with all federal, state, and local environmental laws and regulations. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ.

All dollars contributed will be used solely for the direct cost of implementing the Project, including for 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 solely to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

B. Environmental Benefit

This project will aid in the rescue and rehabilitation of several types of animals that may be impacted by environmental emergencies, such as shorebirds, raptors, sea turtles, dolphins, and manatees. The vehicles purchased through this project allow for a more adaptable and comprehensive response to wildlife needs. Helping to save these species contributes to the preservation of biodiversity, helping maintain the delicate ecological balance within the Texas Gulf Coast region. With healthier populations of these species, there is a positive impact on the region's food web, ecosystem stability, and overall biodiversity. A thriving wildlife population fosters a robust Gulf Coast ecosystem, creating an optimal and sustainable environment for wildlife and humans.

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 contribution payable to **Texas State Aquarium Institute for Wildlife Conservation**, and mail it with a copy of the Agreed Order to:

Texas State Aquarium Institute for Wildlife Conservation
Attention: Jesse Gilbert, CEO
2710 N. Shoreline Blvd
Corpus Christi, Texas 78402

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of 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 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 TCEQ or any other agency of the state or federal government.