

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

FILED
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REGIONAL HEARING CLERK
EPA REGION 6

IN THE MATTER OF:

Trecora Hydrocarbons, LLC
Silsbee, Texas

RESPONDENT

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DOCKET NO. CAA-06-2025-3431

CONSENT AGREEMENT

A. PRELIMINARY STATEMENT

1. This is an administrative penalty assessment proceeding brought under Section 113(d) of the Clean Air Act (the “CAA” or the “Act”), 42 U.S.C. § 7413(d), and Sections 22.13, 22.18, and 22.34 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permit (“Consolidated Rules”), as codified at 40 C.F.R. Part 22.
2. Complainant is the United States Environmental Protection Agency, Region 6 (“EPA”). On EPA’s behalf, the Director of the Enforcement and Compliance Assurance Division, EPA Region 6, has been delegated the authority to settle civil administrative penalty and compliance proceedings under Section 113(d) of the Act, 42 U.S.C. § 7413(d).
3. Trecora Hydrocarbons, LLC (“Trecora” or “Respondent”) is a limited liability

company doing business in the State of Texas. Respondent is a “person” as defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).

4. Complainant and Respondent, having agreed that settlement of this action is in the public interest, consent to the entry of this Consent Agreement along with the corresponding Final Order hereinafter known together as the “CAFO” without adjudication of any issues of law or fact herein, and Respondent agrees to comply with the terms of this CAFO.

B. JURISDICTION

5. This CAFO is entered into under Section 113(d) of the Act, 42 U.S.C. § 7413(d), and the Consolidated Rules, 40 C.F.R. Part 22. The alleged violations in this CAFO are pursuant to Section 113(a)(1)(B) of the Act, 42 U.S.C. § 7413(a)(1)(B).

6. The EPA and the United States Department of Justice jointly determined that this matter, although it involves alleged violations that occurred more than a year before the initiation of this proceeding, is appropriate for an administrative penalty assessment. 42 U.S.C. § 7413(d); 40 C.F.R. § 19.4.

7. In satisfaction of the notice requirements of Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), on May 16, 2024, EPA issued to Respondent a Notice of Violation and Opportunity to Confer (the “NOVOC”) and, on October 1, 2024, a second NOV (“NOV”) and provided copies of both notices to the state of Texas. In the NOVOC and NOV, EPA provided notices to both Respondent and the state of Texas that EPA found Respondent committed the alleged violations of the Texas State Implementation Plan (“SIP”) described in Section E of this CAFO and provided Respondent opportunities to confer with EPA. Representatives of

Respondent and EPA discussed the violations alleged in the NOVOC on May 30, 2024, and at other subsequent times. Representatives of Respondent and EPA discussed the violations alleged in the NOV on October 22, 2024, and at other subsequent times.

8. The Regional Judicial Officer is authorized to ratify this CAFO which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b).

9. The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).

C. GOVERNING LAW

10. The Act is designed “to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population.” 42 U.S.C. § 7401(b)(1).

11. EPA is authorized by Section 113 of the CAA, 42 U.S.C. § 7413, to take action to ensure that air pollution sources comply with all federally applicable air pollution control requirements. These include requirements promulgated by EPA and those contained in SIPs and federally-enforceable permits.

Texas State Implementation Plan Requirements

12. Section 109(a) of the CAA, 42 U.S.C. § 7409(a), requires the Administrator of EPA to publish national ambient air quality standards (“NAAQS”) for certain pollutants. The NAAQS establish primary air quality standards to protect public health and secondary standards to protect public welfare.

13. To achieve the objectives of the NAAQS and the CAA, Section 110(a) of the CAA, 42 U.S.C. § 7410(a), requires each State to adopt a state implementation plan (“SIP”) that

provides for the implementation, maintenance, and enforcement of the NAAQS, and submit it to the Administrator of the EPA for approval.

14. The State of Texas has adopted a SIP that has been approved by EPA. *See* 40 C.F.R. Part 52, Subpart SS. The Texas SIP includes authorization for Texas to establish a program for New Source Review permits, which can be found at 30 Tex. Admin. Code Chapter 116, Subchapter B – New Source Review Permits. *See* 40 C.F.R. § 52.2270(c).

15. In addition to permitting programs, a state's SIP may include emission control programs to assist in maintaining or attaining the NAAQS.

16. Under the Texas SIP, a "source" is "a point of origin of air contaminants, whether privately or publicly owned or operated." 30 Tex. Admin. Code § 101.1(97).

a. SIP Requirements for the Control of Air Pollution from Volatile Organic Compounds (VOCs)

17. 30 Tex. Admin. Code § 115.112(a) of the Texas SIP establishes volatile organic compound control requirements for the Beaumont-Port Arthur area, including Hardin County.

18. 30 Tex. Admin. Code § 115.112(a)(1) requires that a VOC storage tank with a capacity of greater than 25,000 gallons and less than or equal to 40,000 gallons and a true vapor pressure of less than 11 pounds per square inch absolute (psia) must control emissions using an internal floating roof, an external floating roof, or a vapor control system.

19. 30 Tex. Admin. Code § 115.112(a)(2)(B) requires that for an external floating roof storage tank subject to the provisions of 30 Tex. Admin. Code § 115.112(a)(1), automatic bleeder vents (vacuum breaker vents) must be closed at all times except when the roof is being floated off or landed on the roof leg supports.

b. Texas NSR Permit Program

20. Under the Texas NSR Permit program, a source must apply for, and obtain, an authorization to construct any new or modified source of air contaminants. See 30 Tex. Admin. Code § 116.110(a).

21. Texas NSR Permits may contain general and special conditions. See 30 Tex. Admin. Code § 116.115(a).

22. A Texas NSR Permit holder must comply with the general conditions in 30 Tex. Admin. Code § 116.115(b)(2).

23. 30. 30 Tex. Admin. Code § 116.115(b)(2)(F) and NSR Permit No. 3295, General Condition No. 8, provide that “the total emissions of air contaminants from any of the sources of emissions must not exceed the values stated on the table attached to the permit entitled ‘Emission Sources—Maximum Allowable Emission Rates.’”

24. 30 Tex. Admin. Code § 116.115(b)(2)(F) further provides that “emissions that exceed the maximum allowable emission rates are not authorized and are a violation of the permit.”

D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

25. Respondent owns and/or operates the High Purity Solvents Plant, located at 7752 FM 418, Silsbee, Hardin County, Texas 77656 (the “Facility”), a distillation and chemical toll processing facility.

26. Respondent is the owner and/or operator of the Facility within the meaning of 40 C.F.R. § 51.100(f).

27. At all times relevant to this proceeding, Respondent owned and/or operated one or more sources of air contaminants, including volatile organic compounds (“VOCs”), at the Facility.

28. On September 13, 2019, Respondent was issued NSR Permit No. 3295 (the “NSR Permit”), an air permit issued under the Texas NSR Permitting Program. The NSR Permit covers various emissions units and sources of air contaminants at the Facility, including Tank 61.

29. At the Facility, Respondent operates Tank 61, an external floating roof tank with a capacity of greater than 25,000 gallons and less than or equal to 40,000 gallons and a true vapor pressure of less than 11 psia.

30. EPA contracted helicopter flyovers in the Beaumont-Port Arthur, Texas area from November 7-9, 2023, to assess emissions sources using Optical Gas Imaging (“OGI”) technology. On November 9, 2023, EPA flew over a site identified as Trecora Hydrocarbons.

31. On December 1, 2023, EPA sent Respondent an OGI video capture of potentially unauthorized hydrocarbon emissions from the Facility. EPA asked Respondent to verify facility ownership, provide current site-specific permit information, and take any necessary corrective action to address unauthorized hydrocarbon emissions at the Facility. EPA considered information provided by Respondent to determine whether violations occurred at the Facility.

32. In August 2024, EPA reviewed a Title V deviation report submitted by Respondent on April 4, 2024, to the Texas Commission on Environmental Quality (“TCEQ”), which detailed an intermittent emissions event that occurred at the Facility between October and December 2023. The deviation report indicated that the automatic bleeder vent on Tank 61 lifted from

October 16 to 24, 2023, and October 30 to December 7, 2023, and that the tank's roof was not being floated off or landed on the roof leg supports during those time periods.

33. On December 14, 2023, Respondent provided information to EPA that it had taken the following corrective action measures at the Facility to address the compliance issues observed during the flyovers:

- a. The liquid level of the affected tank was quickly and safely raised to eight feet to refloat the roof, minimize emissions, and end the emission event upon discovery.
- b. On December 14, 2023, an OGI survey of Tank 61 was conducted by a third party to confirm that all vents had properly sealed after Tank 61's roof returned to float. OGI survey confirmed that all seals were in good working order and there were no emissions visible.

34. More than thirty (30) days before the issuance of this CAFO, Respondent was notified of the violations alleged herein. On May 16, 2024, EPA sent Respondent a Notice of Violation and Opportunity to Confer letter and provided a copy to the State of Texas. On October 1, 2024, EPA sent Respondent a second NOV and provided a copy to the State of Texas.

35. On May 30 and October 22, 2024, and on various other occasions, EPA conferred with Respondent regarding the violations alleged herein and provided an opportunity for Respondent to submit additional information or materials.

36. EPA has conducted a comprehensive review of the facility-specific information gathered based upon observations made from the OGI video captures, facility permitted

operations, and information provided by Respondent. Based on this review, EPA identified alleged violations of the CAA at the Facility as described below.

E. ALLEGED VIOLATIONS

Claim 1: Failure to Maintain Closed Automatic Bleeder Vents on an External Floating Roof Tank

37. 30 Tex. Admin. Code § 115.112(a)(2)(B) requires that automatic bleeder vents on an external floating roof tank must be closed at all times except when the roof is being floated off or landed on the roof leg supports.

38. Upon information and belief, the Facility's Tank 61 automatic bleeder vent was not closed from October 16 to 24, 2023, and October 30 to December 7, 2023, and the tank's roof was not being floated off or landed on the roof leg supports during those time periods.

39. Respondent violated 30 Tex. Admin. Code § 115.112(a)(2)(B) by failing to maintain closed automatic bleeder vents on an external floating roof tank.

Claim 2: Failure to Comply with the Maximum Allowable Emission Rate for VOC

40. 30 Tex. Admin. Code § 116.115(b)(2)(F) and NSR Permit No. 3295, General Condition No. 8, provide that the Facility's emissions must not exceed the values stated on the table attached to the permit entitled "Emission Sources—Maximum Allowable Emission Rates."

41. The NSR Permit's Maximum Allowable Emission Rate table provides that emissions of VOCs from Tank 61 must not exceed 4.76 tons per year.

42. On April 4, 2024, Respondent reported to TCEQ that the Facility's failure to properly close the automatic bleeder vents for the external floating roof on Tank 61 (see Claim 1) resulted in 10.79 tons of VOC emissions.

43. Respondent violated NSR Permit No. 3295, General Condition No. 8, and 30 Tex. Admin. Code § 116.115(b)(2)(F) by failing to comply with the maximum allowable emission rate for VOCs at Tank 61 for calendar year 2023.

F. CIVIL PENALTY AND CONDITIONS OF SETTLEMENT

General

44. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:
- a. admits that EPA has jurisdiction over the subject matter alleged in this CAFO;
 - b. neither admits nor denies the specific factual allegations contained in the CAFO;
 - c. By signing this consent agreement, Respondent waives any rights or defenses that respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.
 - d. consents to the assessment of a civil penalty, as stated below;
 - e. consents to the issuance of any specified compliance or corrective action order¹;
 - f. consents to the conditions specified in this CAFO;
 - g. consents to any stated Permit Action²;

¹ Although 40 C.F.R. § 22.18(b)(2) requires each sub-bullet, e. and g. are not applicable to this particular case.

² See *id.*

- h. waives any right to contest the alleged violations set forth in Section E of this CAFO; and
 - i. waives its rights to appeal the Final Order included in this CAFO.
- 45. For the purpose of this proceeding, Respondent:
 - a. agrees that this CAFO states a claim upon which relief may be granted against Respondent;
 - b. acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement action;
 - c. waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO, including any right of judicial review under Section 307(b)(1) of the CAA, 42 U.S.C. § 7607(b)(1);
 - d. consents to personal jurisdiction in any action to enforce this CAFO in the United States District Court for the Eastern District of Texas;
 - e. waives any right it may possess at law or in equity to challenge the authority of EPA to bring a civil action in a United States District Court to compel compliance with this CAFO and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action; and
 - f. agrees that in any subsequent administrative or judicial proceeding initiated by the Complainant or the United States for injunctive relief, civil penalties,

or other relief relating to the Facility, Respondent shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim preclusion, claim splitting, or other defenses based on any contention that the claims raised by the Complainant or the United States were or should have been brought in the instant case, except with respect to claims that have been specifically resolved pursuant to this CAFO.

Penalty Assessment and Collection

46. Upon consideration of the entire record herein, including the Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, and upon consideration of the size of the business, the economic impact of the penalty on the business, Respondent's full compliance history and good faith efforts to comply, the duration of the violation, payment by the violator of any penalties previously assessed for the same violation, the economic benefit of noncompliance, the seriousness of the violation, and other factors as justice may require, EPA has assessed a civil penalty in the amount of \$92,000 (the "EPA Penalty"). The EPA Penalty has been determined in accordance with Section 113 of the CAA, 42, U.S.C. § 7413, and at no time exceeded EPA's statutory authority.

47. Respondent agrees to:

- a. pay the EPA Penalty within 30 calendar days of the Effective Date of this CAFO; and
- b. pay the EPA Penalty by cashier's check, certified check, or wire transfer made payable to "Treasurer, United States of America, EPA – Region 6." Payment

shall be remitted in one of five (5) ways: (1) U.S. Postal Service mail; (2) non-U.S. Postal Service shipping (*e.g.*, FedEx); (3) wire transfer; (4) Automated Clearinghouse for receiving U.S. currency; or (5) Online Payment.

For regular U.S. Postal Service mail, payment should be remitted to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979078
St. Louis, MO 63197-9000

For U.S. Postal Service mail sent certified and/or with return receipt service, or if using a non-U.S. Postal Service shipping provider, (*e.g.*, FedEx), payment should be remitted to:

U.S. Environmental Protection Agency
Government Lockbox 979078
3180 Rider Trail S.
Earth City, MO 63045

For wire transfer, payment should be remitted to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

For Automated Clearinghouse (also known as "remittance express" or "REX"):

U.S. Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

For Online Payment:

<https://www.pay.gov/paygov/>
Enter sfo 1.1 in search field
Open form and complete required fields.

PLEASE NOTE: The docket number CAA-06-2025-3431 should be clearly typed on the check to ensure proper credit. The payment shall also be accompanied by a transmittal letter that shall reference Respondent's name and address, the case name, and docket number CAA-06-2025-3431. Respondent's adherence to this request will ensure proper credit is given when penalties are received for Region 6. Respondent shall also email a simultaneous notice of such payment, including a copy of the money order, or check, and the transmittal letter to the following email addresses:

Sydney Knodl
Enforcement Officer
U.S. EPA Region 6
Knodl.Sydney@epa.gov

and

Lorena Vaughn
Region 6 Hearing Clerk
U.S. EPA Region 6
Vaughn.Lorena@epa.gov

48. Respondent agrees to pay the following on any overdue EPA Penalty:
- a. Interest. Pursuant to Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5), any unpaid portion of a civil penalty must bear interest at the rates established pursuant to 26 U.S.C. § 6621(a)(2).

- b. Nonpayment Penalty. On any portion of a civil penalty more than ninety (90) calendar days delinquent, Respondent must pay a nonpayment penalty, pursuant to Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5), which shall accrue from the date the penalty payment became delinquent, and which shall be in addition to the interest which accrues under subparagraph a. of this Paragraph.

49. Respondent shall pay a charge to cover the cost of processing and handling any delinquent penalty claim, pursuant to 42 U.S.C. § 7413(d)(5), including, but not limited to, attorney's fees incurred by the United States for collection proceedings.

50. If Respondent fails to timely pay any portion of the penalty assessed under this CAFO, EPA may:

- a. refer the debt to a credit reporting agency, a collection agency, or to the Department of Justice for filing of a collection action in the appropriate United States District Court (in which the validity, amount, and appropriateness of the assessed penalty and of this CAFO shall not be subject to review) to secure payment of the debt, which may include the original penalty, enforcement and collection expenses, nonpayment penalty and interest, 42 U.S.C. § 7413(d)(5) and 40 C.F.R. §§ 13.13, 13.14, and 13.33;
- b. collect the above-referenced debt by administrative offset (*i.e.*, the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service

for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H;
and

- c. suspend or revoke Respondent's licenses or other privileges or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, 40 C.F.R. § 13.17.

Conditions of Settlement

51. Within thirty (30) days of the Effective Date of this CAFO, Respondent shall conduct quarterly Optical Gas Imaging ("OGI") surveys to detect hydrocarbon and VOC emissions at all External Floating Roof Tanks ("EFRT or EFRTs") at least forty-five (45) days apart and in accordance with the requirements of Appendix A.

52. Within thirty (30) days of completing the fourth OGI survey required by Paragraph 51, Respondent shall submit to EPA documentation of the following information: (a) the date that each OGI survey was completed; (b) a description of the issue(s) observed; and (c) the nature and timing of all modifications, corrective actions, or other actions planned or undertaken as a result of the OGI surveys.

53. Within thirty (30) days of the Effective Date of this CAFO, Respondent shall review its operation and maintenance procedures for inspecting EFRTs at the Facility, and update the procedures, as necessary, to ensure that these procedures, at a minimum, meet the requirements described in Appendix B. If Respondent does not have such procedures, it shall create such procedures in accordance with Appendix B.

54. Within thirty (30) days of the Effective Date of this CAFO, Respondent shall submit to EPA documentation of the following information: (a) a list of EFRTs wherein low level and

low-low level alarms were created and/or installed by the Respondent; (b) the date each alarm was created and/or installed; (c) photographs of in-field leg height markings near each EFRT's level gauge. Such documentation shall be emailed to the EPA email of the EPA enforcement officer provided in Paragraph 47.

55. EPA reserves the right to pursue enforcement of any violations identified as a result of Paragraphs 51-54.

Additional Terms of Settlement

56. Respondent agrees that the time period from the Effective Date of this CAFO until all the conditions specified in Paragraphs 51-54 (Conditions of Settlement) are completed (the "Tolling Period") shall not be included in computing the running of any statute of limitations potentially applicable to any action brought by Complainant on any claims set forth in Section E of this CAFO (the "Tolled Claims"). Respondent shall not assert, plead, or raise in any fashion, whether by answer, motion or otherwise, any defense of laches, estoppel, or waiver, or other similar equitable defense based on the running of any statute of limitations or the passage of time during the Tolling Period in any action brought on the Tolled Claims.

57. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors and assigns. From the Effective Date of this Agreement until the end of the Tolling Period, as set out in Paragraph 56 of this CAFO, Respondent must give written notice and a copy of this CAFO to any successors in interest prior to transfer of ownership or control of any portion or interest in the Facility. Simultaneously with such notice, Respondent shall provide written notice of such transfer, assignment, or delegation to EPA. In the event of any such

transfer, assignment or delegation, Respondent shall continue to be bound by the obligations or liabilities of this CAFO until EPA has provided written approval.

58. By signing this CAFO, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information. See 40 C.F.R. Part 2, Subpart B (Confidentiality of Business Information).

59. By signing this CAFO, the undersigned representative of Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this CAFO and has legal capacity to bind the party he or she represents to this CAFO.

60. By signing this CAFO, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and is, truthful, accurate, and complete for each submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

61. EPA and Respondent agree to the use of electronic signatures for this matter. EPA and Respondent further agree to electronic service of this CAFO by email to the following addresses:

To EPA: Lannen.Justin@epa.gov

To Respondent: Margaret.Hill@blankrome.com

62. Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under 5 U.S.C. § 504 and 40 C.F.R. Part 17. Except as qualified by Paragraph 48 of this CAFO, each party shall bear its own attorney's fees, costs, and disbursements incurred

in this proceeding.

63. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service (“IRS”) annually, a completed IRS Form 1098-F (“Fines, Penalties, and Other Amounts”) with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to EPA’s Cincinnati Finance Center at Chalifoux.Jessica@epa.gov, within 30 days after the Final Order

ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and

d. In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the Effective Date, then Respondent, using the same email address identified in the preceding subparagraph, shall further:

i. notify EPA's Cincinnati Finance Center of this fact, via email, within 30 days after the 30 days after the Effective Date of this Order per Section H of this CAFO; and

ii. provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of the TIN.

G. EFFECT OF CONSENT AGREEMENT AND FINAL ORDER

64. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts specifically alleged above.

65. If Respondent fails to timely and satisfactorily complete every condition stated in Paragraphs 51-54 of this CAFO (including payment of any stipulated penalties owed), then Complainant may compel Respondent to perform the conditions in Paragraphs 51-54, seek civil penalties that accrue from the Effective Date of this CAFO until compliance is achieved, and seek other relief in a civil judicial action pursuant to the Clean Air Act, pursuant to contract law, or both.

66. Penalties paid pursuant to this CAFO shall not be deductible for purposes of

federal taxes.

67. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 1.162-21(b)(2), performance of Paragraphs 51-54 is restitution, remediation, or required to come into compliance with the law.

68. This CAFO constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof.

69. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both parties, and approval of the Regional Judicial Officer.

70. Any violation of the included Final Order may result in a civil judicial action for an injunction or civil penalties of up to \$124,426 per day of violation, or both, as provided in section 113(b)(2) of the Act, 42 U.S.C. § 7413(b)(2), as well as criminal sanctions as provided in section 113(c) of the Act, 42 U.S.C. § 7413(c). EPA may use any information submitted under this CAFO in an administrative, civil judicial, or criminal action.

71. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or a determination of, any issue related to any federal, state, or local permit. EPA does not, by its consent to the entry of this CAFO, warrant or aver in any manner that Respondent's compliance with any aspect of this CAFO will result in compliance

with provisions of the Clean Air Act, 42 U.S.C. § 7401, et seq., or with any other provisions of federal, state, or local laws, regulations, or permits

72. Nothing herein shall be construed to limit the power of EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

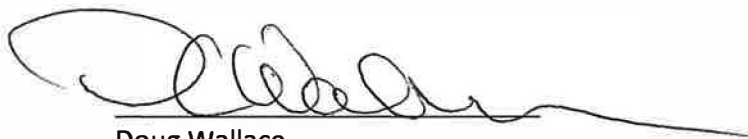
H. EFFECTIVE DATE

73. Respondent and Complainant agree to the issuance of the included Final Order. Upon filing, EPA will transmit a copy of the filed CAFO to Respondent. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer on the date of filing with the Hearing Clerk.

The foregoing Consent Agreement In the Matter of Trecora Hydrocarbons, LLC, Docket No. CAA-06-2025-3431, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:

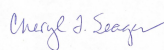
Date: 9/4/2025



Doug Wallace
Trecora Hydrocarbons, LLC

FOR COMPLAINANT:

Date: September 8, 2025



Digitally signed by
CHERYL SEAGER
Date: 2025.09.08
13:26:04 -05'00'

Cheryl T. Seager
Director
Enforcement and
Compliance Assurance Division
U.S. EPA, Region 6

APPENDIX A

OGI Survey

Respondent shall conduct a quarterly OGI camera survey (“OGI Survey”) at the Facility, for four quarters following the Effective Date of the CAFO that includes, at a minimum, the following procedures:

1. The OGI Survey shall be conducted using an OGI camera designed for and capable of detecting hydrocarbon and VOC emissions, performed by trained personnel or third parties, who maintain proficiency through regular use of the OGI camera. The OGI Survey shall be conducted during normal operations to detect any visible emissions. The OGI Surveys shall be conducted from the platform on top of each tank.

2. The OGI Survey shall consist of an OGI video-captured inspection of all EFRTs. OGI video shall be captured even if the operator does not observe emissions.

Conducting the OGI Survey

3. No earlier than one day prior to commencement of each OGI Survey, each operator must record a verification video, to demonstrate the OGI camera is capable of detecting hydrocarbon and VOC emissions. Subsequent verification videos must be recorded at least once per week for the duration of each OGI Survey, if applicable.

4. For all OGI Surveys, maintain a survey log electronically in an Excel spreadsheet that includes, at a minimum, the following:

- a. Tank Identification Number
- b. OGI camera operator name;

- c. Weather conditions at the start and end of each survey, including ambient temperature, wind speed, relative humidity, and sky conditions;
 - d. Identification of the OGI camera used to conduct the survey, including make and model;
 - e. Date and approximate start and end times; and
 - f. Description of emissions observed with the OGI camera.
5. If hydrocarbon emissions (including VOCs) are observed, at a minimum capture a 10-second video clip of the emissions, including the emitting component, and keep the video clip with the rest of the OGI Survey documentation. The Respondent shall conduct a root cause analysis to determine if the emitting component must be repaired. The date, time, and location of the observed emissions must be recorded in the survey log referenced in Paragraph 4 of this Section.
6. If applicable, an emitting component shall be repaired as soon as practicable. No later than fifteen (15) days after an emitting component is repaired, Respondent shall verify all corrective actions by capturing, at a minimum, a 10-second video clip using an OGI camera to demonstrate the component is not emitting. The video clip must be kept with the rest of the OGI Survey documentation. The date and description of the corrective action, as well as the date of corrective action verification using an OGI Survey, must be recorded in the survey log referenced in Paragraph 4 of this Section.

Quality Assurance and Quality Control

7. The Facility, or the Facility's third-party vendor performing the OGI Surveys, must have or establish a written process which ensures the validity of the monitoring data. Examples

may include routine review and sign-off of the monitoring data by the camera operator's supervisor, periodic comparative monitoring using a different camera operator as part of a continuing training verification plan, or other due-diligence procedures.

Reporting

8. The Facility must submit the following records to EPA on a quarterly basis pursuant to the requirements in Paragraph 9 of this Section, no later than thirty (30) days after conducting each OGI Survey:

- a. Survey logs for all OGI Surveys;
- b. All video footage for each OGI Survey, including, but not limited to, all video clips recorded or captured pursuant to Paragraphs, 2, 3, 5, and 6 of this Appendix;
and
- c. Record of corrective actions, if applicable.

9. Upload all required records in Paragraph 8 of this Section to an electronic folder provided by EPA. Respondents shall contact the enforcement officer identified in Paragraph 47 of the body of this CAFO to make arrangements to upload the required records.

APPENDIX B

Operation and Maintenance Procedures

For the Facility, review operation and maintenance procedures for EFRTs to ensure that unauthorized emissions are timely identified and addressed to minimize emissions from such equipment.

The operation and maintenance procedures, at a minimum, shall include written Standard Operating Procedures (“SOPs”) for the following:

1. **Tank Inspections.** SOPs shall include instructions for conducting inspections of EFRTs including:
 - a. Daily EFRT level readings at the Facility.
 - b. Temporary Quarterly OGI surveys as described in Paragraphs 51 and 52 of the body of this CAFO. SOPs shall establish procedures at the Facility for conducting quarterly OGI surveys at EFRTs, and if, after the fourth OGI survey is completed, the third or fourth OGI surveys demonstrate a finding of noncompliance pursuant to 30 TAC §§ 115.112(a) and 116.115(b)(F), SOPs shall establish and implement a requirement for continued quarterly OGI surveys at all EFRTs until two consecutive quarterly surveys demonstrate compliance with 30 TAC §§ 115.112(a) and 116.115(b).
2. **Preventative Maintenance.** SOPs shall include maintenance, inspection, and replacement schedules for equipment related to EFRTs that are subject to wear and tear.
3. **Recordkeeping and Reporting.** SOPs shall establish and implement requirements for documenting compliance with operation and maintenance procedures, including

recordkeeping of the date of inspection/maintenance activities, the performance of any corrective actions, and all training conducted.

4. Documentation Protocol. SOPs shall establish document generation and retention protocols, personnel roles and responsibilities, safety protocols, and work order systems to ensure problems are timely identified and addressed.

5. Quality Control and Training. SOPs shall establish appropriate and regular training for personnel implementing the operation and maintenance procedures listed in paragraphs 1 through 4 of this Appendix B. The Facility's SOP shall include a procedure by which Respondent evaluates Respondent's, and/or Respondent's third-party vendor's, compliance with operation and maintenance procedures on a regular basis.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

FILED
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REGIONAL HEARING CLERK
EPA REGION 6

IN THE MATTER OF:

Trecora Hydrocarbons, LLC
Silsbee, Texas

RESPONDENT

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DOCKET NO. CAA-06-2025-3431

FINAL ORDER

Pursuant to section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

Trecora Hydrocarbons, LLC, is ORDERED to comply with all terms of the Consent Agreement. In accordance with 40 C.F.R. §22.31(b), this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Dated _____

THOMAS
RUCKI

Digitally signed by
THOMAS RUCKI
Date: 2025.09.08
17:08:29 -04'00'

Thomas Rucki
Regional Judicial Officer
U.S. EPA, Region 6

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was filed with the Regional Hearing Clerk, U.S. EPA - Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that I sent a true and correct copy on this day in the following manner to these email addresses:

Copy via Email to Complainant – DELIVERY RECEIPT REQUESTED

Lannen.Justin@epa.gov

Copy via Email to Respondent – DELIVERY RECEIPT REQUESTED

Margaret.Hill@blankrome.com

Douglas.Wallace@trecora.com

Patrick.Sayles@trecora.com

Patrick Sayles

Treco Hydrocarbons LLC

12500 Bay Area Blvd, Pasadena, TX 77507

LORENA
VAUGHN

Digitally signed by
LORENA VAUGHN
Date: 2025.09.08
16:23:36 -05'00'

Regional Hearing Clerk
Office of Regional Counsel
U.S. EPA, Region 6