

Date	Facility	Agency	NOV Description	Resolution
1/10/2013	Meridian, MS	MS DEQ	Minor non-compliance: Exceedence of permitted stormwater effluent limit for aluminum	Provided documentation (No Penalty)
2/7/2013	Spartanburg, SC	SC DHEC	Minor non-compliance: Exceedence of permitted stormwater effluent limit for zinc	TMG has agreed to construct enhanced stormwater treatment system (No Penalty)
5/28/2013	East Liverpool, OH	Ohio EPA	NOV for missing submittal deadline for Fee Emissions Report and Emissions Inventory Summary	Provided reports (No penalty)
8/29/2014	Southwest (Brownsville, TC)	TCEQ	NOV for exceedence of short term emissions, failure to repair leaking components within 15 days and failure to maintain daily records of VE observations of flares.	Began keeping daily VE records. Began preparation of application to modify air permit to increase short term emissions. Added more management oversight to leaking component repair. (No penalty)
2/24/2015	Tampa, FL	Hillsborough County EPC	Warning notice to modify Title V permit after issuance of construction permit.	Submitted Title V application for modification. Warning notice closed out (No penalty).
3/12/2015	Evansville, IN	IDEM	NOV and Proposed Agreed Order for missing 5-year stack test	Performed stack test and paid \$500 for Agreed Order
4/22/2015	Selma North, NC	NC DENR	Notice of Deficiency for missing annual reporting requirement.	Provided reports. Have not received any formal response from agency.
7/15/2015	Southwest (Brownsville, TC)	TCEQ	NOV for exceedence of short term emissions and failure to repair leaking components within 15 days.	Began preparation of application to modify air permit to increase short term emissions. Added more management oversight to leaking component repair. (No penalty)
8/4/2015	Paducah, KY	KDEP	NOV for failure to perform 10-year storage tank inspections and for improper maintenance. Used IR camera.	Performed internal tank inspection of roof and seals. Awaiting follow up from the KDEP.
11/4/2015	Collins, MS (SET)	MS DEQ	3rd QTR exceedence of permitted stormwater effluent limit for pH.	No further action taken (No Penalty)
12/22/2015	Norfolk, VA	VA DEQ	NOV for failure to submit 1st Semi-annual monitoring report for 2015.	Consent Order dated 09/14/2016 which included a civil penalty of \$6,299.45
1/21/2016	Collins, MS (SET)	MS DEQ	1st QTR exceedence of permitted stormwater effluent limit for pH.	No further action taken (No Penalty)
1/21/2016	Collins, MS (1)	MS DEQ	Exceedence of permitted stormwater effluent limit for Copper & Lead.	No further action taken (No Penalty)
2/5/2016	Americus, GA	GA EPD	Letter of Non-Compliance for failure to provide 30 day notification prior to tank refill.	No enforcement and no response required.
3/18/2016	Southwest (Brownsville, TX)	TCEQ	NOV for failure to provide request information regarding an emissions event within the required 21 days	Once the information was provided, TCEQ acknowledged receipt of information and that the issue was resolved
9/8/2016	Collins, MS (1)	MS DEQ	Exceedence of permitted stormwater effluent limit for Copper & Lead.	No further action taken (No Penalty)
9/18/2016	Cape Canaveral, FL	USCG	NOV from USCG for asphalt spill to water (Port Turning Basin); damage to dockline by third party.	Dock line repaired and spill cleaned up. \$5,000 penalty.
9/26/2016	Collins, MS (SET)	MS DEQ	2nd QTR exceedence of permitted stormwater effluent limit for Aluminum.	No further action taken (No Penalty)
9/27/2016	Collins, MS (SET)	MS DEQ	1st QTR exceedence of permitted stormwater effluent limit for Aluminum.	No further action taken (No Penalty)
12/5/2016	Collins, MS (SET)	MS DEQ	3rd QTR exceedence of permitted stormwater effluent limit for Aluminum.	No further action taken (No Penalty)
1/29/2017	Covinton, KY	KDEP	Single NOV for 4 separate NPDES permit exceedances (Mar.-Oct. 2016).	Corrective actions taken at the time of the exceedances. NOV stipulates that KDEP does not intend to pursue formal enforcement actions/penalties.
1/29/2017	Collins, MS	MS DEQ	NOV for NPDES lead exceedence (Oct. 2017) at #1/Injection Terminal.	Investigating acceptable methodologies to demonstrate presence of "background" lead in native soil.
2/14/2017	Collins, MS (1)	MS DEQ	Exceedence of permitted stormwater effluent limit for Lead.	No further action taken (No Penalty)
3/30/2017	Collins, MS (SET)	MS DEQ	4th QTR exceedence of permitted stormwater effluent limit for Aluminum.	No further action taken (No Penalty)
5/12/2017	Collins, MS (SET)	MS DEQ	1st QTR exceedence of permitted stormwater effluent limit for Aluminum.	No further action taken (No Penalty)
5/12/2017	Collins, MS (2)	MS DEQ	Exceedence of permitted Hydrostatic effluent limit for pH.	No further action taken (No Penalty)
6/15/2017	Southwest (Brownsville, TX)	TCEQ	NOV for a typographical error in semi-annual and annual reports	Once the information was provided, TCEQ acknowledged receipt of information and that the issue was resolved
8/10/2017	Collins, MS (2)	MS DEQ	Exceedence of permitted Hydrostatic effluent limit for BTEX.	No further action taken (No Penalty)
10/10/2017	Collins, MS (1)	MS DEQ	Exceedence of permitted stormwater effluent limit for Lead.	No further action taken (No Penalty)
10/13/2017	Norfolk, VA	VA DEQ	NOV for Failure to perform stack test on VCU	Response submitted 10/24/2017. No follow-up received.
2/8/2018	Collins, MS	MS DEQ	NOV for NPDES aluminum exceedence (Oct. 2017) at Southeast Terminal	Improvements to dike areas (gravel surfacing) and outfall drainage basins

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 29, 2014

**CERTIFIED MAIL #91 7108 2133 3937 1339 6182  
RETURN RECEIPT REQUESTED**

Mr. Kevin Kickham, Senior Air Quality Specialist  
TransMontaigne Operating Company, LP  
PO Box 5660  
Denver, CO 80217-5660

Re: Notice of Violation for a Site Full Compliance Investigation at:  
Southwest Terminal, 10150 State Highway 48, Brownsville (Cameron County), Texas

Regulated Entity No.: RN100840818 , TCEQ ID No.: CD0122E, O2777

Dear Mr. Kickham:

On August 15, 2014 through August 22, 2014, Mr. Fabian Clifford of the Texas Commission on Environmental Quality (TCEQ) Harlingen Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for air quality. Enclosed is a summary which lists the investigation findings. During the investigation, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by October 1, 2014, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for each of the outstanding alleged violations.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Harlingen Region Office at (956)425-6010 or the Central Office Publications Ordering Team at 512-239-0028.

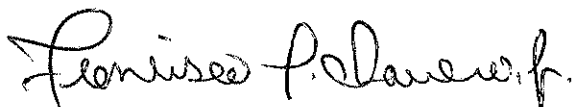
The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violations documented in this notice. Should you choose to do so, you must notify the Harlingen Region Office within 10 days from the date of this letter. At that time, Mr. Francisco J. Chavero, Jr., will schedule a violation review meeting to be conducted within 21 days from the date of this letter.

Mr. Kevin Kickham  
Page 2  
August 29, 2014

However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the enclosed Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Mr. Clifford in the Harlingen Region Office at (956) 430-6041.

Sincerely,



Francisco J. Chavero, Jr., Section Manager  
Air, Water, and Waste Programs  
Harlingen Region Office  
Texas Commission on Environmental Quality

FJC/fac

Enclosure: Summary of Investigation Findings

## Summary of Investigation Findings

<b>SOUTHWEST TERMINAL</b> 10150 STATE HIGHWAY 48 BROWNSVILLE, CAMERON COUNTY, TX 78521	Investigation # <b>1191949</b> Investigation Date: 08/15/2014
Additional ID(s): 76344 56597 82038 93324 82240 87820 83593 87819 CD0122E 91405 7195A 41581 2777	

### OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 546727      Compliance Due Date: 09/30/2014

30 TAC Chapter 111.111(a)(4)(A)(ii)  
5C THSC Chapter 382.085(b)

**Alleged Violation:**

Investigation: 1191949

Comment Date: 08/29/2014

Failure to maintain daily records of visible emissions from process gas flares at the facility.

Specifically, the documentation requested for visible emissions at specified sources to include facility flares (EPNs: 1A and 7A). The regulated entity represented that these were maintained on the Vapor Control System Outage Report for Flares and Vapor Combustion Unit submitted on August 21, 2014. On review of records it was determined the Vapor Control System Outage Report could not satisfy record keeping requirements to demonstrate compliance for visible emissions from flares. The records did not notate time of day, whether or not the flare was smoking and by which test method compliance was determined. This will be noted as an alleged violation of 30 TAC §111.111(a)(4)(A)(ii), failure to maintain daily records of visible emissions from process gas flares at the facility. In addition this is an alleged violation of Texas Health and Safety Code §382.085(b) which states a person may not cause, suffer, allow, or permit the emission of any air contaminant or the performance of any activity in violation of this chapter or of a commission rule or order.

**Recommended Corrective Action:** Submit to the TCEQ Harlingen Region Office documentation which indicates the date, time of day the flares were observed, whether or not the flares were smoking, and which Test Method was used in determining compliance with Title 30 Texas Administrative Code §111.111(4) for gas flares.

Track No: 546728      Compliance Due Date: To Be Determined

30 TAC Chapter 116.115(c)  
30 TAC Chapter 122.143(4)  
5C THSC Chapter 382.085(b)

**PERMIT 7195A, NSR Special Condition 1**

This permit authorizes only from those points listed in the attached table entitled "Emission Sources - Maximum Allowable Emission Rates" and the facilities covered by this permit are authorized to emit subject to the emission rate limits on that table.

**PERMIT 2777, FOP Special Term and Condition 12**

The permit holder shall comply with the requirements of New Source Review authorizations issued or claimed by the permit holder for the permitted area.



**Alleged Violation:**

Investigation: 1191949

Comment Date: 08/29/2014

Failure to maintain emission sources identified by the Permit Maximum Allowable Emission Rates Table (MAERT) limited to the specified emission limits.

During the investigation it was noted that tank 2100 reported emissions exceedance of the Maximum Allowable Emission Rates Table (MAERT) attached to the permit authorization. The facility records were then reviewed and it was further confirmed that Tank 2100 had a 12 month rolling emission average that exceeded the 0.1 tpy VOC MAERT limit with 0.11 tpy VOC in November 2013 and 0.22 tpy VOC in December 2013.

In addition this is an alleged violation of 30 TAC §122.143(4), which states that the permit holder shall comply with all terms and conditions codified in the permit and any provision terms and conditions required to be included with the permit. The facility is also an alleged violation of 30 TAC §116.115(c), which states that the holder of permits, special permits, standard permits, and special exemptions shall comply with all special conditions contained in the permit document. Finally, this is also an alleged violation of the Texas Health and Safety Code §382.085(b) which states a person may not cause, suffer, allow, or permit the emission of any air contaminant or the performance of any activity in violation of this chapter or of any commission rule or order.

**Recommended Corrective Action:** Southwest Terminal must either operate within the limits of the New Source Review Authorization Permit MAERT or amend the the existing permit authorization to modify the MAERT limits. Submit to the TCEQ Harlingen Office plan of action to correct or mitigate tank emission exceedance. The regulated entity shall also report the exceedance as a deviation and submit deviation reports to TCEQ in accordance with 30 TAC §122.145(2) until compliance is achieved.

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**Track No: 546731      Compliance Due Date: To Be Determined**

**30 TAC Chapter 122.145(2)  
5C THSC Chapter 382.085(b)**

**PERMIT 2777, FOP General Terms and Conditions**

The permit holder shall comply with all terms and conditions contained in 30 TAC 122.145, Reporting Terms and Conditions

**Alleged Violation:**

Investigation: 1191949

Comment Date: 08/29/2014

Failure to report in writing to the executive director all instances of deviations, the probable cause of the deviation, and any corrective actions or preventative measures taken for each emission unit addressed in the permit.

Specifically, during review of records for the investigation conducted August 15, 2014 through August 22, 2014, it was determined that the regulated entity had not reported a deviation for at least one emission source that exceeded the MAERT Limitation attached to NSR Permit 7195A on a rolling 12-month period. The deviation was not reported in the second report period, July 1, 2013 through December 31, 2013. In addition this is an alleged violation of Texas Health and Safety Code §382.085(b) which states a person may not cause, suffer, allow, or permit the emission of any air contaminant or the performance of any activity in violation of this chapter or of a commission rule or order.

**Recommended Corrective Action:** The regulated entity shall submit a correct and accurate Federal Operating Permit Deviation Report Form Dev Rep as required by Title 30 of Texas Administrative Code §122.145(2)(B) by holder of Federal Operating Permit authorization for the periods of January 1, 2013 through June 30, 2013, and July 1, 2013 through December 31, 2013.

**ALLEGED VIOLATION(S) NOTED AND RESOLVED  
ASSOCIATED TO A NOTICE OF VIOLATION**

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**Track No: 546742**

**30 TAC Chapter 116.115(c)**

**Summary of Investigation Findings**

**SOUTHWEST TERMINAL**

**Investigation # 1191949**

**30 TAC Chapter 122.143(4)**

**5C THSC Chapter 382.085(b)**

**PERMIT 2777, FOP Special Term and Condition 12**

The permit holder shall comply with the requirements of New Source Review authorizations issued or claimed by the permit holder for the permitted area.

**PERMIT 7195A, NSR Special Condition 30(H)**

All reasonable effort shall be made to repair a leaking component within 15 days after the leak is found.

**Alleged Violation:**

Investigation: 1191949

Comment Date: 08/29/2014

Failure of the permit holder to comply with all special conditions contained in the permit document.

Specifically, the regulated entity failed to conduct final repair within 15 days of identifying a leak of a fugitive component. During the first reporting period January 1, 2013 through June 30, 2013, there was one reported deviation, which exceed the 15 day requirement on January 26, 2013 and ended February 5, 2013, in which final repair of a leaking component was not made within 15 days.

In addition, this is an alleged violation of 30 TAC §122.143(4), which states that the permit holder shall comply with all terms and conditions codified in the permit and any provision terms and conditions required to be included with the permit. This is also an alleged violation of the Texas Health and Safety Code §382.085(b) which states a person may not cause, suffer, allow, or permit the emission of any air contaminant or the performance of any activity in violation of this chapter or of any commission rule or order.

**Recommended Corrective Action:** No further action is required to resolve this violation.

**Resolution:** On February 5, 2013, final repair of the fugitive component was completed. There is a current plan to implement training to field personnel on the importance of quick response to leak detection and documentation of repairs at the facility.

### ADDITIONAL ISSUES

**Description**

Item 4

**Additional Comments**

Tanks 2103, 2104, 2105 and 2106 are footnoted under the Permit 7195A MAERT are authorized under permits by rule and are not authorized by NSR Permit 7195A with emissions being listed only for reference. When Mr. Clifford spoke with Mr. Kickham, it was learned that he was unsure of what PBR(s) governed these tanks, what the emission limits were, and whether or not they were still applicable. It was determined the exceedances noted on these tanks will be documented as an additional issue with a recommendation to report these as deviations until compliance status is determined. If it is determined they are out of compliance of the PBR requirements, then they must continue to report them as deviations until full compliance is achieved.

**SOUTHWEST TERMINAL**

**Investigation # 1191949**

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Item 6	During the investigation, it was found that the regulated entity had their natural gas provider sign a contract to provide gas conforming to the specification identified in NSR Permit 7195A but did not have emissions data or fuel sampling data for the gas used for the boilers, hot oil heaters, and flares. The facility shall obtain from the fuel service provider emissions data or fuel sampling data of all fuel utilized at the facility in order to demonstrate compliance of 30 TAC §112.2(c) and keep them onsite and available for review upon request.
Item 7	During the investigation conducted on August 15, 2014 through August 21, 2014, it was identified that the regulated entity is currently operating a flare (EPN: 1A) that is not meeting performance standards. Further review of documentation submitted on August 21, 2014 demonstrated that the regulated entity had been researching viable compliance options with discussion with TCEQ. The facility additionally petitioned the EPA for an exemption from the New Source Performance Standards requirement (See Attachment C). Final solution was never reached. Considering the amount of discussion between the regulated entity and the TCEQ on this issue, this will be noted as additional issue to revisit and address the operational requirements of the flare, or to exercise other control options and obtain authorization through the TCEQ Air Permits Division. Flare 1A will be an ongoing investigative matter to be revisited again at a future date.
Item 8	There were 13 occurrences in which a first time attempt of repairs within 5 days of identifying a leak was not conducted. During the reporting period January 1, 2013 through June 30, 2013 6 fugitive components were identified where quick response to leak detection was not initiated within 5 days. During the reporting period July 1, 2013 through December 31, 2013, 7 fugitive components were identified where quick response to leak detection was not initiated within 5 days. This will be noted as an additional issue as 40 CFR §66.11089(c) and NSR Permit 7195A SC# 30(H) both require first time attempt at repair within 5 days with reasonable effort at final repair of a leaking component within 15 days.

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Richard D. Garrity, Ph.D.  
Executive Director  
(813)627-2600

2015-0028A

Date Issued: 2/24/2015

S 31 T 29 R 19

Environmental Protection Commission of Hillsborough County

# WARNING NOTICE

**Responsible Party: Transmontaigne Product Services Inc. / Mr. Dudley Tarlton**

**Mailing Address:** 1670 Broadway, Ste. 3100  
Denver, CO, 80202

**Phone:** (303) 626-8219

**Location of alleged violation:** 1523 Port Avenue Tampa, FL 33605

**Day and time of alleged violation:** 3/8/2014

**Alleged violation pursuant to:**  
**Chapter 84-446 Laws of Florida (Act):**

Other: Rule 62-4.090, F.A.C.;  
Rules 62-4.050(2), F.A.C.;  
Permit No. 0570081-017-AC, Specific Condition No. F.W.17.

The violations here alleged may not include possible concurrent violations of other applicable environmental laws: local, state or federal including those of the Environmental Protection Commission. Facts believed to constitute alleged violation:

Failure to submit a timely application for a Title V air operating permit revision, within 60 days of completion of construction of the floating roof on Tank No. 1 (Internal Floating Roof Inspection as required by 40 CFR 60, Subpart Kb completed on 1/7/2014) or at least 180 days prior to the 4/1/2015 expiration date of Permit 0570081-017-AC. Permit application was recieved on 2/13/2015.

By copy of this Notice, the responsible party is informed that Commission staff believes that based upon the information available, a violation may have occurred. If substantiated, appropriate administrative or legal action will be initiated by the Commission to assure compliance with the Environmental Protection Act of Hillsborough County and the Rules of the Environmental Protection Commission. If you believe that the above does not constitute a violation as alleged, you are encouraged to immediately contact the Investigator named below. If the violation is substantiated, cooperative resolution and correction may avoid enforcement action in this matter.

**Note**

Because continuation of violation subsequent to this Notice may be considered to be an intentional violation, it is recommended that you cease the above alleged violation and until this matter is resolved it is recommended that you do the following:

Please respond in writing within 15 days of receipt of this notice.

**Investigator:**   
Sahand Nasser, P.E.  
813-627-2600 x1355

**Delivered by:** Certified Mail #7013 2630 0002 0132 4204  
**CC: Diana Lee, P.E.**



**TRANSMONTAIGNE**

April 13, 2015

Sent via Certified USPS Mail # 7001 1940 0002 8360 3381

Mr. Quentin Gilbert  
Compliance and Enforcement Manager  
IDEM, Office of Air Quality, Compliance and Enforcement Branch  
Southwest Regional Office  
PO Box 128  
Petersburg, IN 47567-0128

**Re: Notice of Violation dated March 12, 2015  
TransMontaigne Operating Company LP – Evansville Terminal  
FESOP # 163-29217-00063  
Case No. 2015-22854-A**

Dear Mr. Gilbert:

TransMontaigne Operating Company LP (TransMontaigne) owns and operates the Evansville Terminal, a bulk products storage facility in Vanderburgh County, Evansville, Indiana. On March 12, 2015, the Indiana Department of Environmental Management (IDEM) issued a Notice of Violation, Case No. 2015-22854-A, for an alleged failure to conduct inlet and outlet VOC testing of the south loading rack vapor combustor at TransMontaigne's Evansville Terminal. In response to this letter, TransMontaigne is enclosing with this letter the following items:

- A copy of the signed Agreed Order

Submittal of the associated \$500.00 penalty will be paid within 15 days of TransMontaigne receiving the final adopted Agreed Order. Please note a test of the vapor combustor was conducted on March 11, 2015 and test results were submitted on April 1, 2015. These test results demonstrated compliance with the limits specified in FESOP # 163-29217-00063

If you have any questions, please do not hesitate to contact me at (303) 860-5128. Thank you for your assistance in this matter.

Sincerely,

TRANSMONTAIGNE PRODUCT SERVICES INC.

A handwritten signature in black ink, appearing to read 'K. Kickham'.

Kevin J. Kickham  
Sr. Air Quality Specialist  
Enclosure

cc: Mr. Billy Piercey, TransMontaigne  
Mr. Dennis DiPietro, TransMontaigne  
ESOH File AR.007.EVAN  
ESOH File AR.018.EVAN



**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

*We Protect Hoosiers and Our Environment.*

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Michael R. Pence  
Governor

March 12, 2015

Thomas W. Easterly  
Commissioner

VIA CERTIFIED MAIL: 7190 0005 2710 0038 8667 VIA CERTIFIED MAIL: 7190 0005 2710 0038 8698  
Dudley Tarlton, Vice President ESOH  
TransMontaigne Operating Company  
1670 Broadway, Suite 3100  
Denver, CO 80202  
CT Corporation System, Registered Agent  
150 West Market Street Suite 800  
Indianapolis, IN 46204

Re: Inspection Summary, Notice of Violation,  
and Proposed Agreed Order for Violations  
Identified via Inspection  
TransMontaigne Operating Company, L.P.  
Facility ID: 163-00063  
Evansville, IN  
Case No. 2015-22854-A

Dear Mr. Tarlton:

On January 23, 2015 a representative of the Indiana Department of Environmental Management (IDEM), Office of Air Quality conducted an inspection at 2630 Broadway Avenue, Evansville, Indiana. This inspection was conducted pursuant to IC 13-14-2-2, and this summary of the inspection is provided pursuant to IC 13-14-5.

As a result of information obtained during this inspection, IDEM alleges that a violation of Condition D.1.3 of FESOP 163-29217-00063 occurred. Specifically, inlet and outlet VOC testing of the south loading rack vapor combustor, C-2, was not conducted within five (5) years of the most recent valid compliance demonstration.

In accordance with IC 13-30-3-3, this letter includes a Notice of Violation that sets forth the alleged violations and an Agreed Order that provides TransMontaigne Operating Company, L.P. the opportunity to settle this enforcement action. IDEM encourages settlement by Agreed Order when possible to quickly correct environmental violations and avoid litigation.

The alleged violations identified in the Notice of Violation are among those that IDEM has determined qualify for expedited enforcement. This means that the enclosed Agreed Order is non-negotiable, and it represents IDEM's best settlement offer in this matter. The civil penalty included in the Agreed Order is the penalty amount that IDEM will accept only for the settlement of the alleged violations identified therein, and under its expedited enforcement program.



TransMontaigne Operating Company, L.P.  
Case No. 2015-22854-A  
Page 2 of 4

If TransMontaigne Operating Company, L.P. agrees to settle this enforcement action in accordance with the enclosed Agreed Order, its Responsible Official should sign and return the entire original Agreed Order within sixty (60) days of receipt to IDEM at the following address:

Quentin Gilbert, Compliance and Enforcement Manager  
IDEM, Office of Air Quality, Compliance and Enforcement Branch  
Southwest Regional Office  
PO Box 128  
Petersburg, IN 47567-0128

The civil penalty should be sent to the address listed in the Agreed Order within fifteen (15) days of your receipt of a copy of the final adopted Agreed Order. The final adopted Agreed Order will be mailed to you after it is approved and signed by the Assistant Commissioner of IDEM's Office of Air Quality.

IDEM is not required to extend the offer of entry into the Agreed Order for more than sixty (60) days. Because Indiana law allows a source to enter into an Agreed Order without admitting that the violation occurred, the attached Agreed Order includes this non-admission language. (See line 3 of the first paragraph of the Agreed Order.). If the Agreed Order is not entered into, IDEM may proceed with additional enforcement action requiring compliance with Condition D.1.3 of FESOP 163-29217-00063 and seeking monetary penalties in accordance with IDEM's Civil Penalty Policy (ID No. Enforcement 99-0002-NPD), which likely will result in a greater penalty than the penalty amount offered in this Agreed Order.

Please contact Quentin Gilbert of my staff at 812/380-2316 or by e-mail at [qgilbert@idem.in.gov](mailto:qgilbert@idem.in.gov) if you have any questions.

Sincerely



David Holder, Deputy Director  
Southwest Regional Office

cc: Vanderburgh County Health Department  
Rochelle Marceillars, US EPA Region 5  
Quentin Gilbert, OAQ, Compliance and Enforcement Branch  
Kevin Kickham, TransMontaigne Air Quality Specialist  
<http://www.IN.gov/idem>  
Section File



**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

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Michael R. Pence  
Governor

March 12, 2015

Thomas W. Easterly  
Commissioner

**NOTICE OF VIOLATION**

Dudley Tarlton, Vice President ESOH  
TransMontaigne Operating Company  
1670 Broadway, Suite 3100  
Denver, CO 80202

CT Corporation System, Registered Agent  
150 West Market Street Suite 800  
Indianapolis, IN 46204

Case No. 2015-22854-A

Based on an investigation on January 23, 2015, the Indiana Department of Environmental Management ("IDEM") has reason to believe that TransMontaigne Operating Company, L.P. ("Respondent") has violated Condition D.1.3 of FESOP 163-29217-00063. The violations are based on the following:

1. Respondent owns and/or operates a stationary bulk petroleum product storage and transfer terminal with Plant I.D. No. 163-00063 located at 2630 Broadway Avenue in Evansville, Vanderburgh County, Indiana (the "Site").
2. Pursuant to Condition D.1.3 of FESOP 163-29217-00063, Respondent shall perform inlet and outlet VOC testing of the vapor flare (C-1) and vapor combustor (C-2) at least once every five (5) years from the date of the most recent valid compliance demonstration.

Respondent last performed inlet and outlet VOC testing of the vapor combustor (C-2) on October 7, 2009. Respondent failed to perform VOC testing of the vapor combustor (C-2) within five (5) years from the date of the most recent valid compliance demonstration, in violation of Condition D.1.3 of FESOP 163-29217-00063.

In accordance with IC 13-30-3-3, the Commissioner herein provides notice that a violation may exist and offers an opportunity to enter into an Agreed Order providing for the actions required to correct the violation and for the payment of a civil penalty for the violation. The Commissioner is not required to extend this offer for more than sixty (60) days. An Agreed Order for your consideration is attached. As noted on the attached Agreed Order, it is a qualified offer of settlement of this matter and, therefore, is inadmissible pursuant to Indiana's Rules of Evidence.

As provided in IC 13-30-3-3, an alleged violator may enter into an Agreed Order without admitting that the violation occurred. IDEM encourages settlement by Agreed Order to quickly correct environmental violations and to avoid litigation.





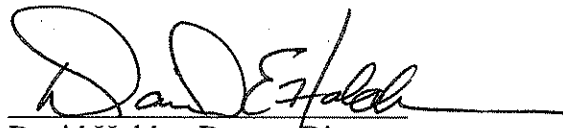
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Case No. 2015-22854-A  
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If the Agreed Order is not entered into within sixty (60) days of receipt of this Notice of Violation, the Commissioner may proceed with additional enforcement action requiring compliance with Condition D.1.3 of FESOP 163-29217-00063 and seek additional monetary penalties in accordance with IDEM's Civil Penalty Policy (ID No. Enforcement 99-0002-NPD). Pursuant to IC 13-30-4-1, the Commissioner may assess penalties of up to \$25,000 per day for each violation.

Please contact Quentin Gilbert of my staff at (812) 380-2316 or by e-mail at [qgilbert@idem.in.gov](mailto:qgilbert@idem.in.gov) if you have any questions.

For the Commissioner:

Date: 2/12/2015

  
David Holder, Deputy Director  
Southwest Regional Office

cc: Vanderburgh County Health Department  
Rochelle Marceillars, US EPA Region 5  
Quentin Gilbert, Compliance and Enforcement Branch, OAQ  
Kevin Kickham, TransMontaigne Air Quality Specialist  
<http://www.IN.gov/idem>  
Section File



**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

*We Protect Hoosiers and Our Environment.*

100 N. Senate Avenue • Indianapolis, IN 46204  
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Michael R. Pence  
Governor

Thomas W. Easterly  
Commissioner

Respondent Name: TransMontaigne Operating Company, L.P.  
Case Number: 2015-22854-A

**AGREED ORDER**

Complainant and Respondent desire to settle and compromise this action without hearing or adjudication of any issue of fact or law, and consent to the entry of the following Findings of Fact and Order. Pursuant to IC 13-30-3-3, entry into the terms of this Agreed Order does not constitute an admission of any violation contained herein. Respondent's entry into this Agreed Order shall not constitute a waiver of any defense, legal or equitable, which Respondent may have in any future administrative or judicial proceeding, except a proceeding to enforce this order.

**I. FINDINGS OF FACT**

1. Complainant is the Commissioner ("Complainant") of the Indiana Department of Environmental Management ("IDEM"), a department of the State of Indiana created by Indiana Code ("IC") 13-13-1-1.
2. Respondent is TransMontaigne Operating Company, L.P. ("Respondent"), which operates the stationary bulk petroleum product storage and transfer terminal with Plant ID No. 163-00063, located at 2630 Broadway Avenue in Evansville, Vanderburgh County, Indiana ("Site").
3. IDEM has jurisdiction over the parties and the subject matter of this action.
4. Pursuant to IC 13-30-3-3, IDEM issued a Notice of Violation ("NOV") via certified mail to:  

Dudley Tarlton, Vice President ESOH	CT Corporation System, Registered Agent
TransMontaigne Operating Company	150 West Market Street Suite 800
1670 Broadway, Suite 3100	Indianapolis, IN 46204
Denver, CO 80202	
5. At the time of an inspection conducted on January 23, 2015, the following violation was in existence or observed at the Site by a representative of IDEM's Office of Air Quality ("OAQ").

Pursuant to Condition D.1.3 of FESOP 163-29217-00063, Respondent shall perform inlet and outlet VOC testing of the vapor flare (C-1) and vapor combustor (C-2) at least once every five (5) years from the date of the most recent valid compliance demonstration.

Respondent last performed inlet and outlet VOC testing of the vapor combustor (C-2) on October 7, 2009. Respondent failed to perform VOC testing of the vapor combustor (C-2) within five (5) years from the date of the most recent valid compliance demonstration, in violation of Condition D.1.3 of FESOP 163-29217-00063.

Respondent submitted a protocol for the vapor combustor (C-2) performance test on February 3, 2015. Respondent proposed that the test be conducted March 11, 2015.

6. In recognition of the settlement reached, Respondent waives any right to administrative and judicial review of this Agreed Order.

## **II. ORDER**

1. This Agreed Order shall be effective (“Effective Date”) when it is adopted via signature by Complainant or Complainant’s delegate, and the adopted Agreed Order has been received by Respondent. This Agreed Order shall have no force or effect until the Effective Date. This offer to settle the allegations contained in this Agreed Order does not bind or obligate the parties of this enforcement action if the Agreed Order is not adopted.
2. Respondent is assessed a civil penalty of Five Hundred Dollars (\$500.00). Respondent shall pay said penalty amount no later than fifteen (15) days after the Effective Date (“Due Date”). In the event that the civil penalty is not paid by the Due Date, Respondent shall pay interest on the unpaid balance at the rate established by IC 24-4.6-1-101.
3. In the event the terms and conditions of this Agreed Order are violated, Complainant may seek additional relief.
4. Civil penalties are payable by check to the “Environmental Management Special Fund.” Checks shall include the Case Number of this action and shall be mailed to:  
  
IDEM Office of Legal Counsel  
IGCN, Rm N1307  
100 N Senate Ave  
Indianapolis, IN 46204
5. This Agreed Order shall apply to and be binding upon Respondent and its successors and assigns. Respondent’s signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent. No change in ownership, corporate, or partnership status of Respondent shall in any way alter its status or responsibilities under this Agreed Order.
6. In the event that any terms of this Agreed Order are found to be invalid, the remaining terms shall remain in full force and effect and shall be construed and enforced as if this Agreed Order did not contain the invalid terms.

7. This Agreed Order is not and shall not be interpreted to be a permit or a modification of an existing permit. This Agreed Order, and IDEM's review or approval of any submittal made by Respondent pursuant to this Agreed Order, shall not in any way relieve Respondent of its obligation to comply with the requirements of its applicable permit or any applicable Federal or State law or regulation.
8. Complainant does not, by its approval of this Agreed Order, warrant or aver in any manner that Respondent's compliance with any aspect of this Agreed Order will result in compliance with the provisions of any permit, order, or any applicable Federal or State law or regulation.
9. Nothing in this Agreed Order shall prevent or limit IDEM's rights to obtain penalties or injunctive relief under any applicable Federal or State law or regulation, except that IDEM may not, and hereby waives its right to, seek additional civil penalties for the same violations specified in the NOV.
10. Nothing in this Agreed Order shall prevent IDEM or anyone acting on its behalf from communicating with the EPA or any other agency or entity about any matters relating to this enforcement action. IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of such communications with the EPA or any other agency or entity.
11. The parties were free to consult with their respective counsel regarding entry into this Agreed Order to the extent each deemed necessary.

**REMAINDER OF PAGE LEFT BLANK INTENTIONALLY**

TransMontaigne Operating Company, L.P.  
Case No. 2015-22854-A  
Page 4 of 4

TECHNICAL RECOMMENDATION:  
Department of Environmental Management

By: Vaughn Ison  
Vaughn Ison, Chief  
Compliance and Enforcement  
Section 3  
Office of Air Quality

Date: 1/25/15

RESPONDENT:\*  
TransMontaigne Operating Company, L.P.

By: D. Tault

Printed: Dudley Taulton

Title: V.P.

Date: 13 April 2015

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL  
MANAGEMENT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_ .

For the Commissioner:

By: \_\_\_\_\_  
Keith Baugues, Assistant Commissioner  
Office of Air Quality

**\* In the event that Respondent does not accept the settlement offer contained in this Agreed Order, IDEM notes that this document is a qualified offer of settlement, and therefore Rule 408 of Indiana Rules of Evidence applies to this document, rendering it inadmissible.**



**TRANSMONTAIGNE**

September 28, 2016

Sent via USPS Tracking #7006 0100 0005 0752 9419

Receipts Control  
Department of Environmental Quality  
Post Office Box 1104  
Richmond, VA 23218

**Re: TransMontaigne Operating Company, L.P. – Norfolk Terminal  
VADEQ Registration No. 60242**

**Payment for Enforcement Action - Order by Consent**

To Whom It May Concern:

Please find attached a payment of \$6,299.45, check number 0095614, made out to the Treasurer of Virginia, per Section D of the Order by Consent, effective date of September 14, 2016. The FEIN number for TransMontaigne Operating Company, L.P. is 34-2037161. This payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF).

If you have any questions, or need further information, please call me at (303) 626-8209.

Sincerely,  
TRANSMONTAIGNE OPERATING COMPANY, L.P.

A handwritten signature in black ink, appearing to read 'Paul Siler'.

Paul Siler  
Air Quality Compliance Manager

Enclosure

cc: Mr. Shawn Daze, TransMontaigne  
Mr. Mike Steele, TransMontaigne  
Ms. Jennifer Coleman, VADEQ  
ESOH Air File NORF.018

Sent via UPS Tracking #: 1Z 1V0 21V 01 9144 4718

TransMontaigne Partners LP  
 1670 Broadway, Suite 3100  
 Denver, CO 80202

Phone: 303-626-8200  
 Fax : 303 626 8228

0095614  
 EXHIBIT 3  
 Page 19 of 104

TREASURER OF VIRGINIA  
 PO Box 1197  
 RICHMOND VA 23218

Payment Date: 09/27/2016  
 Vendor No.: 116647

Page: 1 of 1

Invoice Number	Invoice Date	Description	Net Amount
CQ00000000406988	09/19/2016		6,299.45
		Check Total.....	\$ 6,299.45

DETACH FROM CHECK AND KEEP FOR YOUR RECORDS

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER. 0095614

**TransMontaigne Partners LP**  
 1670 Broadway, Suite 3100  
 Denver, CO 80202

09/27/2016

WELLS FARGO BANK, NA  
 420 MONTGOMERY ST  
 SAN FRANCISCO, CA


56:382  
 412

PAY TO THE ORDER OF TREASURER OF VIRGINIA

\* SIX THOUSAND TWO HUNDRED NINETY-NINE Dollars and FORTY-FIVE Cents \*

\$6,299.45

TREASURER OF VIRGINIA  
 PO Box 1197  
 RICHMOND VA 23218



*JWBout*

VOID AFTER 180 DAYS  
 DUAL SIGNATURES REQUIRED FOR AMOUNTS OVER \$10,000

THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK AND INVISIBLE FIBERS.

0095614 10412038249600054916



**Shipment Receipt**

**Transaction Date:** 28 Sep 2016

**Tracking Number:**

1Z1V021V0191444718

<b>1 Address Information</b>		
<b>Ship To:</b> VA DEQ Jennifer Coleman 5636 Southern Boulevard VIRGINIA BEACH VA 234622407 Telephone:303-626-8209	<b>Ship From:</b> TransMontaigne Inc. Sheila Johnsen 1670 Broadway Suite 3100 Denver CO 80202 Telephone:303-860-5377 email:sjohnsen@transmontaigne.com	<b>Return Address:</b> TransMontaigne Inc. Sheila Johnsen 1670 Broadway Suite 3100 Denver CO 80202 Telephone:303-860-5377 email:sjohnsen@transmontaigne.com

<b>2 Package Information</b>			
Weight	Dimensions / Packaging	Declared Value	Reference Numbers
1. Letter (Letter billable)	UPS Letter		

<b>3 UPS Shipping Service and Shipping Options</b>	
<b>Service:</b> Guaranteed By:	UPS Next Day Air 10:30 AM Thursday, Sep 29, 2016 <b>Additional Shipping Options</b> Quantum View Notify E-mail Notifications: 1 sjohnsen@transmontaigne.com: Exception, Delivery

<b>4 Payment Information</b>	
<b>Bill Shipping Charges to:</b>	Shipper's Account 1V021V
You are not authorized to view rates information.All Shipping Charges in USD	

Note: This document is not an invoice. Your final invoice may vary from the displayed reference rates.

\* For delivery and guarantee information, see the UPS Service Guide. To speak to a customer service representative, call 1-800-PICK-UPS for domestic services and 1-800-782-7892 for international services.



**UPS CampusShip: View/Print Label**

1. **Ensure there are no other shipping or tracking labels attached to your package.** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.

2. **Fold the printed label at the solid line below.** Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.

**3. GETTING YOUR SHIPMENT TO UPS**

**Customers with a Daily Pickup**

Your driver will pickup your shipment(s) as usual.

**Customers without a Daily Pickup**

Take your package to any location of The UPS Store®, UPS Access Point(TM) location, UPS Drop Box, UPS Customer Center, UPS Alliances (Office Depot® or Staples®) or Authorized Shipping Outlet near you. Items sent via UPS Return Services(SM) (including via Ground) are also accepted at Drop Boxes. To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.

Schedule a same day or future day Pickup to have a UPS driver pickup all your CampusShip packages.


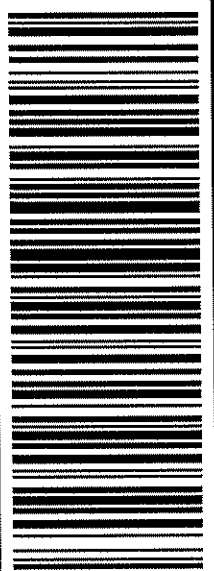

Hand the package to any UPS driver in your area.

UPS Access Point™  
LEVEL 7 GAMES  
2385 W ALAMEDA AVE  
DENVER ,CO 80223

UPS Access Point™  
THE UPS STORE  
757 E 20TH AVE  
DENVER ,CO 80205

UPS Access Point™  
THE UPS STORE  
1550 LARIMER ST  
DENVER ,CO 80202

FOLD HERE

<p>SHEILA JOHNSEN 303-860-5377 TRANSMONTAIGNE INC. 1670 BROADWAY DENVER CO 80202</p> <p><b>SHIP TO:</b> JENNIFER COLEMAN 303-626-8209 VA DEQ 5636 SOUTHERN BOULEVARD VIRGINIA BEACH VA 23462-2407</p>	<p>0.0 LBS LTR</p> <p>1 OF 1</p>	<p><b>VA 234 9-30</b></p> 	<p><b>UPS NEXT DAY AIR</b></p> <p><b>1</b></p> <p>TRACKING #: 1Z 1V0 21V 01 9144 4718</p> 	<p>BILLING: P/P</p>  <p>CS 16.5-AR. WNTNVS0 78.0A 07/2016</p>
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Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Jon Niermann, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 18, 2016

**CERTIFIED MAIL# 7015 1730 0001 7868 0808**  
**RETURN RECEIPT REQUESTED**

Mr. Paul Siler, P.E., Air Quality Compliance Manager  
TransMontaigne Operating Company LP  
PO Box 5660  
Denver, CO 80217-5660

Re: Notice of Violation for Compliance Investigation File Review at:  
Southwest Terminal, 10150 St Highway 48, Brownsville, (Cameron County)  
Regulated Entity No.: 100840818, TCEQ ID No.: CD0122E

Dear Mr. Siler:

On January 11, 2016 through January 19, 2016, Ms. Yadira Martinez of the Texas Commission on Environmental Quality (TCEQ) Harlingen Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for air quality. Enclosed is a summary which lists the investigation findings. Based on the information you have provided, the TCEQ has adequate documentation to resolve the alleged violation. Therefore, no further action is required.

In the listing of the alleged violation, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Harlingen Region Office at 956-425-6010 or the Central Office Publications Ordering Team at 512-239-0028.

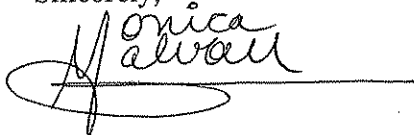
The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violation documented in this notice. Should you choose to do so, you must notify the Harlingen Region Office within 10 days from the date of this letter. At that time, Mr. Francisco J. Chavero Jr. will schedule a violation review meeting to be conducted within 21 days from the date of this letter.

Mr. Siler  
Page 2  
March 18, 2016

However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the enclosed Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Ms. Martinez in the Harlingen Region Office at 956-430-6040.

Sincerely,

A handwritten signature in cursive script that reads "Monica Galvan". The signature is written in black ink and is positioned above a horizontal line.

Monica A. Galvan, Work Leader  
Air and Waste Programs  
Harlingen Region Office

MAG/ym

Enclosure: Summary of Investigation Findings

<p><b>SOUTHWEST TERMINAL</b>  <b>10150 STATE HIGHWAY 48</b>  <b>BROWNSVILLE, CAMERON COUNTY, TX 78521</b></p> <p><b>Additional ID(s):</b> 76344  4806100209  7195A  CD0122E</p>	<p><b>Investigation #</b>  <b>1308337</b>  <b>Investigation Date: 01/11/2016</b></p>
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**ALLEGED VIOLATION(S) NOTED AND RESOLVED  
ASSOCIATED TO A NOTICE OF VIOLATION**

**Track No:** 594625

**30 TAC Chapter 101.201(f)**  
**5C THSC Chapter 382.085(b)**

**Alleged Violation:**

Investigation: 1308337

Comment Date: 02/22/2016

Failure to provide in writing, additional or more detailed information regarding the emissions event when requested by the executive director or any air pollution control agency with jurisdiction and that the information must be provided within the timeframe of 21 days established in the request according to 30 TAC § 101.201 (f).

Specifically the request for additional information was sent to the regulated entity on November 6, 2015 and a response was received to the TCEQ Harlingen Region office on January 11, 2015 which was not within 21 days of the receipt of the letter. In addition, this is an alleged violation under Texas Health and Safety Code §382.085 (b) which states that a person may not cause, suffer, allow, or permit the emission of any air contaminant or the performance of any activity in violation of this chapter or any commission rule or order. This violation will be noted and resolved.

**Recommended Corrective Action:** The regulated entity must submit to the TCEQ Harlingen Regional Office by January 11, 2016 additional information requested regarding the emissions event.

**Resolution:** On January 11, 2016 the TCEQ Harlingen Regional Office received the additional information requested regarding the emissions event. The alleged violation is noted and resolved.

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Jon Niermann, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



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Mr. Paul Siler, P.E., Air Quality Compliance Manager  
TransMontaigne Operating Company LP  
PO Box 5660  
Denver, CO 80217-5660

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The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violation documented in this notice. Should you choose to do so, you must notify the Harlingen Region Office within 10 days from the date of this letter. At that time, Mr. Francisco J. Chavero Jr. will schedule a violation review meeting to be conducted within 21 days from the date of this letter.

Mr. Siler  
Page 2  
March 18, 2016

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Sincerely,

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Monica A. Galvan, Work Leader  
Air and Waste Programs  
Harlingen Region Office

MAG/ym

Enclosure: Summary of Investigation Findings

<b>SOUTHWEST TERMINAL</b> 10150 STATE HIGHWAY 48 BROWNSVILLE, CAMERON COUNTY, TX 78521	Investigation # <b>1308337</b> Investigation Date: 01/11/2016
Additional ID(s): 76344 4806100209 7195A CD0122E	

**ALLEGED VIOLATION(S) NOTED AND RESOLVED  
ASSOCIATED TO A NOTICE OF VIOLATION**

Track No: 594625

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**Recommended Corrective Action:** The regulated entity must submit to the TCEQ Harlingen Regional Office by January 11, 2016 additional information requested regarding the emissions event.

**Resolution:** On January 11, 2016 the TCEQ Harlingen Regional Office received the additional information requested regarding the emissions event. The alleged violation is noted and resolved.

**Georgia Department of Natural Resources**

**Environmental Protection Division**

**Southwest District Office**

**2024 Newton Road, Albany, Georgia 31701-3576**

Judson H. Turner, Director

Phone: (229) 430-4144

Fax: (229) 430-4259

February 5, 2016

Mr. Paul Siler, P.E.  
TransMontaigne Operating Company, L.P.  
P.O. Box 5660  
Denver, Colorado 80217-5660

**RE: Letter of Non-Compliance**

TransMontaigne Operating Company, L.P. – Americus Terminal (AIRS# 26100057)  
Permit No. 4226-261-0057-S-01  
Sumter County, Georgia

Dear Mr. Siler:

This Letter of Non-Compliance is being issued to TransMontaigne Operating Company, L.P. for failing to comply with Section 391-3-1-.02(9)(b)146 of the Rules for Air Quality Control.

Specifically, the facility is in non-compliance with 40 CFR 60.113b, which requires the Permittee to notify the Division in writing at least 30 days prior to the filling or refilling of each storage vessel for which an inspection is required by 40 CFR 63.11092(e)(2).

The Division received the 2015 2<sup>nd</sup> Semi Annual Compliance Report dated January 27, 2016, reporting that the seal gap measurement of the primary and secondary seal of Tank 108 was performed on November 2, 2015, but notification was not submitted prior to this event. Please ensure that future notifications are submitted in a timely fashion. No response to this correspondence is required.

If you have any questions or need assistance, please contact this office at (229) 430-4144.

Sincerely,



Lisa T. Myler, P.E.  
District Manager

cc: AQ file – Sumter County





COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE

5636 Southern Boulevard, Virginia Beach, Virginia 23462

(757) 518-2000 Fax (757) 518-2009

www.deq.virginia.gov

Molly Joseph Ward  
Secretary of Natural Resources

David K. Paylor  
Director

Maria R. Nold  
Regional Director

December 22, 2015

TransMontaigne Operating Company, L.P.  
PO Box 5660  
Denver, Colorado 80217-5660  
Attn: Mr. Paul Siler, Air Quality Compliance Manager

**Tidewater Regional Office – Air Division**  
**NOTICE OF VIOLATION**

RE: TransMontaigne Operating Company, L.P. – Norfolk Terminal, Registration No. 60242.

Dear Mr. Siler:

This letter notifies you of information upon which the Department of Environmental Quality (“Department” or “DEQ”) may rely in order to institute an administrative or judicial enforcement action. Based on this information, DEQ has reason to believe that the TransMontaigne Operating Company, L.P. – Norfolk Terminal located at 7600 Halifax Lane, Chesapeake may be in violation of the Air Pollution Control Law and the applicable Title V permit issued on April 7, 2014.

This letter addresses conditions at the facility named above, and also cites compliance requirements of the Air Pollution Control Law and Regulations. Pursuant to Va. Code § 10.1-1309 (A) (vi), this letter is not a case decision under the Virginia Administrative Process Act, Va. Code § 2.2-4000 et seq. The Department requests that you respond **within 10 days of the date of this letter**.

### **OBSERVATIONS AND LEGAL REQUIREMENTS**

The following describe the staff's factual observations and identify the applicable legal requirements: On April 7, 2014, DEQ issued a Federal Operating Permit (Title V) to TransMontaigne Operating Company, L.P. ("Transmontaigne") – Norfolk Terminal in Virginia. The following describe the staff's factual observations and identify the applicable legal requirements:

*Observation:* A review of DEQ records indicated Transmontaigne did not submit to DEQ the first half 2015 Title V permit Semi-Annual Monitoring Report until December 15, 2015.

**Legal Requirements, Permit Condition IX.104 states, "General Conditions - Recordkeeping and Reporting** - The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

(a) The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31."  
(9 VAC 5-80-110 F)

9 VAC5-170-160 (A) – (Conditions on Approvals) of the Commonwealth of Virginia State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution states in part: "The board may impose conditions upon permits and other approvals which may be necessary to carry out the policy of the Virginia Air Pollution Control Law, and which are consistent with the regulations of the board. Except as otherwise specified, nothing in this chapter shall be understood to limit the power of the board in this regard. If the owner or other person fails to adhere to the conditions, the board may automatically cancel the permit or approvals. This section shall apply, but not be limited, to approval of variances, approval of control programs, and granting of permits."

Va. Code § 10.11322(A) gives the Department the authority to issue, amend, revoke or terminate and reissue permits, and failure to comply with any condition of a permit is considered a violation of the Air Pollution Control Law.

### **ENFORCEMENT AUTHORITY**

Va. Code § 10.1-1316 of the Air Pollution Control Law provides for an injunction for any violation of the Air Pollution Control Law, the Air Board regulations, an order, or permit condition, and provides for a civil penalty up to \$32,500 per day of each violation of the Air Pollution Control Law, regulation, order, or permit condition. In addition, Va. Code §§ 10.1-1307 and 10.1-1309 authorizes the Air Pollution Control Board to issue orders to any person to comply with the Air Pollution Control Law and regulations, including the imposition of a civil penalty for violations of up to \$100,000. Also, Va. Code § 10.1-1186 authorizes the Director of DEQ to issue special orders to any person to comply with the Air Pollution Control Law and regulations, and to impose a civil penalty of not more than \$10,000. Va. Code §§ 10.1-1320 and 10.1-1309.1 provide for other additional penalties.

The Court has the inherent authority to enforce its injunction, and is authorized to award the Commonwealth its attorneys' fees and costs.

Mr. Paul Siler  
TransMontaigne Operating Company, L.P.  
Notice of Violation  
December 22, 2015  
Page 3 of 3

### FUTURE ACTIONS

DEQ staff wishes to discuss all aspects of their observations with you, including any actions needed ensure compliance with state law and regulations, any relevant or related measures you plan to take or have taken, and a schedule, as needed, for further activities. In addition, please advise us if you dispute any of the observations recited herein or if there is other information of which DEQ should be aware. In order to avoid adversarial enforcement proceedings, TransMontaigne Operating Company, L.P. may be asked to enter into a Consent Order with the Department to formalize a plan and schedule of corrective action and to settle any outstanding issues regarding this matter, including the assessment of civil charges.

In the event that discussions with staff do not lead to a satisfactory conclusion concerning the contents of this letter, you may elect to participate in DEQ's Process for Early Dispute Resolution. If you complete the Process for Early Dispute Resolution and are not satisfied with the resolution, you may request in writing that DEQ take all necessary steps to issue a case decision where appropriate. For further information on the Process for Early Dispute Resolution, please visit the Department's website under "Laws & Regulations" and "DEQ regulations" at: [http://www.deq.virginia.gov/regulations/pdf/Process\\_for\\_Early\\_Dispute\\_Resolution\\_8260532.pdf](http://www.deq.virginia.gov/regulations/pdf/Process_for_Early_Dispute_Resolution_8260532.pdf) or ask the DEQ contact listed below.

Please contact Mr. Robin Schuhmann at (757) 518-2134 or [rjshcuhmann@deq.state.va.us](mailto:rjshcuhmann@deq.state.va.us) **within 10 days of the date of this letter** to discuss this matter and arrange a meeting.

Sincerely,



John M. Brandt  
Air Compliance Manager

cc: Mr. Robin Schuhmann, DEQ TRO Enforcement  
Mr. Barry Halcrow, DEQ TRO Air Inspector

Encl: Inspection Report



STEVEN L. BESHEAR  
GOVERNOR

LEONARD K. PETERS  
SECRETARY

**ENERGY AND ENVIRONMENT CABINET**  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

Division for Air Quality  
200 Fair Oaks Ln 1st Fl  
Frankfort, KY 40601  
[www.kentucky.gov](http://www.kentucky.gov)

August 4, 2015

Mr. Paul Siler  
Transmontaigne Operating Company LP - Paducah Terminal  
1350 S 3rd St  
Paducah, KY 42003

Re: Notice of Violation  
AI ID: 3071  
AI Name: Transmontaigne Operating Company  
LP - Paducah Terminal  
Activity ID: ENV20150001  
McCracken County, KY

Dear Mr. Siler:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Notice of Violation for violations discovered at your facility. Please review this Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at 502-564-3999.

Sincerely,

*Deanna Picklesimer*

Deanna Picklesimer,  
Environmental Control Supervisor  
Division for Air Quality

Enclosure

COMMONWEALTH OF KENTUCKY  
ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
Division for Air Quality

**NOTICE OF VIOLATION**

**To:** Transmontaigne Operating Company LP - Paducah Terminal  
1350 S 3rd St  
Paducah, KY 42003

**AI Name:** Transmontaigne Operating Company LP - Paducah Terminal

**AI ID:** 3071

**Activity ID:** ENV20150001

**Discovery ID:** CIN20150002 **County:** McCracken

**Date(s) Violation(s) Observed:** 06/10/2015

This is to advise that you are in violation of the provisions cited below:

**1 Violation Description for Subject Item AIOO0000003071():**

Sources subject to this administrative regulation shall operate in compliance with a permit issued under this administrative regulation. [401 KAR 52:020 Section 3(1)(b)]

**Description of Non Compliance:**

As per permit V-12-022 and 40 CFR 63 Subpart BBBBBB, the facility is required to perform internal tank inspections at least every 10 years on most of their tanks. Records obtained from the facility indicate that Tank 103 was inspected last in 1997 (18 years ago) and Tank 2 was inspected last 11/26/2003 (almost 12 years ago). The facility is in violation for not performing these inspections.

**2 Violation Description for Subject Item AIOO0000003071():**

At all times, including periods of start-up, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the cabinet which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. [401 KAR 50:055 Section 2(5)]

**Description of Non Compliance:**

The facility is not operating and maintaining their tanks appropriately as evidenced by overdue tank inspections for Tanks 2 and 103. Also very significant emissions were seen with an infrared camera from Tank 103. Significant emissions were also seen from Tank 101 and 104.

**The remedial measure(s), and date(s) to be completed by are as follows:**

- 1) Perform the 10 year internal tank inspections on all tanks that are overdue as soon as possible but not later than 09/15/15. From the records obtained during the inspection, Tank 2 and Tank 103 are overdue. As an alternative to completing the inspections by 09/15/15 the facility can leave the tanks emptied and degassed. Notify the Paducah Regional Office in writing when this is accomplished.
- 2) Transfer the product in Tank 103 to another tank as soon as possible but no later than 08/15/15. Tank 101 and 104 must also be emptied if storage capacity is available in other tanks on site by 08/15/15 and inspected internally by 09/15/15 or before being refilled. Notify the Paducah Regional Office in writing when this is accomplished.

3) Within 15 days of receipt of this notice, provide a written response to this notice detailing the actions the facility has taken to come back into compliance.

4) For each tank that is inspected internally, the inspection report must be submitted to the Paducah Regional Office. [401 KAR 50:055]

---

Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

---

*Deanna Picklesimer*

Issued By:

Deanna Picklesimer, Environmental Control Supervisor

Date: August 4, 2015

How Delivered: emailed to Paul Siler and Paul Barragan on 08/04/15. CD with infrared images and videos mailed to Paul Barragan on 08/04/15.

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

July 27, 2015

**CERTIFIED MAIL #91 7199 9991 7031 6026 9927**  
**RETURN RECEIPT REQUESTED**

Mr. Paul Siler, Air Quality Compliance Manager  
TransMontaigne Operating Company, LP  
PO Box 5660  
Denver, CO 80217-5660

Re: Notice of Violation for a Site Permit Compliance Investigation and Site Full Compliance Investigation at:  
Southwest Terminal, 10150 State Highway 48, Brownsville (Cameron County), Texas  
Regulated Entity No.: RN100840818, TCEQ ID No.: CDO122E, O2777

Dear Mr. Siler:

On May 14, 2015 through May 28, 2015, Mr. Daniel Guerra of the Texas Commission on Environmental Quality (TCEQ) Harlingen Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for air quality. Enclosed is a summary which lists the investigation findings. During the investigation, a certain outstanding alleged violation was identified for which compliance documentation is required. Please submit to this office by August 27, 2015, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation.

In the listing of the alleged violation, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules (GI 032)* are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Harlingen Region Office at (956) 425-6010 or the Central Office Publications Ordering Team at 512-239-0028.

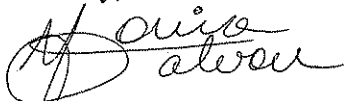
The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violation documented in this notice. Should you choose to do so, you must notify the Harlingen Region Office within 10 days from the date of this letter. At that time, Mr. Francisco J. Chavero, Jr., will schedule a violation review meeting to be conducted within 21 days from the date of this letter.

Mr. Paul Siler  
Page 2  
July 27, 2015

However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the enclosed Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Mr. Daniel Guerra in the Harlingen Region Office at (956) 430-6037.

Sincerely,

A handwritten signature in cursive script, appearing to read "Monica Galvan".

Monica A. Galvan, Work Leader  
Air and Waste Programs  
Harlingen Region Office  
Texas Commission on Environmental Quality

MAG/dg

Enclosure: Summary of Investigation Findings



**Summary of Investigation Findings**

<b>SOUTHWEST TERMINAL</b>	<b>Investigation #</b>
<b>10150 STATE HIGHWAY 48</b>	<b>1266000</b>
<b>BROWNSVILLE, CAMERON COUNTY, TX 78521</b>	<b>Investigation Date: 05/14/2015</b>
<b>Additional ID(s):</b>	
76344	
56597	
82038	
93324	
82240	
4806100209	
83593	
CD0122E	
91405	
7195A	
41581	
2777	

**OUTSTANDING ALLEGED VIOLATION(S)  
ASSOCIATED TO A NOTICE OF VIOLATION**

**Track No:** 576650      **Compliance Due Date:** 08/27/2015  
**30 TAC Chapter 116.115(c)**  
**30 TAC Chapter 122.143(4)**  
**5C THSC Chapter 382.085(b)**

**PERMIT 7195A, NSR Condition 1**

This permit authorizes only from those points listed in the attached table entitled "Emission Sources Maximum Allowable Emission Rates" and the facilities covered by this permit are authorized to emit subject to the emission rate limits on that table.

**PERMIT 2777, FOP Special Term and Condition 12**

The permit holder shall comply with the requirements of New Source Review authorizations issued or claimed by the permit holder for the permitted area.

**Alleged Violation:**

Investigation: 1266000

Comment Date: 07/27/2015

Failure to maintain emission only from those points listed in the table entitled "Emission Sources Maximum Allowable Emission Rates" and the facilities covered by this permit, which are authorized to emit subject to the emission rate limits on the MAERT.

The regulated entity is alleged to be in violation of Title 30 of Texas Administrative Code (TAC) §116.115(c) states that the holder of permits, special permits, standard permits, and special exemptions shall comply with all special conditions contained in the permit document. In addition this is an alleged violation of Title 30 of Texas Administrative Code (TAC) §122.143 (4), which states that the permit holder shall comply with all terms and conditions codified in the permit and any provision terms and conditions required to be included in the permit. Finally, this is also an alleged violation of the Texas Health and Safety Code (THSC) §382.085 (b) which states a person may not cause, suffer, all or permit the emission of any air contaminant or the performance of any activity in violation of this chapter or any commission rule or order. Specifically in Permit number 7195A, the VOC limit of 7.12 tons per year of tank 1003 was (gasoline) recorded as 11.75 tons per year. The tank 1004 VOC limit is 6.95 tons per year was (heavy naphtha service) recorded as 14.38 tons per year based on a twelve month rolling period as identified in the MAERT was exceeded.

**Recommended Corrective Action:** Southwest Terminal must either operate within the limits of the New Source Review Authorization Permit MAERT or operate the facility within an approved existing permit authorization, which indicates authorized increased emission limits. Submit to the TCEQ Harlingen Office a plan of action to correct or mitigate tank emission exceedance.

**ALLEGED VIOLATION(S) NOTED AND RESOLVED  
ASSOCIATED TO A NOTICE OF VIOLATION**

Track No: 576658

30 TAC Chapter 116.115(c)  
30 TAC Chapter 122.143(4)  
5C THSC Chapter 382.085(b)

**PERMIT 2777 FOP Special Term and Condition 12**

The permit holder shall comply with the requirements of New Source Review authorizations issued or claimed by the permit holder for the permitted area.

**PERMIT 7195A, NSR Special Condition 30(H)**

All reasonable effort shall be made to repair a leaking component within 15 days after the leak is found.

**Alleged Violation:**

Investigation: 1266000

Comment Date: 07/27/2015

Failure of the permit holder to comply with all special conditions contained in the permit document.

Specifically, the regulated entity failed to conduct final repair within 15 days of identifying a leak of a fugitive component. During the first deviation reporting period of January 1, 2014 through June 30, 2014, there were five occurrences with reported deviations, which exceeded the 15 day requirement. The dates are January 27, 2014 through March 13, 2014, March 25, 2014 (no end date), April 7, 2014 through May 27, 2014, May 6, 2014 (no end date), and May 27, 2014 through June 24, 2014, in which final repair of a leaking component was not made within 15 days.

In addition this is an alleged violation of Title 30 of Texas Administrative Code (TAC) §122.143 (4), which states that the permit holder shall comply with all terms and conditions codified in the permit and any provision terms and conditions required to be included in the permit. Finally, this is also an alleged violation of the Texas Health and Safety Code §382.085 (b) which states a person may not cause, suffer, allow, or permit the emission of any air contaminant or the performance of any activity in violation of this chapter or any commission rule order.

**Recommended Corrective Action:** No further action is required to resolve this violation

**Resolution:** On June 24, 2014, final repair of fugitive component was completed. There is a current plan to implement training to field personnel on the importance of quick response to leak detection and documentation of repairs at the facility.

**ADDITIONAL ISSUES**

**Description**

Item 3

**Additional Comments**

There were four occurrences in which a first time attempt of repairs within the 5 days of identifying a leak was not conducted. During the reporting period January 1, 2014 through June 30, 2014 two fugitive components were identified where quick response to leak detection was not initiated within 5 days. During the reporting period July 1, 2014 through December 31, 2014 two fugitive components were identified where quick response to leak detection was not initiated within 5 days. This will be noted as an additional issue as by 40 CFR 66.11089 (c) and NSR Permit 7195A #30H require first time attempt at repair within 5 days with reasonable effort at final repair of a leaking component within 15 days.

**SOUTHWEST TERMINAL**

**Investigation # 1266000**

Item 4

During the investigation conducted May 14, 2015 through May 28, 2015, it was identified that the regulated entity is currently operating a flare (EPN:1A) that is not meeting performance standards. This matter has been addressed in previous investigation (CCEDS 1191949) this is still ongoing issue with TCEQ Air Permits Division and EPA. The facility petitioned the EPA for an exemption form the New Source Performance Standards requirement. Final solution was never reached and Southwest Terminal continues operation of flare (Emission Point Number 1A). The regulated entity believes the reason for the low heating But/ft3 is that as tanker trucks are unloaded in Mexico, the vapors are not recovered and the trucks are instead filled with ambient air.



**TRANSMONTAIGNE**

July 17, 2015

Sent via UPS – Tracking Number: 1Z 1V021V 01 9810 9318

IDEM, Office of Legal Counsel  
IGCN, Room N1307  
100 N. Senate Ave.  
Indianapolis, IN 46204

**Re: Adoption of Agreed Order  
TransMontaigne Operating Company LP – Evansville Terminal  
FESOP # 163-29217-00063  
Case No. 2015-22854-A**

To whom it may concern:

TransMontaigne Operating Company LP (TransMontaigne) owns and operates the Evansville Terminal, a bulk products storage facility in Vanderburgh County, Evansville, Indiana. On March 12, 2015, the Indiana Department of Environmental Management (IDEM) issued a Notice of Violation, Case No. 2015-22854-A, for an alleged failure to conduct inlet and outlet VOC testing of the south loading rack vapor combustor at TransMontaigne's Evansville Terminal.

As agreed to in the Adoption of Agreed Order, a civil penalty in the amount of \$500.00 has been assessed. Check number 0090986 in the amount of \$500 has been enclosed

If you have any questions, please do not hesitate to contact me at (303) 626-8209. Thank you for your assistance in this matter.

Sincerely,

TRANSMONTAIGNE PRODUCT SERVICES INC.

Paul Siler  
Air Quality Compliance Manager

Enclosure

cc: Mr. Billy Piercey, TransMontaigne  
Mr. Dennis DiPietro, TransMontaigne  
ESOH File AR.018.EVAN

TransMontaigne Partners LP  
 1670 Broadway, Suite 3100  
 Denver, CO 80202

Phone: 303-626-8200  
 Fax : 303 626 8228

0090986  
 EXHIBIT 3  
 Page 41 of 104

ENV. MGMT. SPECIAL FUND  
 100 N. SENATE AVENUE  
 INDIANAPOLIS IN 46204

Payment Date: 07/14/2015  
 Vendor No.: 112170

Page: 1 of 1

Invoice Number	Invoice Date	Description	Net Amount
CQ00000000360276	07/08/2015		500.00
		Check Total.....	\$ 500.00

DETACH FROM CHECK AND KEEP FOR YOUR RECORDS.

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER.

**TransMontaigne Partners LP**

1670 Broadway, Suite 3100  
 Denver, CO 80202

Case # 2015-22854-A

07/14/2015

WELLS FARGO BANK, NA  
 420 MONTGOMERY ST  
 SAN FRANCISCO, CA

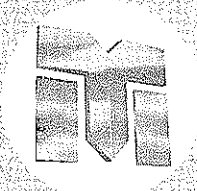
0090986

56-382  
 412

PAY TO THE ORDER OF ENV. MGMT. SPECIAL FUND  
 \* FIVE HUNDRED Dollars and ZERO Cents \*

\$500.00

ENV. MGMT. SPECIAL FUND  
 100 N. SENATE AVENUE  
 INDIANAPOLIS IN 46204



*JWR*

VOID AFTER 180 DAYS  
 DUAL SIGNATURES REQUIRED FOR AMOUNTS OVER \$10,000

THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK AND INVISIBLE FIBERS.

⑈0090986⑈ ⑆041203824⑆9600054916⑈



North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

Donald R. van der Vaart  
Secretary

April 22, 2015

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Dudley Tarlton, Vice President of ES&OH  
TransMontaigne Operating Company, LP - Selma Terminal  
P. O. Box 5660  
Denver, CO 80217

**SUBJECT: Notice of Deficiency – Annual Reporting Requirements**  
TransMontaigne Operating Company, LP - Selma Terminal  
Selma, Johnston County, North Carolina  
Air Permit No. 06478R12  
Facility ID No. 5100147

Dear Mr. Tarlton:

On April 15, 2015, the Raleigh Regional Office received an electronic copy of the annual report for calendar year 2014 from your facility in Selma, North Carolina. TransMontaigne Operating Company, LP - Selma Terminal is required by Air Permit No. 06478R12 to submit a report by **January 30<sup>th</sup>** of each calendar year. The intent of this letter is to remind you of the specific reporting requirements outlined in your air permit. Stipulation A.15.d. of your air quality permit reads as follows:

*Reporting Requirements - Within 30 days after each calendar year, regardless of the actual emissions, the Permittee shall submit the following:*

- i. emissions and/or operational data listed below. The data should include monthly and 12 month totals for the previous 12 month period.*
  - A. Throughputs of gasoline, distillate, and additive through the loading rack, and*
  - B. Facility-wide total volatile organic compounds emissions,*
  - C. summary of all control device monitoring and recordkeeping activities described above for the previous 12 months*

**Please submit a written response to this office by May 12, 2015, describing actions taken by your company to ensure future compliance with your air permit reporting requirements.** This office also recommends that you or a designated company representative review your air permit to ensure that you understand all of the specific and general permit conditions. Please note the monitoring, record keeping, and reporting requirements, and make the necessary provisions to ensure that these requirements are met within the specified time frames.

**Raleigh Regional Office**  
3800 Barrett Drive, Raleigh, North Carolina 27609  
Phone: 919-791-4200 \ FAX: 919-881-2261 \ Internet: [www.ncdenr.gov](http://www.ncdenr.gov)

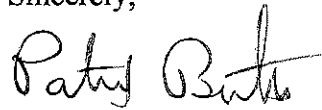
April 22, 2015

Page 2

Any future late submittal of a permit-required report by the subject facility may be considered a violation of your air permit. Any violation of air quality regulations is subject to the assessment of civil penalties as per North Carolina General Statute 143-215.114A.

Your cooperation in this matter is appreciated. If you have any questions, please do not hesitate to call Matthew Mahler, Environmental Engineer, or Steve Hall, Compliance Supervisor, at (919) 791-4200.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Butler". The signature is written in a cursive style with a large initial "P".

Patrick Butler, P.E., Regional Supervisor  
Division of Air Quality, NCDENR

cc: RRO Files



STATE OF MISSISSIPPI  
PHIL BRYANT  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
GARY C. RIKARD, EXECUTIVE DIRECTOR

November 04, 2015

Mr. Tim Yancey, Environmental Coordinator  
TransMontaigne Operating Company LP  
200 Mansell Court East, Suite 600  
Roswell, GA 30076

Re: Notice of DMR Violation  
Water - NPDES Permit No. MS0021245  
TransMontaigne Operating Company LP  
Collins Southeast Terminal  
Collins, Covington County, Mississippi

Dear Mr. Yancey:

After careful review of your Discharge Monitoring Reports for the third quarter of 2015, the following violations were noted:

**Outfall 003Q:**

Monitoring Period	Parameter	Permit Requirement	Reported Value	Deviation
07/01/15 – 09/30/15	pH	6 su	5.8 su	3.33%

**Outfall 004Q:**

Monitoring Period	Parameter	Permit Requirement	Reported Value	Deviation
07/01/15 – 09/30/15	pH	6 su	5.7 su	5%

We are in receipt of your July 16, 2015, response explaining the violations listed above. Please keep us advised of your progress toward compliance. Further non-compliance may result in enforcement and penalties.

If you have any questions concerning this matter, please call me at (601) 961-5234.

Sincerely,

Nameh Salem, Project Engineer  
Energy and Transportation Branch  
Environmental Compliance and Enforcement Division

cc: ECED DAB  
Agency Interest No. 1393  
ENF20150001





STATE OF MISSISSIPPI  
PHIL BRYANT  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
GARY C. RIKARD, EXECUTIVE DIRECTOR

January 21, 2016

Mr. Tim Yancey, Environmental Coordinator  
TransMontaigne Operating Company LP  
Collins Southeast Terminal  
200 Mansell Court East, Suite 600  
Roswell, GA 30076

Re: Notice of DMR Violation  
Water - NPDES Permit No. MS0021245  
TransMontaigne Operating Company LP  
Collins Southeast Terminal  
Collins, Covington County, Mississippi

Dear Mr. Yancey:

After careful review of your Discharge Monitoring Reports for the fourth quarter of 2015, the following violation was noted:

**Outfall 003Q:**

Monitoring Period	Parameter	Permit Requirement	Reported Value	Deviation
10/01/15 – 12/31/15	pH	6 su	5.8 su	3.33%

We are in receipt of your December 03, 2015, oral notification and written response explaining the violations listed above. Please keep us advised of your progress toward compliance. Further non-compliance may result in enforcement and penalties.

If you have any questions concerning this matter, please call me at (601) 961-5234.

Sincerely,

Nameh Salem, Project Engineer  
Energy and Transportation Branch  
Environmental Compliance and Enforcement Division

cc: ECED DAB

Agency Interest No. 1393  
ENF20160001

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commandant (CG-094H)  
Coast Guard Hearing Office

EXHIBIT 3  
Page 46 of 104  
2703 Martin Luther King Jr. Ave. SE Stop 7794  
Washington, DC 20599-7794  
Phone: 202-795-6240  
Fax: 202-372-8422  
Toll-free: 866-801-6178  
[www.uscg.mil/legal/cgho](http://www.uscg.mil/legal/cgho)

TransMontaigne Terminals LLC  
8952 North Atlantic Avenue  
Cape Canaveral, FL 32920

Activity No. 5732829  
Party: TransMontaigne Terminals LLC  
Date of Violation: September 23, 2016  
Subject: TransMontaigne Terminals L.L.C.  
Amount: \$5,000.00  
Date: February 22, 2017  
Re: Preliminary Assessment Letter (PALP)

Dear Sir or Madam:

In my capacity as a Coast Guard Civil Penalty Hearing Officer, I have received a report alleging that you, as owner of the TransMontaigne Terminals L.L.C., are liable for a civil penalty for violation of Federal law as described on the Charge Sheet enclosure.

The Coast Guard's civil penalty procedures are contained in Subpart 1.07 of Title 33 of the Code of Federal Regulations (33 CFR 1.07). My role is to determine whether there was a violation. If I find that there was a violation, I must then decide what civil penalty, if any, is appropriate. The maximum civil penalty that may be assessed in this case is \$17,816.00. Based upon the information in the case file that I have, it appears to me that a violation did occur and that a civil penalty of \$5,000.00 is appropriate. However, I will not make a final decision until you have had an opportunity to respond. You have a right to examine the entire case file, a copy of which is enclosed.

You have **30 days** from receipt of this letter to take one of the following actions:

1. You can pay the proposed penalty now.
2. You can set up a payment plan in order to pay the proposed penalty.
3. You can submit evidence in lieu of a hearing.
4. You can request a hearing in writing and submit what you want to raise and dispute at a hearing.

If necessary, you may request an extension to respond to this letter in writing. Your request should explain why you need additional time to respond, and should be submitted as soon as possible. If you fail to request a hearing in writing within **30 days** of receipt of this letter, you will lose your right to a hearing. Furthermore, **if you fail to respond with one of the above options within 30 days of receipt of this letter I will decide the case based upon the evidence I already have and the preliminary penalty will become final, unless an extension has been previously approved.**

**Enclosure (2)**, U.S. Coast Guard Civil Penalty Preliminary Assessment Letter Response Options, explains in detail the options you have in responding to this letter. Please pay particular attention to the applicable address associated with the response option you choose. **Failure to read and comply with the directions outlined in enclosure (2) may result in a final decision being made without your response being considered.**

If you are paying now, please complete the enclosed "Payment Form" and mail it to the address printed on the form. Enclose your check, money order, or credit card authorization along with the form.

If after reading **enclosure (2)** you still have questions about how to respond to this letter, you can contact the Administrative Support Staff at (202) 795-6240. You can also find additional information on our website at <http://www.uscg.mil/legal/cgho>.

Please note that fault or culpability is not a factor in determining whether an oil discharge violation has occurred. Also, regardless of my decision, you may be liable for pollution removal costs and damages. You may receive correspondence from the National Pollution Funds Center on that subject.

Sincerely,

Handwritten signature of S. KLINKE in black ink.  
S. KLINKE

Commander, U.S. Coast Guard  
Coast Guard Hearing Officer

Encl: (1) Charge sheet  
(2) Payment Form  
(3) Copy of civil penalty case file 5732829  
(4) Your Alternatives in the Coast Guard Civil Penalty Process

# PAY ONLINE

**Go to the Link Below to pay your penalty online.**

<https://pay.gov/public/form/start/79199633>

## US Coast Guard Civil Fines and Penalty (Oil)

Before You Begin    1 Complete Agency Form    2 Enter Payment Info    3 Review & Submit    4 Confirmation

Paying online with Pay.gov is safe, secure, and the preferred method to make a payment. To make a payment using one of the below accepted payment methods, please click the Continue to the Form button.

### Accepted Payment Methods:

- ▶ Bank account (ACH)
- ▶ Dwolla account
- ▶ PayPal account
- ▶ Debit or credit card

[Preview Form](#)

[Cancel](#)

[Continue to the Form](#)

This is a secure service provided by United States Department of the Treasury. The information you will enter will remain private. [Please review our privacy policy](#) for more information.

### Need Help?

**Oil Civil Fine and Penalty**

Contact: USCG Customer Service

Phone: 1 (800) 941-3337

Case No: 5732829  
Name: TransMontaigne Terminals LLC  
Address: 8952 North Atlantic Avenue  
Cape Canaveral, FL

**Amount Due: \$5,000.00**

*You can now pay online at <https://pay.gov/public/form/start/79199633>*

Select Method of Payment:

- Payments of \$10,000 or more may be made by wire transfer.
- Check ( Make Checks Payable to: U.S. Coast Guard. Also Write Case No. on Memo of Check)
- Master Card or VISA (only)

If paying by credit card, please charge my:

Master Card     Visa

Expiration date: \_\_\_\_\_ (mm/yy)

Card Number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**Signature:** \_\_\_\_\_

If you are unable to pay the penalty in full, you may contact our collection office at (510) 437-3644 to discuss a payment plan. Please note office hours are on Pacific Standard Time, or Pacific Daylight Savings Time.

ENCLOSE THIS FORM WITH YOUR PAYMENT AND MAIL TO:

<p><b>If mailing your payment using the U.S. Postal Service please use the address below...</b></p> <p>US Coast Guard Civil Penalties P.O. Box 531112 Atlanta, GA 30353-1112</p>	<p><b>If mailing you payments thru express mail such as FedEx please use the lockbox address below...</b></p> <p>Bank of America Lockbox Number 531112 (CFP) 1075 Loop Road Atlanta, GA 30337-6002</p>										
<p><b>For Wire Transfer:</b></p> <table style="width: 100%;"> <tr> <td style="width: 35%;">Send to:</td> <td>Federal Reserve Bank, New York City, NY</td> </tr> <tr> <td>BNF:</td> <td>70060000</td> </tr> <tr> <td>ABA #:</td> <td>021030004 Treas NYC</td> </tr> <tr> <td>Type/Subtype Code:</td> <td>10 00</td> </tr> <tr> <td>OBI:</td> <td>Coast Guard Civil Penalty Activity#:</td> </tr> </table>		Send to:	Federal Reserve Bank, New York City, NY	BNF:	70060000	ABA #:	021030004 Treas NYC	Type/Subtype Code:	10 00	OBI:	Coast Guard Civil Penalty Activity#:
Send to:	Federal Reserve Bank, New York City, NY										
BNF:	70060000										
ABA #:	021030004 Treas NYC										
Type/Subtype Code:	10 00										
OBI:	Coast Guard Civil Penalty Activity#:										

For Office Use Only:

Clerk	Auth No.	Ref. No.
*5732829	\$5,000.00	

Encl: (2)  
xx

EXHIBIT 3  
Page 50 of 104

**U.S. COAST GUARD CIVIL PENALTY PRELIMINARY**  
**ASSESSMENT LETTER RESPONSE OPTIONS**

**NOTE:** Hearing Officers do not discuss matters over the telephone or via email.

If **after reading** the below response options you still have questions in how to respond to the preliminary assessment letter, you can contact the Administrative Support Staff at (202) 795-6240. Or send us an email at [HQS-SG-CGHO-Admin@uscg.mil](mailto:HQS-SG-CGHO-Admin@uscg.mil)

Any questions that cannot be answered by the Administrative Support Staff must be put in writing and addressed to the Hearing Officer for your case.

**Coast Guard violations will not appear on your driving record or any other federal, state or local law enforcement records. The Coast Guard keeps a history of Coast Guard civil penalty violations, which can be considered when determining the amount of any future civil penalty.**

You can also find additional information on our website <http://www.uscg.mil/legal/cgho>

If you previously received a Preliminary Inquiry Letter from the Violation Case Coordination Center (VCCC), please **DO NOT** respond to them, as your time to do so has expired. Please respond as described below.

-----  
**Please respond to the preliminary assessment letter by completing one of the five below options.** When responding, please carefully follow the directions for the option you choose paying particular attention to the return address. *Failure to read and comply with the directions outlined below may result in a final decision being made without your response being considered.*

**IF YOU FAIL TO RESPOND WITH ONE OF THE BELOW OPTIONS WITHIN THE PRESCRIBED TIMELINE, THE PRELIMINARY PENALTY WILL BECOME FINAL.**

**1. PAY THE PROPOSED PENALTY NOW.**

**TIME LINE: Within 30 days of your receipt of our preliminary assessment letter**

- To pay the amount shown at the **top right hand corner of the PAL letter, fill out the enclosed payment form** and make a check or money order payable to the "U.S. Coast Guard".
- To ensure that the payment is credited to the proper account, write the Activity Number from the PAL letter on your check. The Activity Number is located in the top right corner below our address on the PAL letter.
- If paying by Master Card or Visa, fill out the appropriate areas of the payment form. Your signature is required.

**Mail your payment to one of the below addresses as applicable:**

**Regular Mail Address:**  
US Coast Guard Civil Penalties  
P.O. Box 531112  
Atlanta, GA 30353-1112

**If you wish to FedEx or overnight your payment please mail to:**  
Bank of America  
Lockbox Number 531112 (CFP)  
1075 Loop Road  
Atlanta, GA 30337-6002

**Wire Transfer:**  
Please see enclosed Payment Form for wire transfer directions.

4. **REQUEST A HEARING.**

**TIME LINE: Within 30 days of your receipt of our preliminary assessment letter**

If you feel a written response will not adequately express your side of the incident, you may request a hearing **in writing**. **The written request must include in detail the issues you want to raise and dispute at the hearing.**

Hearing Officers may be precluded from considering issues you want to raise, if you do not comply with the requirement for prior written notice.

Please mail your request for a hearing and issues in dispute request to:

**U.S. Coast Guard Hearing Office  
2703 Martin Luther King Jr. Ave. SE./ MS 7794  
Washington, DC 20593**

Or fax to: (202) 372-8422

Hearings are generally held by video-teleconferencing (VTC) at a site closest to you. Hearings are not routinely recorded or transcribed, but you may, at your expense, arrange for a court reporter to record and transcribe the hearing.

You will be contacted shortly, after receipt of your hearing request that identifies the issues in dispute, to advise you of the location, date, and time of the VTC hearing. The location of the hearing will generally be at a Coast Guard District Office.

**Coast Guard District Offices are located at:**

- Boston, MA
- Miami, FL
- Cleveland, OH
- New Orleans, LA
- Alameda, CA
- Seattle, WA
- Honolulu, HI.
- In-person hearings are held at our office in Washington, DC.

There is no VTC capability at the District Office in Juneau, AK. VTC hearings in Alaska may be scheduled in various locations if and when equipment is available. If VTC locations become available that are closer to you, we will advise you accordingly. Our goal is to schedule your hearing soon after we receive your request for a hearing.

Except for the equipment, a video-teleconference hearing is no different than a hearing in which you appear in person. The only persons that can see and hear each other are the persons that should be at the hearing - you, your representative, witnesses and the Hearing Officer. The transmission is private. It makes no difference whether the hearing is by video-teleconference or in-person.

**NOTE: Whether you choose to submit your evidence by mail in lieu of a hearing, or attend a hearing, ALL evidence is considered by the Hearing Officer in the same way. It is given the same consideration and weight regardless of the method used to present the evidence before the Hearing Officer.**

# Marine Violation Charge Sheet

Total Charges/ 1

Current Activity Number/ 5732829

Charged Party: TRANS MONTAIGNE TERMINALS LLC

1. Charge/ 33 USC § 1321(b)(3)

Penalty Amount/ \$5,000.00

Max Penalty/ \$17,816.00

Regulation Description/

Discharge of oil or a hazardous substance into the navigable waters of the United States, adjoining shoreline, or contiguous zone.



# Marine Violation Charge Sheet

Total Charges/ 1

Current Activity Number/ 5732829

Charged Party: TRANS MONTAIGNE TERMINALS LLC

1. Charge/ 33 USC § 1321(b)(3)

Finding/

Imposed/ Yes

Penalty Amount/ \$5,000.00

Max Penalty/ \$17,816.00

Regulation Description/

Discharge of oil or a hazardous substance into the navigable waters of the United States, adjoining shoreline, or contiguous zone.



STATE OF MISSISSIPPI  
PHIL BRYANT  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
GARY C. RIKARD, EXECUTIVE DIRECTOR

January 21, 2016

Mr. Tim Yancey, Environmental Coordinator  
TransMontaigne Operating Company LP  
Collins Piedmont Terminal Number 1  
200 Mansell Court East, Suite 600  
Roswell, GA 30076

Re: DMR Notice of Violation  
TransMontaigne Operating Company LP  
Collins Piedmont Terminal Number 1  
Collins, Covington County, Mississippi  
Water - NPDES Permit No. MS0045454

Dear Mr. Yancey:

After reviewing your yearly Discharge Monitoring Report for the year 2015 for the referenced facility, and confirming the July 17, 2015, oral notification and the receipt of your written reporting on July 21, 2015, the following violations were reported:

**Outfall 001 Y:**

Monitoring Period 2015	Parameter	Permit Requirement	Reported Value	Deviation
2015	Lead, Max.	0.030 mg/l	0.051 mg/l	70%
	Copper, Max.	0.007 mg/l	0.0073 mg/l	4%

**Outfall 002 Y:**

Monitoring Period 2015	Parameter	Permit Requirement	Reported Value	Deviation
2015	Copper, Max.	0.007 mg/l	0.0076 mg/l	9%

We are in receipt of your July 17, 2015, response letter explaining the violations listed above and your diligent effort of investigation with your analytical consultant, Bonner Analytical, to determine the cause. Please keep us advised of your progress toward compliance. Further non-compliance may result in enforcement and penalties. If you have any questions concerning this matter, please call me at (601) 961-5234.

Sincerely,  
  
Nameh Salem  
Energy and Transportation Branch  
Environmental Compliance and Enforcement Division

cc: ECED DAB  
Agency Interest No. 1699  
ENF20160001



STATE OF MISSISSIPPI  
PHIL BRYANT  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
GARY C. RIKARD, EXECUTIVE DIRECTOR

September 26, 2016

Mr. Tim Yancey, Environmental coordinator  
TransMontaigne Operating Company LP, Collins Southeast Terminal  
200 Mansell Court East, Suite 600  
Roswell, GA 30076

Re: Notice of DMR Violation  
TransMontaigne Operating Company LP  
Collins Southeast Terminal  
Collins, Covington County, Mississippi  
Water - NPDES Permit No. MS0021245

Dear Mr. Yancey:

After careful review of your Discharge Monitoring Reports for the second quarter of 2016, the following violations were noted:

**Outfalls 002Q, 003Q and 004Q:**

Monitoring Period	Parameter	Permit Requirement	Reported Value	Deviation
002 2 <sup>nd</sup> Quarter	Aluminum	.75 mg/l	2.4 mg/l	>100%
003 2 <sup>nd</sup> Quarter	Aluminum	.75 mg/l	2.3 mg/l	>100%
004 2 <sup>nd</sup> Quarter	Aluminum	.75 mg/l	0.89 mg/l	19%

We are in receipt of your July 15, 2016, response explaining the violations listed above due to native soil. Please keep us advised of your progress toward compliance. Further non-compliance may result in enforcement and penalties. If you have any questions concerning this matter, please call me at (601) 961-5234.

Sincerely,

Nameh Salem, Project Engineer  
Energy and Transportation Branch  
Environmental Compliance and Enforcement Division

cc:ECEDDAB  
Agency Interest No. 1393  
ENF20160002





STATE OF MISSISSIPPI  
PHIL BRYANT  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
GARY C. RIKARD, EXECUTIVE DIRECTOR

September 08, 2016

Mr. Tim Yancey, Environmental Coordinator  
TransMontaigne Operating Company LP  
Collins Piedmont Terminal Number 1  
200 Mansell Court East, Suite 600  
Roswell, GA 30076

Re: DMR Notice of Violation  
TransMontaigne Operating Company LP  
Collins Piedmont Terminal Number 1  
Collins, Covington County, Mississippi  
Water - NPDES Permit No. MS0045454

Dear Mr. Yancey:

After reviewing your yearly Discharge Monitoring Report for the year 2016, for the referenced facility, and confirming the receipt of your written reporting of August 09, 2016, the following violations were reported:

**Outfall 001 Y:**

Monitoring Period 2016	Parameter	Permit Requirement	Reported Value	Deviation
2016	Lead, Max.	0.030 mg/l	0.069 mg/l	>100%
	Copper, Max.	0.007 mg/l	0.011 mg/l	57%

Thank you for your response in your letter explaining the violations listed above and your diligent effort of investigation with your analytical consultant, Bonner Analytical, to determine the cause. Please keep us advised of your progress toward compliance. Further non-compliance may result in enforcement and penalties. If you have any questions concerning this matter, please call me at (601) 961-5234.

Sincerely,

Nameh Salem, Project Engineer  
Energy and Transportation Branch  
Environmental Compliance and Enforcement Division

cc: ECED DAB

Agency Interest No. 1699  
ENF20160002



STATE OF MISSISSIPPI  
PHIL BRYANT  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
GARY C. RIKARD, EXECUTIVE DIRECTOR

September 27, 2016

Mr. Tim Yancey, Environmental coordinator  
TransMontaigne Operating Company LP, Collins Southeast Terminal  
200 Mansell Court East, Suite 600  
Roswell, GA 30076

Re: Notice of DMR Violation  
TransMontaigne Operating Company LP  
Collins Southeast Terminal  
Collins, Covington County, Mississippi  
Water - NPDES Permit No. MS0021245

Dear Mr. Yancey:

After careful review of your Discharge Monitoring Reports for the first quarter of 2016, the following violations were noted:

**Outfalls 002Q, 003Q and 004Q:**

Monitoring Period	Parameter	Permit Requirement	Reported Value	Deviation
002 1st Quarter, 16	Aluminum	.75 mg/l	1.4 mg/l	87%
003 1st Quarter, 16	Aluminum	.75 mg/l	5.2 mg/l	>100%
004 1st Quarter, 16	Aluminum	.75 mg/l	13 mg/l	>100%

We are in receipt of your April 08, 2016, response explaining the violations listed above due to native soil. Please keep us advised of your progress toward compliance. Further non-compliance may result in enforcement and penalties. If you have any questions concerning this matter, please call me at (601) 961-5234.

Sincerely,

Nameh Salem, Project Engineer  
Energy and Transportation Branch  
Environmental Compliance and Enforcement Division

cc:ECEDDAB

Agency Interest No. 1393  
ENF20160003





STATE OF MISSISSIPPI  
PHIL BRYANT  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
GARY C. RIKARD, EXECUTIVE DIRECTOR

December 05, 2016

Mr. Tim Yancey, Environmental coordinator  
TransMontaigne Operating Company LP, Collins Southeast Terminal  
200 Mansell Court East, Suite 600  
Roswell, GA 30076

Re: Notice of DMR Violation  
TransMontaigne Operating Company LP  
Collins Southeast Terminal  
Collins, Covington County, Mississippi  
Water - NPDES Permit No. MS0021245

Dear Mr. Yancey:

After careful review of your Discharge Monitoring Reports for the third quarter of 2016, the following violations were noted:

**Outfalls 002Q and 004Q:**

Monitoring Period	Parameter	Permit Requirement	Reported Value	Deviation
002 3rd Quarter, 16	Aluminum	.75 mg/l	9.1 mg/l	>100%
004 3rd Quarter, 16	Aluminum	.75 mg/l	1.6 mg/l	>100%

We are in receipt of your October 04, 2016, response explaining the violations listed above due to the nature of the native soil. Please keep us advised of your progress toward compliance. Further non-compliance may result in enforcement and penalties. If you have any questions concerning this matter, please call me at (601) 961-5234.

Sincerely,

Nameh Salem, Project Engineer  
Energy and Transportation Branch  
Environmental Compliance and Enforcement Division

cc:ECEDDAB



**TRANSMONTAIGNE INC.**  
*Delivering America's Fuel Supply, on Demand*

February 14, 2017

Mr. Nameh Salem  
Mississippi Department of Environmental Quality  
Industrial Wastewater Control Branch – Office of Pollution Control  
515 E. Amite St.  
Jackson, MS 39201

**Re: TransMontaigne - Collins Piedmont #1 Terminal  
Collins, MS - Permit No. MS0045454**

Dear Mr. Salem:

In compliance with Special Condition S-4 (Noncompliance Notification) of the subject NPDES permit, TransMontaigne reports the following noncompliant event at the Collins Piedmont #1 facility.

Outfall #	Date	Constituent	Lab Result	Permit Limit
001	01/20/2017	Lead (T.R.)	0.046 mg/l	0.03 mg/l

As indicated in previous/on-going discussions with DEQ, it is our belief that these excursions are attributable to naturally-occurring (i.e., “background”) metals concentrations in the local soil.

Should you have any questions, please call me at 770/518-3651 or e-mail me at: [tyancey@transmontaigne.com](mailto:tyancey@transmontaigne.com).

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. Yancey', is written over a light blue circular stamp or watermark.

Tim Yancey  
Environmental Coordinator



2703 Oak Grove Road  
Hattiesburg, MS 39402  
601.264.2854 Phone  
601.268.7084 Fax

February 14, 2017

Transmontaigne Collins Terminal #1  
385 Hwy 588  
Collins, MS 39458

Attn: Tim Yancey

**REPORT NO.: 7010255 - Revised**

**PROJECT NO.: 1st BiAnnual 2017**

Please find enclosed the analytical report, including the Sample Summary, Sample Narrative and Chain of Custody for your sample set received January 20, 2017.

If you have any questions about the results, please call. Thank you for using Bonner Analytical Testing for your analytical needs.

Sincerely,

Approved by:

A handwritten signature in black ink that reads "M.S. Bonner". The signature is written in a cursive style and is positioned above a horizontal line.

Michael S. Bonner, Ph.D.

*I certify that the data contained in this report has been generated and reviewed in accordance with the BATCO's QAP & SOPs developed under guidelines provided by NELAC, EPA, ASTM or other certified test methods. Exceptions, if any, are discussed in the sample narrative. Samples will be retained for 30 days from the date of this report, then disposed in an appropriate manner. Bonner reserves the right to return samples identified as hazardous. Release of this Final Report is authorized as verified by the following signature.*





**Certificate Of Analysis**

Transmontaigne Collins Terminal #1	Project: Outfall 001 & 002 Semi Annual
385 Hwy 588	Project Number: 1st BiAnnual 2017
Collins MS, 39458	Project Manager: Tim Yancey
Received: 01/20/2017 14:11	Reported: 02/14/2017 12:59

**Sample Name:** Outfall 001      **Lab ID:** 7010255-01      **Sample Date&Time:** 01/20/17 12:10

Analyte	Results	MDL	MRL	Units	Batch	Prepared	Analyzed	Qualifiers
<b><u>EPA 200.8</u></b>								
Copper	0.0021	0.00011	0.0010	mg/L	RA11009	01/26/2017	01/27/2017	
Lead	0.046	0.000021	0.00050	mg/L	RB03001	02/06/2017	02/06/2017	
Lead	0.044	0.000021	0.00050	mg/L	RA11009	01/26/2017	01/27/2017	
Lead	0.044	0.000021	0.00050	mg/L	RB03001	02/03/2017	02/03/2017	
Zinc	0.013	0.00031	0.0010	mg/L	RA11009	01/26/2017	01/27/2017	
<b><u>EPA 8260C</u></b>								
Benzene	ND	0.000630	0.00500	mg/L	RA04008	01/23/2017	01/23/2017	U
BTEX	0.00232	0.000630	0.00500	mg/L	"	"	"	J
Ethylbenzene	0.00107	0.000780	0.00500	mg/L	"	"	"	J
m,p-Xylene	ND	0.00164	0.00500	mg/L	"	"	"	J
o-Xylene	ND	0.000700	0.00500	mg/L	"	"	"	U
Toluene	ND	0.000730	0.00500	mg/L	"	"	"	U
<b><u>Surrogate Recovery</u></b>								
1,2-Dichloroethane-d4	101 %		64-138		"	"	"	
4-Bromofluorobenzene	98.2 %		58-133		"	"	"	
Dibromofluoromethane	97.9 %		73-123		"	"	"	
Toluene-d8	100 %		50-142		"	"	"	
<b><u>On-Site</u></b>								
Flow	0.0895			MGD	RA20005	01/20/2017	01/20/2017	



2703 Oak Grove Road  
Hattiesburg, MS 39402  
601.264.2854 Phone  
601.268.7084 Fax

**Certificate Of Analysis**

Transmontaigne Collins Terminal #1	Project: Outfall 001 & 002 Semi Annual
385 Hwy 588	Project Number: 1st BiAnnual 2017
Collins MS, 39458	Project Manager: Tim Yancey
Received: 01/20/2017 14:11	Reported: 02/14/2017 12:59

**Sample Name:** Outfall 002      **Lab ID:** 7010255-02      **Sample Date&Time:** 01/20/17 11:55

Analyte	Results	MDL	MRL	Units	Batch	Prepared	Analyzed	Qualifiers
<b><u>EPA 200.8</u></b>								
Copper	0.0026	0.00011	0.0010	mg/L	RA11009	01/26/2017	01/27/2017	
Lead	0.0084	0.000021	0.00050	mg/L	"	"	"	
Zinc	0.0094	0.00031	0.0010	mg/L	"	"	"	
<b><u>EPA 8260C</u></b>								
Benzene	ND	0.000630	0.00500	mg/L	RA04008	01/23/2017	01/23/2017	U
BTEX	ND	0.000630	0.00500	mg/L	"	"	"	U
Ethylbenzene	ND	0.000780	0.00500	mg/L	"	"	"	U
m,p-Xylene	ND	0.00164	0.00500	mg/L	"	"	"	U
o-Xylene	ND	0.000700	0.00500	mg/L	"	"	"	U
Toluene	ND	0.000730	0.00500	mg/L	"	"	"	U
<b><u>Surrogate Recovery</u></b>								
1,2-Dichloroethane-d4	105 %		64-138		"	"	"	
4-Bromofluorobenzene	99.6 %		58-133		"	"	"	
Dibromofluoromethane	100 %		73-123		"	"	"	
Toluene-d8	102 %		50-142		"	"	"	
<b><u>On-Site</u></b>								
Flow	0.420			MGD	RA20005	01/20/2017	01/20/2017	



2703 Oak Grove Road  
Hattiesburg, MS 39402  
601.264.2854 Phone  
601.268.7084 Fax

### Certificate Of Analysis

<b>Transmontaigne Collins Terminal #1</b>	Project: Outfall 001 & 002 Semi Annual
385 Hwy 588	Project Number: 1st BiAnnual 2017
Collins MS, 39458	Project Manager: Tim Yancey
Received: 01/20/2017 14:11	Reported: 02/14/2017 12:59

#### CASE NARRATIVE SUMMARY

All reported results are within Bonner Analytical Testing Co. defined laboratory QAQC objectives unless listed below or otherwise qualified in this report.

#### Qualifications:

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#### Analyte & Samples(s) Qualified:

#### Notes:

MRL = Method Reporting Limit  
MDL = Method Detection Limit  
ND = Not Detected, below detection limit  
J = Detected, below reportable limit  
D = Dilution performed

ug/l = Microgram per Liter = parts per billion (ppb)  
ug/kg = Microgram per kilogram = parts per billion (ppb)  
mg/l = Milligram per liter parts per million (ppm)  
mg/kg = Milligram per kilogram parts per million (ppm)  
CFU = Colony forming units



2703 Oak Grove Road  
Hattiesburg, MS 39402  
601.264.2854 Phone  
601.268.7084 Fax

**Certificate Of Analysis**

<b>Transmontaigne Collins Terminal #1</b>	Project: Outfall 001 & 002 Semi Annual
385 Hwy 588	Project Number: 1st BiAnnual 2017
Collins MS, 39458	Project Manager: Tim Yancey
Received: 01/20/2017 14:11	Reported: 02/14/2017 12:59

**Metals - Quality Control**

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Qualifiers
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**Batch RA11009 - 200.8**

**Blank (RA11009-BLK4)**

Prepared: 01/26/2017 Analyzed: 01/27/2017

Lead	ND	0.00050	mg/L							
Copper	ND	0.0010	"							
Zinc	ND	0.0010	"							

**LCS (RA11009-BS4)**

Prepared: 01/26/2017 Analyzed: 01/27/2017

Copper	0.109	0.0010	mg/L	0.10000		109	85-115			
Lead	0.102	0.00050	"	0.10000		102	85-115			
Zinc	0.0986	0.0010	"	0.10000		98.6	85-115			

**Duplicate (RA11009-DUP1)**

Source: 7010097-02

Prepared: 01/17/2017 Analyzed: 01/20/2017

Zinc	0.00691	0.0010	mg/L		0.00716			3.55	20	
Copper	0.00157	0.0010	"		0.00145			8.16	20	

**Matrix Spike (RA11009-MS1)**

Source: 7010097-02

Prepared: 01/17/2017 Analyzed: 01/20/2017

Zinc	0.102	0.0010	mg/L	0.10000	0.00716	94.8	70-130			
Copper	0.0976	0.0010	"	0.10000	0.00145	96.1	75-125			

**Matrix Spike Dup (RA11009-MSD1)**

Source: 7010097-02

Prepared: 01/17/2017 Analyzed: 01/20/2017

Copper	0.0972	0.0010	mg/L	0.10000	0.00145	95.8	75-125	0.359	20	
Zinc	0.102	0.0010	"	0.10000	0.00716	95.2	70-130	0.336	20	

**Batch RB03001 - 200.8**

**Blank (RB03001-BLK1)**

Prepared & Analyzed: 02/03/2017

Copper	ND	0.0010	mg/L							
Lead	ND	0.00050	"							
Zinc	ND	0.0010	"							



2703 Oak Grove Road  
Hattiesburg, MS 39402  
601.264.2854 Phone  
601.268.7084 Fax

**Certificate Of Analysis**

Transmontaigne Collins Terminal #1	Project: Outfall 001 & 002 Semi Annual
385 Hwy 588	Project Number: 1st BiAnnual 2017
Collins MS, 39458	Project Manager: Tim Yancey
Received: 01/20/2017 14:11	Reported: 02/14/2017 12:59

**Metals - Quality Control**

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Qualifiers
<b>Batch RB03001 - 200.8</b>										
<b>Blank (RB03001-BLK2)</b> Prepared & Analyzed: 02/06/2017										
Lead	ND	0.00050	mg/L							
<b>LCS (RB03001-BS1)</b> Prepared & Analyzed: 02/03/2017										
Lead	0.103	0.00050	mg/L	0.10000		103	85-115			
Zinc	0.101	0.0010	"	0.10000		101	85-115			
Copper	0.106	0.0010	"	0.10000		106	85-115			
<b>LCS (RB03001-BS2)</b> Prepared & Analyzed: 02/06/2017										
Lead	0.102	0.00050	mg/L	0.10000		102	85-115			
<b>Duplicate (RB03001-DUP1)</b> Source: 7020075-02 Prepared & Analyzed: 02/09/2017										
Zinc	0.0175	0.0010	mg/L		0.0162			7.84	20	
Lead	0.000570	0.00050	"		0.000526			8.00	20	
Copper	0.00925	0.0010	"		0.00956			3.24	20	
<b>Matrix Spike (RB03001-MS1)</b> Source: 7020075-02 Prepared & Analyzed: 02/09/2017										
Zinc	0.124	0.0010	mg/L	0.10000	0.0162	107	70-130			
Lead	0.121	0.00050	"	0.10000	0.000526	121	70-130			
Copper	0.117	0.0010	"	0.10000	0.00956	107	75-125			
<b>Matrix Spike Dup (RB03001-MSD1)</b> Source: 7020075-02 Prepared & Analyzed: 02/09/2017										
Zinc	0.121	0.0010	mg/L	0.10000	0.0162	105	70-130	2.10	20	
Lead	0.118	0.00050	"	0.10000	0.000526	117	70-130	2.68	20	
Copper	0.112	0.0010	"	0.10000	0.00956	103	75-125	3.96	20	



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**Certificate Of Analysis**

Transmontaigne Collins Terminal #1	Project: Outfall 001 & 002 Semi Annual
385 Hwy 588	Project Number: 1st BiAnnual 2017
Collins MS, 39458	Project Manager: Tim Yancey
Received: 01/20/2017 14:11	Reported: 02/14/2017 12:59

**Volatiles by GC/MS - Quality Control**

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Qualifiers
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**Batch RA04008 - EPA 5030B**

Blank (RA04008-BLK1)		Prepared: 01/04/2017 Analyzed: 01/23/2017								
Benzene	ND	0.00500	mg/L							U
Toluene	ND	0.00500	"							U
Ethylbenzene	ND	0.00500	"							U
m,p-Xylene	ND	0.00500	"							U
o-Xylene	ND	0.00500	"							U
BTEX	ND	0.00500	"							U
Surrogate: 1,2-Dichloroethane-d4	0.0522		"	0.050000		104	64-138			
Surrogate: Dibromofluoromethane	0.0505		"	0.050000		101	73-123			
Surrogate: Toluene-d8	0.0495		"	0.050000		99.0	50-142			
Surrogate: 4-Bromofluorobenzene	0.0495		"	0.050000		99.0	58-133			

Blank (RA04008-BLK2)		Prepared: 01/04/2017 Analyzed: 01/06/2017								
Benzene	ND	0.00500	mg/L							U
Toluene	ND	0.00500	"							U
Ethylbenzene	ND	0.00500	"							U
m,p-Xylene	ND	0.00500	"							U
o-Xylene	ND	0.00500	"							U
BTEX	ND	0.00500	"							U
Surrogate: 1,2-Dichloroethane-d4	0.0538		"	0.050000		108	64-138			
Surrogate: Dibromofluoromethane	0.0526		"	0.050000		105	73-123			
Surrogate: Toluene-d8	0.0480		"	0.050000		96.1	50-142			
Surrogate: 4-Bromofluorobenzene	0.0487		"	0.050000		97.3	58-133			

Blank (RA04008-BLK3)		Prepared & Analyzed: 01/23/2017								
Benzene	ND	0.00500	mg/L							U
Toluene	ND	0.00500	"							U
Ethylbenzene	ND	0.00500	"							U
m,p-Xylene	ND	0.00500	"							U
o-Xylene	ND	0.00500	"							U
BTEX	ND	0.00500	"							U
Surrogate: 1,2-Dichloroethane-d4	0.0522		"	0.050000		104	64-138			
Surrogate: Dibromofluoromethane	0.0505		"	0.050000		101	73-123			
Surrogate: Toluene-d8	0.0495		"	0.050000		99.0	50-142			
Surrogate: 4-Bromofluorobenzene	0.0495		"	0.050000		99.0	58-133			



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**Certificate Of Analysis**

<b>Transmontaigne Collins Terminal #1</b>	Project: Outfall 001 & 002 Semi Annual
385 Hwy 588	Project Number: 1st BiAnnual 2017
Collins MS, 39458	Project Manager: Tim Yancey
Received: 01/20/2017 14:11	Reported: 02/14/2017 12:59

**Volatiles by GC/MS - Quality Control**

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Qualifiers
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**Batch RA04008 - EPA 5030B**

**LCS (RA04008-BS3)**

Prepared & Analyzed: 01/23/2017

Benzene	0.102	0.00500	mg/L				76-127			
Toluene	0.101	0.00500	"				76-125			
Ethylbenzene	0.106	0.00500	"	0.10000		106	0-200			
m,p-Xylene	0.199	0.00500	"	0.10000		199	0-200			
o-Xylene	0.105	0.00500	"	0.10000		105	0-200			
Surrogate: 1,2-Dichloroethane-d4	0.0504		"	0.050000		101	64-138			
Surrogate: Dibromofluoromethane	0.0485		"	0.050000		96.9	73-123			
Surrogate: Toluene-d8	0.0497		"	0.050000		99.4	50-142			
Surrogate: 4-Bromofluorobenzene	0.0461		"	0.050000		92.1	58-133			

**Matrix Spike (RA04008-MS1)**

Source: 7010052-01

Prepared: 01/04/2017 Analyzed: 01/06/2017

Benzene	ND	0.00500	mg/L		ND		76-127			U
Toluene	ND	0.00500	"		ND		76-125			U
Ethylbenzene	0.0612	0.0100	"	0.050000	ND	122	70-130			D
m,p-Xylene	0.0570	0.0100	"	0.050000	ND	114	70-130			D
o-Xylene	0.0597	0.0100	"	0.050000	ND	119	70-130			D
Surrogate: 1,2-Dichloroethane-d4	0.0510		"	0.050000		102	64-138			
Surrogate: Dibromofluoromethane	0.0521		"	0.050000		104	73-123			
Surrogate: Toluene-d8	0.0489		"	0.050000		97.7	50-142			
Surrogate: 4-Bromofluorobenzene	0.0477		"	0.050000		95.3	58-133			

**Matrix Spike Dup (RA04008-MSD1)**

Source: 7010052-01

Prepared: 01/04/2017 Analyzed: 01/06/2017

Benzene	ND	0.00500	mg/L		ND		76-127		20	U
Toluene	ND	0.00500	"		ND		76-125		20	U
Ethylbenzene	0.0592	0.0100	"	0.050000	ND	118	70-130	3.26	20	D
m,p-Xylene	0.0554	0.0100	"	0.050000	ND	111	70-130	2.81	20	D
o-Xylene	0.0573	0.0100	"	0.050000	ND	115	70-130	4.00	20	D
Surrogate: 1,2-Dichloroethane-d4	0.0520		"	0.050000		104	64-138			
Surrogate: Dibromofluoromethane	0.0521		"	0.050000		104	73-123			
Surrogate: Toluene-d8	0.0479		"	0.050000		95.9	50-142			
Surrogate: 4-Bromofluorobenzene	0.0484		"	0.050000		96.7	58-133			



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**Certificate Of Analysis**

<b>Transmontaigne Collins Terminal #1</b>	Project: Outfall 001 & 002 Semi Annual
385 Hwy 588	Project Number: 1st BiAnnual 2017
Collins MS, 39458	Project Manager: Tim Yancey
Received: 01/20/2017 14:11	Reported: 02/14/2017 12:59

**Certified Analyses included in this Report**

Analyte	CAS #	Certifications
<b><i>EPA 200.8 in Water</i></b>		
Copper	7440-50-8	C-2,C-3
Lead	7439-92-1	C-2,C-3
Zinc	7440-66-6	C-2,C-3
<b><i>EPA 8260C in Water</i></b>		
Benzene	71-43-2	C-2,C-3
Toluene	108-88-3	C-2,C-3
Ethylbenzene	100-41-4	C-2,C-3
m,p-Xylene	179601-23-1	C-2,C-3
o-Xylene	95-47-6	C-2,C-3
BTEX		C-2,C-3

**List of Certifications**

Code	Description	Number	Expires
C-1	Ms Department of Health (Coliform)	MS00013	02/01/2018
C-2	La Environmental Lab Accreditation Program	03002	06/30/2016
C-3	National Environmental Lab Accreditation Program	TN102178	06/30/2016



COMPANY NAME: Transmontaigne-Collins-Term 1  
 STREET ADDRESS: Hwy 588  
 CITY: Collins STATE: MS ZIP: 39428

NAME OF PERSON TO CONTACT: Tim Yancey  
 CONTACT PERSON'S PHONE: (601) 765-6631 FAX: (601) 765-1127  
 CONTACT PERSONS'S EMAIL:

CLIENT PROJECT NO. CLIENT P.O.# CLIENT PROJECT NAME  
 Semi-Annual

# BONNER

Analytical Testing Co.

2703 Oak Grove Road, Hattiesburg, MS 39402 [www.batco.com](http://www.batco.com)  
 Phone No. 601-264-2854 Fax No. 601-268-7084

PARAMETERS FOR ANALYSIS				NUMBER OF CONTAINERS	PRESERVATION	LABORATORY USE		
Benzene/BTEX	*Metals						Turn Around Time	
					Std	5 day	4 day	3 day
					48 Hr	24 Hr	Same Day	
						Work Order Number: <b>7010255</b>		

SAMPLE DESCRIPTION	DATE	TIME	MATRIX*	Benzene/BTEX	*Metals	NUMBER OF CONTAINERS	PRESERVATION	Remarks
1 OUTFALL 001	1-20-17	1210	SW	X		3	C	
2 OUTFALL 001	1		1		X	1	N	
3 Flow = 0.0895 MGD								
4 OUTFALL 002	1-20-17	1155	SW	X		3	C	
5 OUTFALL 002	1		1		X	1	N	
6 Flow = 0.42 MGD								
7								
8 * 001 Report Cu, Pb, Zn ONLY								
9 * 002 Report Cu, Zn ONLY								
10								

Signature	Print Name	Company	Date	Time
Sampled By: <i>[Signature]</i>	ROB DEANSON	BATCO	1-20-17	1325
Relinquished By: <i>[Signature]</i>	Chris [Signature]	BATCO	1/20/17	1400
Received By:				
Relinquished By:				
Received By:				

Key\* Matrix: SW=(Surface Water), GW=(Ground Water), WW=(Waste Water), DW=(Drinking Water), SL=(Sludge), SO=(Soil), AS=(asbestos), LPG=(Liquid Petroleum), AG=(Air/Gas), Other: LIST

REMARKS: \_\_\_\_\_

REQUEST BATCO TO DISPOSE OF ALL SAMPLE REMAINDERS  
(Signature)

IF SAMPLE IS DETERMINED TO BE HAZARDOUS, A MINIMUM ADDITIONAL CHARGE OF \$30.00 PER SAMPLE WILL BE ASSESSED.

DCN: BA-001  
REV# 1.5  
ED:05/07/2015

### SAMPLE RECEIPT FORM

Client: Transmontaigne-Collins-Term 1  
 Work Order: \_\_\_\_\_

Does this project fall under: NPDES, RCRA, CLP, Litigation or other EPA guidelines or  Yes or No

**Shipping Method**

Client  Lab      Fed Ex      UPS  
 Courier      US Postal      Other:  
 Airbill Number: \_\_\_\_\_

Cooler ID	Custody Sealed Yes/No	Custody Seal Intact Yes/No/NA	Ice Present Yes/No	Temperature	Therm. ID
015	NO	N/A	YES	3A°C	01

If no ice, were the samples received within one hour of collection?	Yes	No	<input checked="" type="radio"/> NA
If samples were collected within 1 to 6 hours, has chilling begun?	<input checked="" type="radio"/> Yes	No	NA
Was a Temperature Blank used?	<input checked="" type="radio"/> Yes	No	NA
If not, temperature was taken from _____	<input checked="" type="radio"/> Sample Container	Cooler	
Packing Material: Bubblewrap, peanuts, vermiculite, ice, other: _____	<input checked="" type="radio"/> Yes	No	NA

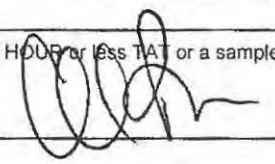
Sample containers received intact	<input checked="" type="radio"/> Yes	No	NA
Custody seals present on bottles	<input checked="" type="radio"/> Yes	No	NA
Correct containers used for the tests indicated? Who's: <u>BATCO/Client</u>	<input checked="" type="radio"/> Yes	No	
Correct preservation used	<input checked="" type="radio"/> Yes	No	NA
Sample pH <2 or >12 for required analysis	<input checked="" type="radio"/> Yes	No	NA
Sufficient aliquot of sample for tests indicated	<input checked="" type="radio"/> Yes	No	
Samples requiring no headspace, headspace free? (VOA vials cannot have air bubbles greater than 6mm)	<input checked="" type="radio"/> Yes	No	NA
Chains of custody filled out properly? (ink, signed, dates, etc.)	<input checked="" type="radio"/> Yes	No	
Bottle labels complete and agree with COC? (ID, time, date, preservation?)	<input checked="" type="radio"/> Yes	No	
Samples received within holding times for requested analysis?	<input checked="" type="radio"/> Yes	No	

If this project is for compliance purposes, do all samples conform (All Yes or NA) to criteria required for the requested analyses?  Yes    No    NA

If No, the client must be notified before the analysis can be started. A Corrective Action, containing the client contacted, date and time of phone call, who contacted the client and whether the client would like to continue with testing.

Corrective Action #: \_\_\_\_\_

\* If client request 72 HOURS or less TAT or a sample is received with an EXPIRING or < 72 Holding Times, it is the Signers Responsibility to notify the department immediately \_\_\_\_\_

Signature:  Initial: \_\_\_\_\_

ORIGIN: D.G.V.L.A (770) 518-3651  
TIM YANCEY  
200 MANSELL CT E SUITE 600  
ROSWELL, GA 30076  
UNITED STATES US

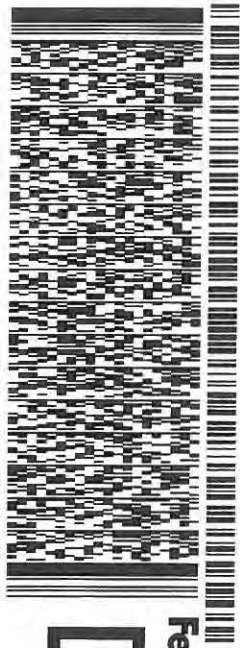
SHIP DATE: 14FEB17  
ACTWGT: 0.50 LB  
CAD: 107584559/NET3850  
BILL SENDER

**NAME: SALEM**  
**MS DEPT. OF ENVIRONMENTAL QUALITY**  
**OFFICE OF POLLUTION CONTROL**  
**515 E. AMITE ST.**

**JACKSON MS 39201**  
(601) 961-5171  
INV.

REF: COLLINS LEAD EXCURSION2017

DEPT:



J171017010601uv

546J1G3BB53C1

TRK# 7784 2741 1859  
0201

WED - 15 FEB 3:00P  
STANDARD OVERNIGHT

**XX JANA**

MS-US MEM 39201



**After printing this label:**

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
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STATE OF MISSISSIPPI  
PHIL BRYANT  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
GARY C. RIKARD, EXECUTIVE DIRECTOR

May 12, 2017

Mr. Tim Yancey, Environmental coordinator  
TransMontaigne Operating Company LP, Collins Southeast Terminal  
200 Mansell Court East, Suite 600  
Roswell, GA 30076

Re: Notice of DMR Violations  
TransMontaigne Operating Company LP  
Collins Southeast Terminal  
Collins, Covington County, Mississippi  
Water - NPDES Permit No. MS0021245

Dear Mr. Yancey:

After careful review of your Discharge Monitoring Reports for the first quarter of 2017, the following violations were noted:

**Outfall 002Q:**

Monitoring Period	Parameter	Permit Requirement	Reported Value	Deviation
1st Quarter, 16	Aluminum	0.75 mg/l	5.5 mg/l	>100%

**Outfall 003Q:**

Monitoring Period	Parameter	Permit Requirement	Reported Value	Deviation
1st Quarter, 16	Aluminum	0.75 mg/l	.89 mg/l	19%

**Outfall 004Q:**

Monitoring Period	Parameter	Permit Requirement	Reported Value	Deviation
1st Quarter, 16	Aluminum	0.75 mg/l	1.6 mg/l	>100%

We are in receipt of your April 05, 2017, response explaining the violation listed above due to the nature of the native soil. Please keep us advised of your progress toward compliance. Further non-compliance may result in enforcement and penalties. If you have any questions concerning this matter, please call me at (601) 961-5234.

Sincerely,

Nameh Salem  
Energy and Transportation Branch  
Environmental Compliance and Enforcement Division

cc: ECED DAB

Agency Interest No. 1393  
ENF20170001





**TRANSMONTAIGNE INC.**  
*Delivering America's Fuel Supply, on Demand*

October 10, 2017

Mr. Nameh Salem  
Mississippi Department of Environmental Quality  
Industrial Wastewater Control Branch – Office of Pollution Control  
515 E. Amite St.  
Jackson, MS 39201

**Re: TransMontaigne - Collins Piedmont #1 Terminal  
Collins, MS - Permit No. MS0045454**

Dear Mr. Salem:

In compliance with Special Condition S-4 (Noncompliance Notification) of the subject NPDES permit, TransMontaigne reports the following noncompliant event at the Collins Piedmont #1 facility.

Outfall #	Date	Constituent	Lab Result	Permit Limit
001	07/26/2017	Lead (T.R.)	0.037 mg/l	0.03 mg/l

As indicated in previous/on-going discussions with DEQ, it is our belief that these excursions are attributable to naturally-occurring (i.e., "background") metals concentrations in the local soil.

Should you have any questions, please call me at 770/518-3651 or e-mail me at:  
[tyancey@transmontaigne.com](mailto:tyancey@transmontaigne.com).

Sincerely,

Tim Yancey  
Environmental Coordinator



STATE OF MISSISSIPPI  
PHIL BRYANT  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
GARY C. RIKARD, EXECUTIVE DIRECTOR

August 10, 2017

Mr. Tim Yancey, Environmental Coordinator  
TransMontaigne Operating Company LP  
200 Mansell Court East, Suite 600  
Roswell, GA 30076

Re: Notice of DMR Violation  
TransMontaigne Operating Company LP  
Collins Piedmont Terminal Number 2  
Collins, Covington County, Mississippi  
General Water Permit No. MSG130025

Dear Mr. Yancey:

After careful review of your General Water Permit Discharge Monitoring Report for the first semi-annum of 2017, the following violations were noted:

**Outfall [Enter Outfall Number]:001-S**

Monitoring Period	Parameter	Permit Requirement	Reported Value	Deviation
01 – 07, 2017	BETX, Max Benzene, Max	1.12 mg/l 0.075 mg/l	2.62 mg/l 0.141 mg/l	>100% 88%

We are in receipt of your July 10, 2017 response explaining the violation listed above. Please keep us advised of your progress toward compliance. Further non-compliance may result in enforcement and penalties.

If you have any questions concerning this matter, please call me at (601) 961-5234.

Sincerely,

Nameh Salem, Project Engineer  
Energy and Transportation Branch  
Environmental Compliance and Enforcement Division

cc: ECED DAB  
Agency Interest No. 1725  
ENF20170002



**TRANSMONTAIGNE INC.**  
*Delivering America's Fuel Supply, on Demand*

July 10, 2017

Mr. Nameh Salem  
Mississippi Department of Environmental Quality  
Industrial Wastewater Control Branch – Office of Pollution Control  
515 E. Amite St.  
Jackson, MS 39201

**TransMontaigne Collins Piedmont #2 Terminal**  
**Permit No. MSG130025**

Dear Mr. Salem:

In compliance with the Noncompliance Notification of subject NPDES permit, and confirming the oral notification made to you on July 10, 2017, TransMontaigne reports the following noncompliant event at the Collins Storage #2 facility.

**Outfall 001**

Laboratory result received for the June 19, 2017 discharge on BTEX was 2.62 mg/l.

The Semi- Annual Maximum discharge limitation is 1.12 mg/l.

**Outfall 001**

Laboratory result received for the June 19, 2017 discharge on Benzene was 0.141 mg/l.

The Semi -Annual Maximum discharge limitation is 0.075 mg/l.

Should you have any questions, please call me at 770/518-3651 or e-mail me at: [tyancey@transmontaigne.com](mailto:tyancey@transmontaigne.com).

We believe this excursion was an isolated event and not due to any operational procedure. The pretest showed a non-detect for both of the parameters.

Sincerely,

  
Tim Yancey  
Environmental Coordinator

**Tim Yancey**

---

**From:** Tim Yancey  
**Sent:** Monday, July 10, 2017 12:56 PM  
**To:** nameh\_salem@deq.state.ms.us  
**Subject:** TransMontaigne Collins #2:MSG130025  
**Attachments:** JUNE 2017 HYDRO EXCURSION.pdf; Hydro 011-JUNE 2017.pdf

Nameh,

As discussed attached is the Non Compliance Letter and the analytical for the hydro on pipe section 011. Let me know if you need anything further.

**Tim Yancey**

TransMontaigne  
770-518-3651(direct)  
678-230-4273 (cell)  
866-438-1357 (fax)





2703 Oak Grove Road  
Hattiesburg, MS 39402  
601.264.2854 Phone  
601.268.7084 Fax

June 19, 2017

Transmontaigne Collins Terminal #2  
135 Hwy 588  
Collins, MS 39458

Attn: Tim Yancey

**REPORT NO.: 7060154**

*PreTest & Post Test*  
**PROJECT NO.: 6/16/17 Hydrostatic Test**

Please find enclosed the analytical report, including the Sample Summary, Sample Narrative and Chain of Custody for your sample set received June 19, 2017.

If you have any questions about the results, please call. Thank you for using Bonner Analytical Testing for your analytical needs.

Sincerely,

Approved by:

A handwritten signature in black ink that reads "M.S. Bonner". The signature is written in a cursive style and is positioned above a horizontal line.

Michael S. Bonner, Ph.D.

*I certify that the data contained in this report has been generated and reviewed in accordance with the BATCO's QAP & SOPs developed under guidelines provided by NELAP, EPA, ASTM or other certified test methods. Exceptions, if any, are discussed in the sample narrative. Samples will be retained for 30 days from the date of this report, then disposed in an appropriate manner. Bonner reserves the right to return samples identified as hazardous. Release of this Final Report is authorized as verified by the following signature.*



2703 Oak Grove Road  
Hattiesburg, MS 39402  
601.264.2854 Phone  
601.268.7084 Fax

**Certificate Of Analysis**

Transmontaigne Collins Terminal #2	Project: Hydrostatic
135 Hwy 588	Project Number: 6/16/17 Hydrostatic Test
Collins MS, 39458	Project Manager: Tim Yancey
Received: 06/19/2017 08:00	Reported: 06/19/2017 17:11

**Sample Name:** Post 011      **Lab ID:** 7060154-01      **Sample Date&Time:** 06/16/17 16:20

Analyte	Results	MDL	MRL	Units	Batch	Prepared	Analyzed	Qualifiers
<b>EPA 1664A</b>								
Oil & Grease (HEM)	ND	1.5	5.1	mg/L	RF12005	06/19/2017	06/19/2017	
<b>EPA 8082</b>								
Aroclor-1016	ND	0.0326	0.105	ug/L	RF09010	06/19/2017	06/19/2017	U
Aroclor-1221	ND	0.0211	0.105	ug/L	"	"	"	U
Aroclor-1232	ND	0.0221	0.105	ug/L	"	"	"	U
Aroclor-1242	ND	0.0221	0.105	ug/L	"	"	"	U
Aroclor-1248	ND	0.0168	0.105	ug/L	"	"	"	U
Aroclor-1254	ND	0.0179	0.105	ug/L	"	"	"	U
Aroclor-1260	ND	0.0158	0.105	ug/L	"	"	"	U
Aroclor-1262	ND	0.0137	0.105	ug/L	"	"	"	U
Aroclor-1268	ND	0.0200	0.105	ug/L	"	"	"	U
<b>Surrogate Recovery</b>								
DCB (A)	62.7 %		30.9-94.3		"	"	"	
<b>EPA 8260C</b>								
Benzene	0.141	0.00630	0.0500	mg/L	RF14001	06/17/2017	06/17/2017	D
BTEX	2.62	0.00630	0.0500	mg/L	"	"	"	D
Ethylbenzene	0.246	0.00780	0.0500	mg/L	"	"	"	D
m,p-Xylene	0.924	0.0164	0.0500	mg/L	"	"	"	D
o-Xylene	0.412	0.00700	0.0500	mg/L	"	"	"	D
Toluene	0.902	0.00730	0.0500	mg/L	"	"	"	D
<b>Surrogate Recovery</b>								
1,2-Dichloroethane-d4	106 %		64-138		"	"	"	
4-Bromofluorobenzene	102 %		58-133		"	"	"	
Dibromofluoromethane	108 %		73-123		"	"	"	
Toluene-d8	101 %		50-142		"	"	"	
<b>On-Site</b>								
Flow	0.0288			MGD	RE26002	06/16/2017	06/16/2017	
<b>SM 2540 D</b>								
Total Suspended Solids	28	5	5	mg/L	RF19002	06/19/2017	06/19/2017	
<b>SM 4500-H+ B</b>								
pH	7.2			pH Units	RE26002	06/16/2017	06/16/2017	



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**Certificate Of Analysis**

Transmontaigne Collins Terminal #2	Project: Hydrostatic
135 Hwy 588	Project Number: 6/16/17 Hydrostatic Test
Collins MS, 39458	Project Manager: Tim Yancey
Received: 06/19/2017 08:00	Reported: 06/19/2017 17:11

**Sample Name:** Pre 011      **Lab ID:** 7060154-02      **Sample Date&Time:** 06/16/17 16:35

Analyte	Results	MDL	MRL	Units	Batch	Prepared	Analyzed	Qualifiers
<b><u>EPA 1664A</u></b>								
Oil & Grease (HEM)	ND	1.5	5.1	mg/L	RF12005	06/19/2017	06/19/2017	
<b><u>EPA 8082</u></b>								
Aroclor-1016	ND	0.0316	0.102	ug/L	RF09010	06/19/2017	06/19/2017	U
Aroclor-1221	ND	0.0204	0.102	ug/L	"	"	"	U
Aroclor-1232	ND	0.0214	0.102	ug/L	"	"	"	U
Aroclor-1242	ND	0.0214	0.102	ug/L	"	"	"	U
Aroclor-1248	ND	0.0163	0.102	ug/L	"	"	"	U
Aroclor-1254	ND	0.0173	0.102	ug/L	"	"	"	U
Aroclor-1260	ND	0.0153	0.102	ug/L	"	"	"	U
Aroclor-1262	ND	0.0133	0.102	ug/L	"	"	"	U
Aroclor-1268	ND	0.0194	0.102	ug/L	"	"	"	U
<b><u>Surrogate Recovery</u></b>								
DCB (A)	54.0 %		30.9-94.3		"	"	"	
<b><u>EPA 8260C</u></b>								
Benzene	ND	0.000630	0.00500	mg/L	RF14001	06/16/2017	06/16/2017	U
BTEX	ND	0.000630	0.00500	mg/L	"	"	"	U
Ethylbenzene	ND	0.000780	0.00500	mg/L	"	"	"	U
m,p-Xylene	ND	0.00164	0.00500	mg/L	"	"	"	J
o-Xylene	ND	0.000700	0.00500	mg/L	"	"	"	U
Toluene	ND	0.000730	0.00500	mg/L	"	"	"	U
<b><u>Surrogate Recovery</u></b>								
1,2-Dichloroethane-d4	107 %		64-138		"	"	"	
4-Bromofluorobenzene	103 %		58-133		"	"	"	
Dibromofluoromethane	99.7 %		73-123		"	"	"	
Toluene-d8	102 %		50-142		"	"	"	
<b><u>On-Site</u></b>								
Flow	0.00			MGD	RE26002	06/16/2017	06/16/2017	
<b><u>SM 2540 D</u></b>								
Total Suspended Solids	58	7	7	mg/L	RF19002	06/19/2017	06/19/2017	
<b><u>SM 4500-H+ B</u></b>								
pH	7.1			pH Units	RE26002	06/16/2017	06/16/2017	

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### Certificate Of Analysis

Transmontaigne Collins Terminal #2

135 Hwy 588

Collins MS, 39458

Received: 06/19/2017 08:00

Project: Hydrostatic

Project Number: 6/16/17 Hydrostatic Test

Project Manager: Tim Yancey

Reported: 06/19/2017 17:11

#### CASE NARRATIVE SUMMARY

All reported results are within Bonner Analytical Testing Co. defined laboratory QA/QC objectives unless listed below or otherwise qualified in this report.

#### Qualifications:

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#### Analyte & Sample(s) Qualified:

#### Notes:

MRL = Method Reporting Limit  
MDL = Method Detection Limit  
ND = Not Detected, below detection limit  
J = Detected, below reportable limit  
D = Dilution performed

ug/l = Microgram per Liter = parts per billion (ppb)  
ug/kg = Microgram per kilogram = parts per billion (ppb)  
mg/l = Milligram per liter parts per million (ppm)  
mg/kg = Milligram per kilogram parts per million (ppm)  
CFU = Colony forming units



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**Certificate Of Analysis**

Transmontaigne Collins Terminal #2	Project: Hydrostatic
135 Hwy 588	Project Number: 6/16/17 Hydrostatic Test
Collins MS, 39458	Project Manager: Tim Yancey
Received: 06/19/2017 08:00	Reported: 06/19/2017 17:11

**Classical Chemistry Parameters - Quality Control**

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Qualifiers
<b>Batch RF12005 - NO PREP</b>										
<b>Blank (RF12005-BLK1)</b>										
Oil & Grease (HEM)	ND	5.0	mg/L							Prepared & Analyzed: 06/19/2017
<b>LCS (RF12005-BS1)</b>										
Oil & Grease (HEM)	33	5.0	mg/L	40.000		83.5	78-114			Prepared & Analyzed: 06/19/2017
<b>Matrix Spike (RF12005-MS1)</b>										
Oil & Grease (HEM)	32	5.0	mg/L	40.000	ND	80.5	78-114			Source: 7060057-06 Prepared & Analyzed: 06/19/2017



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**Certificate Of Analysis**

<b>Transmontaigne Collins Terminal #2</b>	Project: Hydrostatic
135 Hwy 588	Project Number: 6/16/17 Hydrostatic Test
Collins MS, 39458	Project Manager: Tim Yancey
Received: 06/19/2017 08:00	Reported: 06/19/2017 17:11

**Volatiles by GC/MS - Quality Control**

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Qualifiers
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**Batch RF14001 - EPA 5030B**

**Blank (RF14001-BLK2)**

Prepared & Analyzed: 06/17/2017

Benzene	ND	0.00500	mg/L							U
Toluene	ND	0.00500	"							U
Ethylbenzene	ND	0.00500	"							U
m,p-Xylene	ND	0.00500	"							U
o-Xylene	ND	0.00500	"							U
BTEX	ND	0.00500	"							U
Surrogate: 1,2-Dichloroethane-d4	0.0551		"	0.050000		110	64-138			
Surrogate: Dibromofluoromethane	0.0498		"	0.050000		99.5	73-123			
Surrogate: Toluene-d8	0.0493		"	0.050000		98.6	50-142			
Surrogate: 4-Bromofluorobenzene	0.0514		"	0.050000		103	58-133			

**Blank (RF14001-BLK3)**

Prepared & Analyzed: 06/16/2017

Benzene	ND	0.00500	mg/L							U
Toluene	ND	0.00500	"							U
Ethylbenzene	ND	0.00500	"							U
m,p-Xylene	ND	0.00500	"							U
o-Xylene	ND	0.00500	"							U
BTEX	ND	0.00500	"							U
Surrogate: 1,2-Dichloroethane-d4	0.0545		"	0.050000		109	64-138			
Surrogate: Dibromofluoromethane	0.0492		"	0.050000		98.3	73-123			
Surrogate: Toluene-d8	0.0486		"	0.050000		97.2	50-142			
Surrogate: 4-Bromofluorobenzene	0.0492		"	0.050000		98.4	58-133			

**LCS (RF14001-BS2)**

Prepared & Analyzed: 06/17/2017

Benzene	0.0581	0.00500	mg/L	0.050000		116	67-126			
Toluene	0.0581	0.00500	"	0.050000		116	71-123			
Ethylbenzene	0.0639	0.00500	"	0.050000		128	63-140			
m,p-Xylene	0.120	0.00500	"	0.100000		120	77-130			
o-Xylene	0.0636	0.00500	"	0.050000		127	83-132			
Surrogate: 1,2-Dichloroethane-d4	0.0546		"	0.050000		109	64-138			
Surrogate: Dibromofluoromethane	0.0491		"	0.050000		98.3	73-123			
Surrogate: Toluene-d8	0.0514		"	0.050000		103	50-142			
Surrogate: 4-Bromofluorobenzene	0.0507		"	0.050000		101	58-133			



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**Certificate Of Analysis**

Transmontaigne Collins Terminal #2	Project: Hydrostatic
135 Hwy 588	Project Number: 6/16/17 Hydrostatic Test
Collins MS, 39458	Project Manager: Tim Yancey
Received: 06/19/2017 08:00	Reported: 06/19/2017 17:11

**Volatiles by GC/MS - Quality Control**

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Qualifiers
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**Batch RF14001 - EPA 5030B**

**LCS (RF14001-BS3)**

Prepared & Analyzed: 06/16/2017

Benzene	0.0445	0.00500	mg/L	0.050000		89.0	67-126			
Toluene	0.0454	0.00500	"	0.050000		90.8	71-123			
Ethylbenzene	0.0509	0.00500	"	0.050000		102	63-140			
m,p-Xylene	0.0951	0.00500	"	0.10000		95.1	77-130			
o-Xylene	0.0490	0.00500	"	0.050000		98.0	83-132			
<i>Surrogate: 1,2-Dichloroethane-d4</i>	<i>0.0527</i>		"	<i>0.050000</i>		<i>105</i>	<i>64-138</i>			
<i>Surrogate: Dibromofluoromethane</i>	<i>0.0511</i>		"	<i>0.050000</i>		<i>102</i>	<i>73-123</i>			
<i>Surrogate: Toluene-d8</i>	<i>0.0499</i>		"	<i>0.050000</i>		<i>99.9</i>	<i>50-142</i>			
<i>Surrogate: 4-Bromofluorobenzene</i>	<i>0.0483</i>		"	<i>0.050000</i>		<i>95.5</i>	<i>58-133</i>			



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**Certificate Of Analysis**

<b>Transmontaigne Collins Terminal #2</b>	Project: Hydrostatic
135 Hwy 588	Project Number: 6/16/17 Hydrostatic Test
Collins MS, 39458	Project Manager: Tim Yancey
Received: 06/19/2017 08:00	Reported: 06/19/2017 17:11

**PCBs by GC/ECD - Quality Control**

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Qualifiers
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**Batch RF09010 - EPA 3510C**

**Blank (RF09010-BLK1)**

Prepared: 06/09/2017 Analyzed: 06/10/2017

Aroclor-1016	ND	0.100	ug/L							U
Aroclor-1221	ND	0.100	"							U
Aroclor-1232	ND	0.100	"							U
Aroclor-1242	ND	0.100	"							U
Aroclor-1248	ND	0.100	"							U
Aroclor-1254	ND	0.100	"							U
Aroclor-1260	ND	0.100	"							U
Aroclor-1262	ND	0.100	"							U
Aroclor-1268	ND	0.100	"							U
Surrogate: DCB (A)	0.0784		"	0.12000		65.3	30.9-94.3			

**LCS (RF09010-BS1)**

Prepared: 06/09/2017 Analyzed: 06/10/2017

Aroclor-1016	0.360	0.100	ug/L	0.40000		90.0	50-150			
Aroclor-1221	ND	0.100	"				0-200			U
Aroclor-1232	ND	0.100	"				0-200			U
Aroclor-1242	ND	0.100	"				0-200			U
Aroclor-1248	ND	0.100	"				0-200			U
Aroclor-1254	ND	0.100	"				0-200			U
Aroclor-1260	0.470	0.100	"	0.40000		117	50-150			
Aroclor-1262	ND	0.100	"				0-200			U
Aroclor-1268	ND	0.100	"				0-200			U
Surrogate: DCB (A)	0.0979		"	0.12000		81.6	30.9-94.3			

**Matrix Spike (RF09010-MS1)**

Source: 7060089-01

Prepared: 06/09/2017 Analyzed: 06/10/2017

Aroclor-1016	0.366	0.105	ug/L	0.42105	ND	86.8	29-135			
Aroclor-1221	ND	0.105	"		ND		0-200			U
Aroclor-1232	ND	0.105	"		ND		0-200			U
Aroclor-1242	ND	0.105	"		ND		0-200			U
Aroclor-1248	ND	0.105	"		ND		0-200			U
Aroclor-1254	ND	0.105	"		ND		0-200			U
Aroclor-1260	0.311	0.105	"	0.42105	ND	73.9	29-135			
Aroclor-1262	ND	0.105	"		ND		0-200			U
Aroclor-1268	ND	0.105	"		ND		0-200			U
Surrogate: DCB (A)	0.0553		"	0.12632		43.8	30.9-94.3			





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**Certificate Of Analysis**

Transmontagne Collins Terminal #2	Project: Hydrostatic
135 Hwy 588	Project Number: 6/16/17 Hydrostatic Test
Collins MS, 39458	Project Manager: Tim Yancey
Received: 06/19/2017 08:00	Reported: 06/19/2017 17:11

**Certified Analyses included in this Report**

Analyte	CAS #	Certifications
<b>EPA 1664A in Water</b>		
Oil & Grease (HEM)	C-007	C-2,C-3
<b>EPA 8260C in Water</b>		
Benzene	71-43-2	C-2,C-3
Toluene	108-88-3	C-2,C-3
Ethylbenzene	100-41-4	C-2,C-3
m,p-Xylene	179601-23-1	C-2,C-3
o-Xylene	95-47-6	C-2,C-3
BTEX		C-2,C-3
<b>SM 2540 D in Water</b>		
Total Suspended Solids		C-2,C-3
<b>SM 4500-H+ B in Water</b>		
pH		C-2,C-3

**List of Certifications**

Code	Description	Number	Expires
C-1	Ms Department of Health (Coliform)	MS00013	02/01/2018
C-2	La Environmental Lab Accreditation Program	03002	06/30/2016
C-3	National Environmental Lab Accreditation Program	TNI02178	06/30/2016

COMPANY NAME: Transmontaigne-Collins-Term 2  
 STREET ADDRESS: Hwy 588  
 CITY: Collins STATE: MS ZIP: 39428  
 NAME OF PERSON TO CONTACT: Tim Yancey  
 CONTACT PERSON'S PHONE: (601) 785-8631 FAX: (601) 785-1127  
 CONTACT PERSON'S EMAIL:

# BONNER

Analytical Testing Co.

2703 Oak Grove Road, Hattiesburg, MS 39402 [www.batco.com](http://www.batco.com)  
 Phone No. 601-264-2854 Fax No. 601-268-7084

CLIENT PROJECT NO. CLIENT P.O.# CLIENT PROJECT NAME  
 Hydrostatic Test

PARAMETERS FOR ANALYSIS							NUMBER OF CONTAINERS	PRESERVATION	LABORATORY USE			
TSS	O&G	Benzene, BTEX	PCBs	pH	TCR (if chlorinated)	Flow (MGD)			Turn Around Time			
									Std	5 day	4 day	3 day
									48 Hr	24 Hr	Same Day	
									Work Order Number: 7060154			

SAMPLE DESCRIPTION	DATE	TIME	MATRIX*	TSS	O&G	Benzene, BTEX	PCBs	pH	TCR (if chlorinated)	Flow (MGD)	NUMBER OF CONTAINERS	PRESERVATION	Remarks
1 Post Oil	6/16/17	1620	SW	X				7.15	X		1	I	
2					X						1	S	
3						X					3	C	
4							X				1	I	
5 Pre Oil		1635		X							1	I	
6					X						1	S	
7						X					3	C	
8							X	7.12	X		1	I	
9 Post Flow 1 gal/30sec = 0.02880 MGD													
10 Pre Flow 0 flow/Take from pond													

Signature	Print Name	Company	Date	Time
<i>[Signature]</i>	Zirculata Estes	BATCO	6/16/17	1740
<i>[Signature]</i>	Brand Johnson	BATCO	6/19/17	800

Key\* Matrix: SW=(Surface Water), GW=(Ground Water), WW=(Waste Water), DW=(Drinking Water), SL=(Sludge), SO=(Soil), AS=(asbestos), LPG=(Liquid Petroleum), AG=(Air/Gas), Other: LIST

REMARKS:

REQUEST BATCO TO DISPOSE OF ALL SAMPLE REMAINDERS (Signature)  
 IF SAMPLE IS DETERMINED TO BE HAZARDOUS, A MINIMUM ADDITIONAL CHARGE OF \$30.00 PER SAMPLE WILL BE ASSESSED.

DCN: BA-001  
REV# 1.5  
ED:05/07/2015

### SAMPLE RECEIPT FORM

Client: Transmontaigne-Collins-Tern 2  
 Work Order: \_\_\_\_\_

Does this project fall under NPDES, RCRA, CLP, Litigation or other EPA guidelines or Yes or No

**Shipping Method**

Client Lab Fed Ex UPS  
 Courier US Postal Other: \_\_\_\_\_  
 Airbill Number: \_\_\_\_\_

Cooler ID	Custody Sealed Yes/No	Custody Seal Intact Yes/No/NA	Ice Present Yes/No	Temperature	Therm. ID
<u>CS</u>	<u>NO</u>	<u>NA</u>	<u>YES</u>	<u>3.0</u>	<u>01</u>

If no ice, were the samples received within one hour of collection? Yes No NA  
 If samples were collected within 1 to 6 hours, has chilling begun? Yes No NA  
 Was a Temperature Blank used? Yes No NA  
 If not, temperature was taken from Sample Container Cooler  
 Packing Material: Bubblewrap, peanuts, vermiculite, ice, other: \_\_\_\_\_  
 Yes No NA

Sample containers received intact Yes No NA  
 Custody seals present on bottles Yes No NA  
 Correct containers used for the tests indicated? Who's: BATCO/Client Yes No  
 Correct preservation used Yes No NA  
 Sample pH <2 or >12 for required analysis Yes No NA  
 Sufficient aliquot of sample for tests indicated Yes No  
 Samples requiring no headspace, headspace free? (VOA vials cannot have air bubbles greater than 6mm) Yes No NA  
 Chains of custody filled out properly? (ink, signed, dates, etc.) Yes No  
 Bottle labels complete and agree with COC? (ID, time, date, preservation?) Yes No  
 Samples received within holding times for requested analysis? Yes No

If this project is for compliance purposes, do all samples conform (All Yes or NA) to criteria required for the requested analyses? Yes No NA

If No, the client must be notified before the analysis can be started. A Corrective Action, containing the client contacted, date and time of phone call, who contacted the client and whether the client would like to continue with testing.

Corrective Action #: \_\_\_\_\_

\* IF client request 72 HOUR or less TAT or a sample is received with an EXPIRING or < 72 Holding Times, it is the Signers Responsibility to notify the department immediately.

Signature: 

Initial \_\_\_\_\_

DCN: BA-002  
REV# 1.5  
ED:05/07/2015

MATTHEW G. BEVIN  
GOVERNOR



CHARLES G. SNAVELY  
SECRETARY

**ENERGY AND ENVIRONMENT CABINET**  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

AARON B. KEATLEY  
COMMISSIONER

300 SOWER BOULEVARD  
FRANKFORT, KENTUCKY 40601

January 29, 2018

CERTIFIED MAIL No. 7016 1970 0000 4231 9549

Transmontaigne Product Services Inc.  
Tim Yancey  
200 Mansell Ct East Suite 600  
Roswell, GA 30076

Re: Notice of Violation  
AI ID: 2504  
AI Name: Transmontaigne Operating Company  
LP - Greater Cincinnati Terminal  
Activity ID: ENV20180001  
KPDES Permit #: KY0063274

Dear Mr. Yancey:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Notice of Violation for violations discovered at your facility for the monitoring period of **July 2015 – December 2017**. Please review this Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at (502)782-7345 or [richard.seiler@ky.gov](mailto:richard.seiler@ky.gov).

Sincerely,

A handwritten signature in black ink that reads "Richard Seiler".

Richard Seiler  
Environmental Enforcement Specialist  
Division of Enforcement

Enclosure

**COMMONWEALTH OF KENTUCKY**  
**ENERGY and ENVIRONMENT CABINET**  
**DEPARTMENT FOR ENVIRONMENTAL PROTECTION**  
**Division of Enforcement**

**NOTICE OF VIOLATION**

**To:** Transmontaigne Product Services Inc.  
Tim Yancey  
200 Mansell Ct East Suite 600  
Roswell, GA 30076

**AI Name:** Transmontaigne Operating Company LP - Greater Cincinnati Terminal  
**AI ID:** 2504 **Activity ID:** ENV20180001  
**County:** Kenton  
**Facility Number:** KY0063274  
**Date(s) Violation(s) Observed:** 01/25/2018

This is to advise that you are in violation of the provisions cited below:

**1** Violation Description for Subject Item AIOO0000002504():

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

**Description of Non Compliance:**

Failing to comply with 401 KAR 5:065, which cites 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0063274, Outfall 007-A, for Total Suspended Solids (TSS) during the months of March and April of 2016. The permitted limits for TSS Concentration are a Monthly Average of 30 mg/l and a Daily Maximum of 60 mg/l. The reported results were a Monthly Average of 40 mg/l during March 2016; and a Monthly Average of 140 mg/l and a Daily Maximum of 140 mg/l during April 2016.

**The remedial measure(s), and date(s) to be completed by are as follows:**

Transmontaigne Production Services Inc. shall comply with the terms and conditions of their Kentucky Pollutant Discharge Elimination System (KPDES) permit No. KY0063274. The KDEP does not presently intend to pursue a formal enforcement action, including the assessment of civil penalties, for the violations cited in the NOV listed above. The KDEP, as part of the Energy and Environment Cabinet (EEC), reserves its rights under Chapter 224 of the Kentucky Revised Statutes and its administrative regulations to undertake formal enforcement actions as it deems appropriate. These formal enforcement actions may include consideration of the compliance issues addressed by this NOV as deemed appropriate by the Cabinet. [KRS 224.16-050]

**2** Violation Description for Subject Item AIOO0000002504():

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

**Description of Non Compliance:**

Failing to comply with 401 KAR 5:065, which cites 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0063274, Outfall 003-B, for E. Coli during the 1st Quarter of 2016. The permitted limits for E. Coli Concentration are a 30-day geometric mean of 130 per 100 ml and a 7-day geometric mean of 240 per 100 ml. The reported results were a 30-day geometric mean of 326.4 per 100ml and a 7-day geometric mean of 326.4 per 100ml.

**The remedial measure(s), and date(s) to be completed by are as follows:**

Transmontaigne Production Services Inc. shall comply with the terms and conditions of their Kentucky Pollutant Discharge Elimination System (KPDES) permit No. KY0063274. The KDEP does not presently intend to pursue a formal enforcement action, including the assessment of civil penalties, for the violations cited in the NOV listed above. The KDEP, as part of the Energy and Environment Cabinet (EEC), reserves its rights under Chapter 224 of the Kentucky Revised Statutes and its administrative regulations to undertake formal enforcement actions as it deems appropriate. These formal enforcement actions may include consideration of the compliance issues addressed by this NOV as deemed appropriate by the Cabinet. [KRS 224.16-050]

3 Violation Description for Subject Item AIOO0000002504():

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

**Description of Non Compliance:**

Failing to comply with 401 KAR 5:065, which cites 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0063274, Outfall 003-B, for Total Residual Chlorine (TRC) during the 1st Quarter of 2016. The permitted limits for TRC Concentration are a Monthly Average of 0.011 mg/l and a Daily Maximum of 0.019 mg/l. The reported results were a Monthly Average of 0.08 mg/l and a Daily Maximum of 0.08 mg/l.

**The remedial measure(s), and date(s) to be completed by are as follows:**

Transmontaigne Production Services Inc. shall comply with the terms and conditions of their Kentucky Pollutant Discharge Elimination System (KPDES) permit No. KY0063274. The KDEP does not presently intend to pursue a formal enforcement action, including the assessment of civil penalties, for the violations cited in the NOV listed above. The KDEP, as part of the Energy and Environment Cabinet (EEC), reserves its rights under Chapter 224 of the Kentucky Revised Statutes and its administrative regulations to undertake formal enforcement actions as it deems appropriate. These formal enforcement actions may include consideration of the compliance issues addressed by this NOV as deemed appropriate by the Cabinet. [KRS 224.16-050]

4 Violation Description for Subject Item AIOO0000002504():

No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

**Description of Non Compliance:**

Failing to comply with 401 KAR 5:065, which cites 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0057193, Outfall 001-A, for Total Suspended Solids (TSS) during the month of October 2016. The permitted limits for TSS Concentration are a Monthly Average of 30 mg/l and a Daily Maximum of 60 mg/l. The reported results were a Monthly Average of 82 mg/l and a Daily Maximum of 82 mg/l.

**The remedial measure(s), and date(s) to be completed by are as follows:**

Transmontaigne Production Services Inc. shall comply with the terms and conditions of their Kentucky Pollutant Discharge Elimination System (KPDES) permit No. KY0063274. The KDEP does not presently intend to pursue a formal enforcement action, including the assessment of civil penalties, for the violations cited in the NOV listed above. The KDEP, as part of the Energy and Environment Cabinet (EEC), reserves its rights under Chapter 224 of the Kentucky Revised Statutes and its administrative regulations to undertake formal enforcement actions as it deems appropriate. These formal enforcement actions may include consideration of the compliance issues addressed by this NOV as deemed appropriate by the Cabinet. [KRS 224.16-050]

Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

If you have questions or need further information, write or call the undersigned:

Department for Environmental Protection  
Division of Enforcement  
300 Sower Boulevard  
Frankfort, KY 40601  
502-782-7345 (8:00 AM -- 4:30 PM)  
Email: Richard.Seiler@ky.gov

Mr. Richard Seiler, Environmental Enforcement Specialist



Issued By: \_\_\_\_\_

Mr. Richard Seiler  
Environmental Enforcement Specialist  
Compliance and Operations Branch  
Date: January 29, 2018



Issued By: \_\_\_\_\_

Michelle M. Rice  
Environmental Scientist IV  
Compliance and Operations Branch  
Date: January 29, 2018

How Delivered: Certified Mail

Certified/Registered: 7016 1970 0000 4231 9549





# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE

5636 Southern Boulevard, Virginia Beach, Virginia 23462

(757) 518-2000 Fax (757) 518-2009

www.deq.virginia.gov

Molly Joseph Ward  
Secretary of Natural Resources

David K. Paylor  
Director

Craig R. Nicol  
Regional Director

October 13, 2017

TransMontaigne Operating Company, L.P.  
P.O. Box 5660  
Denver, Colorado 80217-5660  
Attn: Mr. Dirk Wold, Sr. Air Quality Compliance Manager

### **NOTICE OF VIOLATION**

RE: TransMontaigne Operating Company, L.P. – Norfolk Terminal  
7600 Halifax Lane, Chesapeake, VA  
DEQ Air Registration #60242

Dear Mr. Wold:

This letter notifies you of information upon which the Department of Environmental Quality (“Department” or “DEQ”) may rely in order to institute an administrative or judicial enforcement action. Based on this information, DEQ has reason to believe that TransMontaigne Operating Company, L.P. – Norfolk Terminal, (“TransMontaigne”) located at 7600 Halifax Lane, Chesapeake, Virginia 23324 (“Facility”), may be in violation of the Air Pollution Control Law and the Title V permit issued on April 7, 2014.

This letter addresses conditions at the facility named above, and also cites compliance requirements of the Air Pollution Control Law and Regulations. Pursuant to Va. Code § 10.1-1309(A)(vi), this letter is not a case decision under the Virginia Administrative Process Act, Va. Code § 2.2-4000 *et seq.* (APA). DEQ requests that you respond **within 10 days of the date of this letter**.

### **OBSERVATIONS AND LEGAL REQUIREMENTS**

Transmontaigne Operating Company L.P. owns and operates the Transmontaigne Norfolk Terminal, a bulk petroleum product and distribution center located at 7600 Halifax Lane in Chesapeake.



On April 7, 2014, DEQ issued a Title V Federal Operating Permit (“Permit”) to TransMontaigne for this Facility. The following describe the staff’s factual observations and identify the applicable legal requirements:

*Observations:* A review of DEQ files conducted on September 15, 2017 indicated the last periodic performance test for volatile organic compounds (VOC) emissions for the Vapor Combustion Unit (VCU-1) was conducted on May 20, 2010, 88 months ago. The test was due within 60 months, by May 20, 2015.

***Legal Requirements:*** Permit Condition III.C.39 states, “Periodic performance tests shall be conducted for the VOC emissions from the Vapor Combustion Unit (VCU-1) ... to demonstrate continuing compliance with the emission limits in Conditions 2 ... of the permit. Performance testing shall be conducted once per permit term, with no more than 60 months between tests.”

### ENFORCEMENT AUTHORITY

Va. Code § 10.1-1316 of the Air Pollution Control Law provides for an injunction for any violation of the Air Pollution Control Law, the Air Board regulations, an order, or permit condition, and provides for a civil penalty up to \$32,500 per day of each violation of the Air Pollution Control Law, regulation, order, or permit condition. In addition, Va. Code §§ 10.1-1307 and 10.1-1309 authorizes the Air Pollution Control Board to issue orders to any person to comply with the Air Pollution Control Law and regulations, including the imposition of a civil penalty for violations of up to \$100,000. Also, Va. Code § 10.1-1186 authorizes the Director of DEQ to issue special orders to any person to comply with the Air Pollution Control Law and regulations; and to impose a civil penalty of not more than \$10,000. Va. Code §§ 10.1-1320 and 10.1-1309.1 provide for other additional penalties.

The Court has the inherent authority to enforce its injunction, and is authorized to award the Commonwealth its attorneys’ fees and costs.

### FUTURE ACTIONS

DEQ staff wishes to discuss all aspects of their observations with you, including any actions needed to ensure compliance with state law and regulations, any relevant or related measures you plan to take or have taken, and a schedule, as needed, for further activities. In addition, please advise us if you dispute any of the observations recited herein or if there is other information of which DEQ should be aware. In order to avoid adversarial enforcement proceedings, Sumitomo may be asked to enter into a Consent Order with the Department to formalize a plan and schedule of corrective action and to settle any outstanding issues regarding this matter, including the assessment of civil charges.

In the event that discussions with staff do not lead to a satisfactory conclusion concerning the contents of this letter, you may elect to participate in DEQ’s Process for Early Dispute Resolution. Also, if informal discussions do not lead to a satisfactory conclusion, you may request in writing that DEQ take all necessary steps to issue a final decision or fact finding under the APA on whether or not a violation has occurred. For further information on the [Process for Early Dispute Resolution](#), please see Agency Policy Statement No. 8-2005 posted on the Department’s website under “Programs,”

TransMontaigne Operating Company, L.P.  
Air Registration #60242  
Notice of Violation  
October 13, 2017  
Page 3 of 3

“Enforcement,” and “Laws, Regulations, & Guidance” at:  
(<http://www.deq.virginia.gov/Programs/Enforcement/LawsRegulationsGuidance.aspx>) or ask the DEQ contact listed below.

Please contact Russell Deppe, *Esq.* by telephone at (757) 518-2021 or by email at [russell.deppe@deq.virginia.gov](mailto:russell.deppe@deq.virginia.gov) **within 10 days** to discuss this matter and arrange a meeting.

Sincerely,



John M. Brandt  
Regional Enforcement Manager  
Regional Air Compliance Manager,  
Monitoring Manager

cc:

Michael R. Bickel, TRO Air Inspector  
Russell Deppe, *Esq.*, Regional Enforcement Specialist

Attachment: Report of September 15, 2017 file review (Inspection Date)



**Tidewater Regional Office**  
5636 Southern Boulevard, Virginia Beach, VA23462

Phone #: (757) 518-2000

Registration #: 60242

Report #: 316422

Site Name: **TransMontaigne Product Services Inc - Norfolk Terminal**

CMS: Title V Major

Address: 7600 Halifax Ln, Chesapeake, VA 23324 - 1316

Classification: Major/Potential Major

Contact: Dirk Wold: (303) 860-5128

### AIR INSPECTION REPORT

The purpose of this inspection report is to document DEQ's observations and provide the compliance status for requirements applicable to the facility. Presented below are the following:

- **Inspection Details** describe this inspection report
- **Compliance Summary** lists individual requirements addressed in the report
- **Inspection Summary** provides an overview of the inspector's observations
- **Inspection Checklist** provides additional details and individual observations related to specific requirements

### Inspection Details

Inspection Date: **Sep 15, 2017**

Inspection Reason: **Surveillance/File Review**

Inspector: **Michael Bickel**

Inspection Result: **Out of Compliance**

Program Code	Subpart
MACT	6B
NSPS	III, Kb, XX
SIP	
TITLE V	

### Approvals

*John M Brandt*  
Oct 10, 2017

Inspector: Michael Bickel  
Signed Date: Oct 10, 2017

Supervisor: John Brandt

## Compliance Summary

**Out of Compliance** The applicable requirements listed in the table below were confirmed during the inspection to be out of compliance.

Permit Effective Date or Regulation	Applicable Requirement
4/7/2014 TITLEV	039

## Inspection Summary

**Purpose:** File review for vapor combustion unit (VCU) performance test reports.

**Facility & Process Descriptions:** TransMontaigne operates a bulk petroleum terminal with storage tanks and loading racks. The scope of review is for the gasoline loading rack's VCU. The VCU is an emission control unit for gasoline vapors displaced during tanker loading operations at the rack.

**Permitting & Regulatory Standards:** The facility is subject to a Title V permit issued April 7, 2014; Article 6 - NSR permit [10/17/2013]; existing standards DEQ Rule 4-37, NSPS Subparts Kb, IIII, and XX, and MACT Subparts ZZZZ, 6B, and 6J.

**Compliance History:** Notice of Violation (NOV) issued on Dec. 22, 2015 for 1st Half 2015 Title V Semi-Annual Monitoring Report (SAMR) being submitted after the September 1, 2015 due date. A Warning Letter (WL) was issued on February 12, 2016 for 1) failure to perform annual gap inspections of secondary seals in Tanks 1, 2 and 3; 2) missing ASTM certifications on fuel oil delivery certifications; and, 3) Generator G-2 did not have record document of purchased unit being an EPA certified compliant engine.

**Inspection Notes:** Based on a DEQ file review, the most recent vapor combustion unit (VCU) performance test report was received on August 4, 2010. According to the report, the VCU was last tested on May 20, 2010.

On September 15, 2017, I contacted Mr. Dirk Wold with TransMontaigne to verify the facility has not tested the VCU since May 20, 2010. On September 22, 2017, Mr. Wold confirmed that no VCU performance tests have occurred since May 2010. A copy of the email correspondence is attached to this report.

According to the permit condition, a VCU performance test is required at least once per permit term, with no more than 60 months between tests. Based on DEQ file review and correspondence with Mr. Wold, a VCU performance test has not occur within 60 months following the May 20, 2010 test.

**Recommendations:** A Notice of Violation will be issued to the facility.

**Attachments:** Email correspondence.

## Inspection Checklist

Effective Date: Apr 7, 2014    Applicable Requirement #: 039

Compliance Status: **Out of Compliance**

### Applicable Requirement

39. Product Storage and Loading Requirements - (VCU-1 and MVCU-1) - Testing and Monitoring - Periodic performance tests shall be conducted for the VOC emissions from the Vapor Combustion Unit (VCU-1) and the Marine Vapor Combustion Unit (Ref. No. MVCU-1) to demonstrate continuing compliance with the emission limits in Conditions 2 and 4 of the permit. Performance testing shall be conducted once per permit term, with no more than 60 months between tests. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30 of the Regulations. The details of the testing are to be arranged in advance of the testing with the DEQ Tidewater Regional Office, Air Compliance division. The permittee shall submit a test protocol at least 30 calendar days prior to testing. One (1) copy of the test results shall be submitted to the DEQ Tidewater Regional Office, Air Compliance division within 60 calendar days after test completion and shall conform to the test report format enclosed with this permit.  
(9 VAC 5-80-110 and 9 VAC 5-50-30)

### Observation

Based on a DEQ file review, the most recent vapor combustion unit (VCU) performance test report was received on August 4, 2010. According to the report, the VCU was last tested on May 20, 2010.

On September 15, 2017, I contacted Mr. Dirk Wold with TransMontaigne to verify the facility has not tested the VCU since May 20, 2010. On September 22, 2017, Mr. Wold confirmed that no VCU performance tests have occurred since May 2010. A copy of the email correspondence is attached to this report.

According to the permit condition, a VCU performance test is required at least once per permit term, with no more than 60 months between tests. Based on DEQ file review and correspondence with Mr. Wold, a VCU performance test has not occur within 60 months following the May 20, 2010 test.

A Notice of Violation will be issued to the facility.





STATE OF MISSISSIPPI  
PHIL BRYANT  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
GARY C. RIKARD, EXECUTIVE DIRECTOR

May 12, 2017

Mr. Tim Yancey, Environmental coordinator  
TransMontaigne Operating Company LP, Collins Southeast Terminal  
200 Mansell Court East, Suite 600  
Roswell, GA 30076

Re: Notice of DMR Violations  
TransMontaigne Operating Company LP  
Collins Southeast Terminal  
Collins, Covington County, Mississippi  
Water - NPDES Permit No. MS0021245

Dear Mr. Yancey:

After careful review of your Discharge Monitoring Reports for the first quarter of 2017, the following violations were noted:

**Outfall 002Q:**

Monitoring Period	Parameter	Permit Requirement	Reported Value	Deviation
1st Quarter, 16	Aluminum	0.75 mg/l	5.5 mg/l	>100%

**Outfall 003Q:**

Monitoring Period	Parameter	Permit Requirement	Reported Value	Deviation
1st Quarter, 16	Aluminum	0.75 mg/l	.89 mg/l	19%

**Outfall 004Q:**

Monitoring Period	Parameter	Permit Requirement	Reported Value	Deviation
1st Quarter, 16	Aluminum	0.75 mg/l	1.6 mg/l	>100%

We are in receipt of your April 05, 2017, response explaining the violation listed above due to the nature of the native soil. Please keep us advised of your progress toward compliance. Further non-compliance may result in enforcement and penalties. If you have any questions concerning this matter, please call me at (601) 961-5234.

Sincerely,

Nameh Salem  
Energy and Transportation Branch  
Environmental Compliance and Enforcement Division

cc: ECED DAB

Agency Interest No. 1393  
ENF20170001



STATE OF MISSISSIPPI  
PHIL BRYANT  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
GARY C. RIKARD, EXECUTIVE DIRECTOR

August 01, 2017

Mr. Tim Yancey, Environmental coordinator  
TransMontaigne Operating Company LP, Collins Southeast Terminal  
200 Mansell Court East, Suite 600  
Roswell, GA 30076

Re: Notice of DMR Violations  
TransMontaigne Operating Company LP  
Collins Southeast Terminal  
Collins, Covington County, Mississippi  
Water - NPDES Permit No. MS0021245

Dear Mr. Yancey:

After careful review of your Discharge Monitoring Reports for the second quarter of 2017, the following violations were noted:

**Outfall 002Q:**

Monitoring Period	Parameter	Permit Requirement	Reported Value	Deviation
2nd Quarter, 17	Aluminum	0.75 mg/l	1.4 mg/l	87%

**Outfall 004Q:**

Monitoring Period	Parameter	Permit Requirement	Reported Value	Deviation
2nd Quarter, 17	Aluminum	0.75 mg/l	0.79 mg/l	5%

We are in receipt of your July 07, 2017, response explaining the violation listed above due to the nature of the native soil. Please keep us advised of your progress toward compliance. Further non-compliance may result in enforcement and penalties. If you have any questions concerning this matter, please call me at (601) 961-5234.

Sincerely,

Nameh Salem, Project Engineer  
Energy and Transportation Branch  
Environmental Compliance and Enforcement Division

cc: ECED DAB



STATE OF MISSISSIPPI  
PHIL BRYANT  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
GARY C. RIKARD, EXECUTIVE DIRECTOR

October 18, 2017

CERTIFIED MAIL: 7010 1670 0000 1400 1617

Mr. Tim Yancey  
TransMontaigne Operating Company LP, Collins Southeast Terminal  
200 Mansell Court East, Suite 600  
Roswell, GA 30076

Re: Notice of Violation  
TransMontaigne Operating Company LP, Collins Southeast Terminal  
Collins, Mississippi  
Covington County  
Water - NPDES Permit No. MS0021245

Dear Mr. Yancey:

After careful review of your Discharge Monitoring Reports for the third quarter of 2017, the following violations were noted:

**Outfall 002-Q:**

Monitoring Period	Parameter	Permit Requirement	Reported Value	Deviation
3 <sup>rd</sup> Quarter, 2017	pH, Max	9	9.1	1%

**Outfall 003-Q:**

Monitoring Period	Parameter	Permit Requirement	Reported Value	Deviation
3 <sup>rd</sup> Quarter, 2017	Aluminum, concentration, Quarterly Max	0.75 mg/L	0.81 mg/L	8%

We are in receipt of your August 28, 2017, response explaining the violations listed above. Please keep us advised of your progress toward compliance. Further non-compliance may result in enforcement and penalties.

Agency Interest No. 1393  
ENF20170003



If you have any questions concerning this matter, please call me at (601) 961-5168.

Sincerely,



Jessica Harbuck  
Water 1 Branch  
Environmental Compliance and Enforcement Division

cc: ECED DAB





**TRANSMONTAIGNE INC.**  
*Delivering America's Fuel Supply, on Demand*

August 28, 2017

Mr. Nameh Salem  
Mississippi Department of Environmental Quality  
Industrial Wastewater Control Branch – Office of Pollution Control  
515 E. Amite St.  
Jackson, MS 39201

**Re: TransMontaigne Collins Southeast Terminal  
Collins, MS - Permit No. MS0021245**

Dear Mr. Salem:

In compliance with Special Condition S-4 of the subject NPDES permit (Noncompliance Notification), TransMontaigne reports the following noncompliant event at the Collins Southeast facility.

**Outfall 002,003**

Below are the Quarterly max results for Aluminum & pH from the 3<sup>rd</sup> quarter 2017 discharges.

**Outfall 002:** pH result was 9.1 s.u. qtr. max is 9.0 s.u.

**Outfall 003:** Aluminum result was 0.81 mg/l qtr. max is 0.75 mg/l.

Based on background sampling data from 2001-2016 , it is our belief that these aluminum levels are attributable to concentrations existing in the native soil, and are not caused by any particular process or equipment at the facility.

We believe a higher than average rain event was the cause of Outfalls 002 pH exceedance and not a result of any operations at the facility. A copy of this letter will be attached to the 3<sup>rd</sup> quarter discharge monitoring report.

Should you have any questions, please call me at 770/518-3651 or e-mail me at: [tyancey@transmontaigne.com](mailto:tyancey@transmontaigne.com).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tim Yancey', is written over a light blue circular stamp.

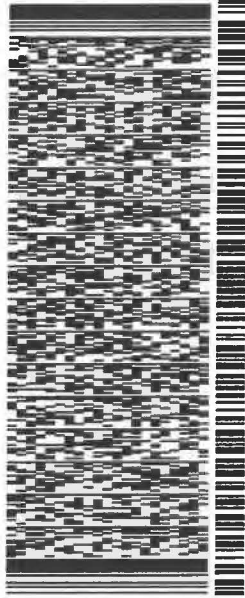
Tim Yancey  
Environmental Coordinator

ORIGIN ID:GYLA (770) 518-3651  
TIM YANCEY  
200 MANSELL CT E SUITE 600  
ROSMELL, GA 30076  
UNITED STATES US

SHIP DATE: 28AUG17  
ACTWGST: 0.5018  
CAD: 107364530/NET3920  
BILL SENDER

To  
**NAMEH SALEM**  
**MS DEPT. OF ENVIRONMENTAL QUALITY**  
**OFFICE POLLUTION CONTROL**  
**515 E. AMITE ST.**  
**JACKSON MS 39201**  
(601) 961-5019  
INV.  
PC: DEPT:  
REF: 3RD QTR SET EXCEEDANCE

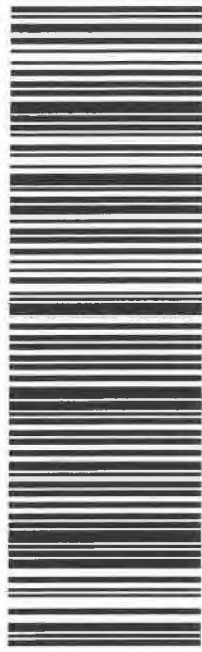
549J1/FF19/104C



J172017062061ur

TRK# 7701 2200 8942  
TUE - 29 AUG 3:00P  
STANDARD OVERNIGHT

0201  
**XX JANA**  
MS-US  
**39201 MEM**



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Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1,000, e.g. jewelry, precious metals, negotiable instruments and other items listed in our ServiceGuide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

**From:** [Tim Yancey](#)  
**To:** [nameh\\_salem@deg.state.ms.us](mailto:nameh_salem@deg.state.ms.us)  
**Subject:** TransMontaigne Collins SET: MS0021245  
**Date:** Thursday, October 12, 2017 10:31:03 AM  
**Attachments:** [3RDDQTR2017PHALUMINUMEXCURSION.pdf](#)

---

Nameh,

Attached is the Non Compliance letter for Collins SET terminal for pH and Aluminum, a copy has been attached to the 3<sup>rd</sup> QTR DMR. FYI, the facility has just about completed rocking the diked areas. Hopefully this will lower the naturally-occurring aluminum in the discharges.

Thanks,

Tim Yancey  
Environmental Coordinator  
TransMontaigne Operating Company  
770-518-3651(direct)  
678-230-4273 (cell)  
866-438-1357 (fax)