

JAVELINA CO (78407JVLNC5314I)

5314 IH 37, CORPUS CHRISTI, TX 78407 (Region 6)

EPA Email – OG-1

Region 6 Email

03/07/2022 05:38am

From: *Morton Wakeland*

Subject: Toxics Release Inventory (TRI) Data Quality Questions [(JAVELINA CO) (TRIFID: 78407JVLNC5314I)] Form R for Reporting Year(s) 2020 - Due April 29, 2022

Sent To	E-Mail Address
Self: Morton Wakeland	wakeland.morton@epa.gov
To: HEATHER ALEY	HALEY@HOWARDEP.COM
To: HEATHER ALEY	HALEY@HOWARDEP.COM

Attachments:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

1201 Elm Street Suite 500 DALLAS, TX 75270-2102

Toxics Release Inventory (TRI) Data Quality Questions [(JAVELINA CO) (TRIFID: 78407JVLNC5314I)] Form R for Reporting Year(s) 2020 - Due April 29, 2022

Mon Mar 07 10:37:58 EST 2022

Dear HEATHER ALEY:

This email message is a data quality check EPA is conducting in follow-up to your Toxics Release Inventory (TRI) report for reporting year(s) 2020. EPA performs many analyses on the TRI data prior to releasing the final report to the public to ensure that the TRI dataset is of the highest quality possible.

This inquiry does not assume that there is a reporting error. Rather, EPA would like to provide you an opportunity to review and validate your submission(s) regarding the below observation(s) and make correction(s), if necessary.

The Form R for Toluene submitted to EPA from your facility: JAVELINA CO) - (TRIFID: 78407JVLNC5314I) for reporting year(s) 2020 has been identified for follow-up due to the following:

Reporting Year 2020

- Section 7321 of the National Defense Authorization Act for Fiscal Year 2020 (NDAA) immediately added approximately 172 per- and polyfluoroalkyl substances (PFAS)

(https://www.epa.gov/sites/production/files/2021-01/documents/tri_non-cbi_pfas_list_1_8_2021_final.pdf) to the list of chemicals covered by the Toxics Release Inventory (TRI), and the threshold for each chemical is 100 pounds per year. Your facility appears to have sent approximately 17 hazardous waste shipments (some e-Manifest #:s: 17) totaling 423,867 pounds listed containing PFAS, PFOA, PFOS, PERFL, AFFF, GENX or GEN-Xm, but your facility has not submitted any report for TRI-listed PFAS chemicals to TRI for reporting year 2020. Please review and submit new report for appropriate TRI-listed PFAS chemical for reporting year 2020, if required.

- It appears your facility has sent approximately 44) shipments (sub eManifest IDs) totaling 1,207,645 pounds of hazardous waste listed containing Toluene to offsite location(s) for reporting year 2020, but your facility does not appear to have reported for Toluene for reporting year 2020. Could you please review your calculations and submit a new report for Toluene for reporting year 2020, if needed.

How do I respond to this inquiry? (Step 1 is always required)

Step 1:

Begin by answering the questions on the following questionnaire:

<https://trimewebmod.epa.gov/cdx-tri-quest/questionnaire?survey=e41dfc00-b3bd-4b82-b263-113f43300d04&target=31c286f6-d8ae-4496-b430-3177f2c4ff6e>

If you indicate new submission, revision, or withdrawal in web response questionnaire, please proceed to step 2.

Step 2:

Facilities must use TRI-MEweb to submit, revise, or withdraw TRI reporting forms (except for trade secret submissions, which facilities must submit on paper). EPA provides online tutorials on how to setup, prepare (<https://www3.epa.gov/tri/tutorials/TRIT-20/index.html>), revise (<https://www3.epa.gov/tri/tutorials/TRIT-32/index.html>), withdraw (<https://www3.epa.gov/tri/tutorials/TRIT-33/index.html>), transmit, and certify a TRI reporting form using TRI-MEweb; links to common questions and answers; a troubleshooting guide to resolve access issues to TRI-MEweb; and a link to the CDX login page (CDX is used to access TRI-MEweb). <https://www.epa.gov/toxics-release-inventory-tri-program/electronic-submission-tri-reporting-forms> [epa.gov]

If you need to make revisions, withdrawals, or new submissions, **please complete them and Certify them in your CDX reporting account by April 29, 2022..**

Please do not reply directly to this email. **This email account is NOT MONITORED.** Email replies cannot be read and will not receive a response.

If you are no longer the technical contact for TRI reporting, please forward this email to the new contact. If you do not know who the new technical contact is or have follow up questions, please contact Morton Wakeland at wakeland.morton@epa.gov.

Thank you for your attention to this matter.

Sincerely,

Morton Wakeland

EPA Email – OG-2

From: Wakeland, Morton <wakeland.morton@epa.gov>
Sent: Thursday, April 21, 2022 2:57 PM
To: Gautam Agrawala <gka@magenv.com>
Cc: HALEY@HOWARDEP.COM
Subject: RE: TRI Questions on Reporting Year 2020 JAVELINA (TRIFID: 78407JVLNC5314I)
Importance: High

Gautam

I pulled the Javelina reporting for 2020 and found that this site sent no TRI Chemicals offsite.

The only TRI reports for 2020 are for, none of which are PFAS chemicals.

	A
1	TRI_CHEMICAL
2	Ethylene
3	Methanol
4	Propylene
5	

Are you positive this site did not exceed the 100 lbs/yr threshold for PFAS chemicals?

Please double check this site usage of TRI chemicals, including PFAS chemicals to determine

if a TRI chemical exceeded threshold for reporting and was not reported. Not all TRI

chemicals have the same threshold amount for reporting.

In reviewing this sites reporting history I discovered late reporting violations.

I doubled checked the EPA self-disclosure database and found no self-disclosure for Javelina for late reporting 2016, 2017, 2018, and 2019.

Javelina reports were late for the following reporting years (RYs):

Reports for 2016 were due to EPA, the State, or the Tribe if located on Tribal lands on or before 7/3/2017 (July 1 fell on a Saturday)

Reports for 2017 were due to EPA, the State, or the Tribe if located on Tribal lands on or before 7/2/2018 (July 1 fell on a Sunday)

Reports for 2018 were due to EPA, the State, or the Tribe if located on Tribal lands on or before 7/1/2019

Reports for 2019 were due to EPA, the State, or the Tribe if located on Tribal lands on or before 7/1/2020

It is a violation of 42 USC § 11023 and 40 CFR § 372 to submit reporting forms after the annual reporting deadline.

To resolve these violations with a Consent Agreement I will need the following information for each RY – 2016, 2017, 2018, and 2019.

1. the number of employees as > or < 50

2. the gross annual revenue of the facility as > or < \$10 million
3. the pounds of **ethylene** used for each RY, including the activity of the TRI chemical: *manufacturing, processing, or otherwise using*
4. the pounds of **methanol** used for each RY, including the activity of the TRI chemical: *manufacturing, processing, or otherwise using*
5. the pounds of **propylene** used for each RY, including the activity of the TRI chemical: *manufacturing, processing, or otherwise using*
6. the state of incorporation of Javelina
7. the **name** of the company official who will sign the consent agreement for the alleged violations
8. the **title** of the company official who will sign the consent agreement for the alleged violations
9. the **email address** of company official who will sign the consent agreement for the alleged violations
10. the **physical address** of company official who will sign the consent agreement for the alleged violations

Once I receive the foregoing information I will prepare a proposed settlement and send to person named as the company official in charge of

Javelina. Thereafter, I will prepare a draft CAFO (Consent Agreement and Final Order) for review by the facility.

Thank you for your immediate attention in this matter.

Mort Wakeland



Morton E. Wakeland, Jr. ("Mort"), Ph.D.

EPCRA Section 313 Enforcement and TRI

Program Coordinator

U.S. EPA Region 6

Compliance Assurance and Enforcement

Division (ECD)

Waste Enforcement Branch (ECDS)

Toxics Section (ECDST)

Dallas, Texas 75270

(214) 665-8116

Facility Response – IC-1

From: Gautam Agrawala <gka@magenv.com>

Sent: Thursday, April 21, 2022 11:02 AM

To: Wakeland, Morton <wakeland.morton@epa.gov>

Subject: RE: TRI Questions on Reporting Year 2020

Mort:

Please see attached.

Thank you.

Gautam Agrawala, PhD, PE

Director

MAG Consulting & Management Services, LLC (WOSB)

C: 915-253-7415

E: gka@magenv.com

www.magenv.com

From: Wakeland, Morton <wakeland.morton@epa.gov>

Sent: Thursday, April 21, 2022 10:54 AM

To: Gautam Agrawala <gka@magenv.com>

Subject: RE: TRI Questions on Reporting Year 2020

Need you to respond with a copy of original email inquiring about those chemicals.

Thanks,

Mort



Morton E. Wakeland, Jr. ("Mort"), Ph.D.

EPCRA Section 313 Enforcement and TRI

Program Coordinator

U.S. EPA Region 6

Compliance Assurance and Enforcement

Division (ECD)

Waste Enforcement Branch (ECDS)

Toxics Section (ECDST)

Dallas, Texas 75270

(214) 665-8116

Facility Response – IC-2

From: Gautam Agrawala <gka@magenv.com>

Sent: Thursday, April 21, 2022 9:18 AM

To: Wakeland, Morton <wakeland.morton@epa.gov>

Subject: TRI Questions on Reporting Year 2020
Importance: High

Dr. Wakeland:

You had requested TRI reporting info for Toluene and PFAS for one of our clients.

1. Do I update the TRI for Toluene as **REVISED or NEW SUBMISSION** as the total volume is 344 pounds and not reported elsewhere (see workbook attached).

2. PFAS is 1.28 µg/kg or ppt which is less than 1 % de minimums limit and total volume is 0.05 pounds (see workbook and PFAS Conc. Attached).

Does this need to be reported ?

Please advise and thank you for all the help.

Gautam Agrawala, PhD, PE

Director

MAG Consulting & Management Services, LLC (WOSB)

C: 915-253-7415

E: gka@magenv.com

www.magenv.com

EPA Email – OG-3

Headquarters Email

05/01/2022 12:11pm

From: *Velu Senthil*

Subject: TRI Data Quality Issues Resolved [DO NOT REPLY]

Sent To	E-Mail Address
Cc: wakeland.morton@epa.gov	wakeland.morton@epa.gov
To: HEATHER ALEY	HALEY@HOWARDEP.COM
To: HEATHER ALEY	HALEY@HOWARDEP.COM

Attachments:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

1200 Pennsylvania Avenue NW WASHINGTON, DC 20460

Sun May 01 16:11:00 UTC 2022

Dear HEATHER ALEY:

EPA would like to inform you that data quality issues raised for your facility [JAVELINA CO (TRIFID: 78407JVLNC5314)] during reporting year 2020 Adhoc Data Quality Checks are resolved for the following:

Reporting Year(s) Chemicals

2020 Toluene

This data quality check for your facility has been completed.

Your cooperation is much appreciated.

Sincerely,

Velu Senthil

TRI Data Quality Program

US EPA

Email sent on 04/27/2022 01:40pm

JAVELINA CO - 78407JVLNC5314I submitted a web response on Apr 27, 2022 1:40:18 PM. A PDF copy of the web response is attached.

Facility Response – IC-3

Subject: Facility Response Form

Apr 27, 2022 1:40:18 PM

From: Heather Aley

(136) 128-94953 haley@howardep.com

Contractor Company Name: Howard Energy Partners

You are receiving this form because EPA has detected some potential data quality issues with your facility's TRI submissions. The reporting year, chemical name, and an explanation of the potential error has been provided.

EMAN-RNO RY 2020

- It appears your facility has sent approximately 44) shipments (sub eManifest IDs) totaling 1,207,645 pounds of hazardous waste listed containing Toluene to offsite location(s) for reporting year 2020, but your facility does not appear to have reported for Toluene for reporting year 2020. Could you please review your calculations and submit a new report for Toluene for reporting year 2020, if needed.

The source of these releases and quantities are listed below:

Reported Chemical	Response	Reporting Year (if applicable)
Toluene	New Submission	2020
Reason for Response	Toluene was not reported as part of our submission.	

PFAS-NOT-F RY 2020

The source of these releases and quantities are listed below:

Response	Reporting Year (if applicable)
Other	
Reason for Response	We have no PFAS usage on site other than the one incident that used PFAS to mitigate the spill just outside the plant by the fire department. This waste was manifested and reported under Javelina Plant waste EPA ID. We have looked at all the chemicals on site and there is NO usage of PFAS chemicals in any of the streams. The conc is less than 1% de minimus, PFAS used on the spill

Response	Reporting Year (if applicable)
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has a conc of 1.28 µg/kg or 0.00000128 percent and total volume is 0.05 pounds. Hence, we are of the opinion PFAS is not reportable.

