

**Executive Summary – Enforcement Matter – Case No. 50808**  
**Rentech Nitrogen Pasadena, LLC**  
**RN101621944**  
**Docket No. 2015-1144-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Rentech Nitrogen Pasadena, 2001 Jackson Road, Pasadena, Harris County

**Type of Operation:**

Fertilizer manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** November 13, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$14,250

**Amount Deferred for Expedited Settlement:** \$2,850

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$11,400

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** May 11, 2015 through May 21, 2015

**Date(s) of NOE(s):** June 30, 2015

**Executive Summary – Enforcement Matter – Case No. 50808  
Rentech Nitrogen Pasadena, LLC  
RN101621944  
Docket No. 2015-1144-AIR-E**

***Violation Information***

Failed to prevent unauthorized emissions. Specifically, the Respondent released 5,458 pounds of anhydrous ammonia during barge unloading, resulting in emissions event Incident No. 213367 that began on April 20, 2014 and lasted for 38 minutes. The event occurred due to over filling of the storage tank capacity when the tank level transmitter failed. Since the Respondent failed to demonstrate that the unauthorized emissions were caused by a sudden, unavoidable breakdown of equipment beyond the control of the owner or operator, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. 4209A, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures at the Plant designed to prevent a recurrence of emission events due to the same causes as Incident No. 213367:

- a. On April 23, 2014, established and implemented regular weekly preventative maintenance checks of storage tank level transmitters;
- b. On April 28, 2014, amended operating procedures of the anhydrous ammonia barge unloading and tank filling process;
- c. On June 30, 2015, implemented formal training for employees involved in the anhydrous ammonia barge unloading and tank filling process; and
- d. On July 31, 2015, completed equipment repair and replacement including recalibration of electronic transmitter, replacement of pneumatic transmitter, and installation of anhydrous ammonia detectors and alarms routed to the control room.

**Technical Requirements:**

N/A

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

**Executive Summary – Enforcement Matter – Case No. 50808**  
**Rentech Nitrogen Pasadena, LLC**  
**RN101621944**  
**Docket No. 2015-1144-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Carol McGrath, Enforcement Division,  
Enforcement Team 4, MC R13, (210) 403-4063; Melissa Cordell, Enforcement Division,  
MC 219, (512) 239-2483

**TCEQ SEP Coordinator:** N/A

**Respondent:** Robert D. Brown, Plant Manager, Rentech Nitrogen Pasadena, LLC, P.  
O. Box 3447, Pasadena, Texas 77501  
John H. Diesch, President, Rentech Nitrogen Pasadena, LLC, P. O. Box 3447, Pasadena,  
Texas 77501

**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

<b>TCEQ DATES</b>		<b>Assigned</b>	7-Jul-2015	<b>PCW</b>	31-Jul-2015	<b>Screening</b>	13-Jul-2015	<b>EPA Due</b>	
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<b>RESPONDENT/FACILITY INFORMATION</b>		<b>Respondent</b>	Rentech Nitrogen Pasadena, LLC	
<b>Reg. Ent. Ref. No.</b>	RN101621944			
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major	

<b>CASE INFORMATION</b>		<b>Enf./Case ID No.</b>	50808	<b>No. of Violations</b>	1
<b>Docket No.</b>	2015-1144-AIR-E	<b>Order Type</b>	1660		
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No		
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Carol McGrath		
		<b>EC's Team</b>	Enforcement Team 4		
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000		

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$7,500</b>
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
<b>Compliance History</b>	100.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>
		<b>\$7,500</b>

Notes: Enhancement for two NOVs with same/similar violations, two NOVs with dissimilar violations, seven orders with denial of liability, and one final judgment with a denial of liability. Reduction for three Notices of Intent to conduct an audit and two Disclosures of Violations.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>-\$750</b>
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$1,018	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$15,500	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$14,250</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$14,250</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$14,250</b>
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	<b>-\$2,850</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$11,400</b>
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Screening Date 13-Jul-2015

Docket No. 2015-1144-AIR-E

PCW

Respondent Rentech Nitrogen Pasadena, LLC

Policy Revision 4 (April 2014)

Case ID No. 50808

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101621944

Media [Statute] Air

Enf. Coordinator Carol McGrath

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	7	140%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	2	-4%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 177%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same/similar violations, two NOVs with dissimilar violations, seven orders with denial of liability, and one final judgment with a denial of liability. Reduction for three Notices of Intent to conduct an audit and two Disclosures of Violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 177%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 100%

Screening Date 13-Jul-2015

Docket No. 2015-1144-AIR-E

PCW

Respondent Rentech Nitrogen Pasadena, LLC

Policy Revision 4 (April 2014)

Case ID No. 50808

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101621944

Media [Statute] Air

Enf. Coordinator Carol McGrath

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), New Source Review Permit No. 4209A, Special Conditions No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 5,458 pounds of anhydrous ammonia during barge unloading, resulting in emissions event Incident No. 213367 that began on April 20, 2014 and lasted for 38 minutes. The event occurred due to over filling of the storage tank capacity when the tank level transmitter failed. Since the Respondent failed to demonstrate that the unauthorized emissions were caused by a sudden, unavoidable breakdown of equipment beyond the control of the owner or operator, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$750

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes The Respondent completed corrective action on July 31, 2015, after the June 30, 2015 Notice of Enforcement.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,018

Violation Final Penalty Total \$14,250

This violation Final Assessed Penalty (adjusted for limits) \$14,250

## Economic Benefit Worksheet

**Respondent** Rentech Nitrogen Pasadena, LLC  
**Case ID No.** 50808  
**Reg. Ent. Reference No.** RN101621944  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment	\$10,000	20-Apr-2014	31-Jul-2015	1.28	\$43	\$853	\$896
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,500	20-Apr-2014	28-Apr-2014	0.02	\$0	\$2	\$2
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$2,000	20-Apr-2014	30-Jun-2015	1.19	\$119	n/a	\$119
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	20-Apr-2014	23-Apr-2014	0.01	\$1	n/a	\$1

**Notes for DELAYED costs**

Estimated cost to implement measures and procedures designed to prevent a recurrence of emissions events due to the same causes as Incident No. 213367. The Date Required is the date the emissions event occurred and the Final Dates are the dates of compliance.

### Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$15,500

**TOTAL**

\$1,018

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# Compliance History Report

**PUBLISHED** Compliance History Report for CN604162990, RN101621944, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN604162990, Rentech Nitrogen Pasadena, LLC **Classification:** SATISFACTORY **Rating:** 7.80

**Regulated Entity:** RN101621944, RENTECH NITROGEN PASADENA **Classification:** SATISFACTORY **Rating:** 7.80

**Complexity Points:** 29 **Repeat Violator:** NO

**CH Group:** 05 - Chemical Manufacturing

**Location:** 2001 JACKSON RD., PASADENA, TX 77506, HARRIS COUNTY

**TCEQ Region:** REGION 12 - HOUSTON

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER HG0534U  
**POLLUTION PREVENTION PLANNING** ID NUMBER P00440  
**WASTEWATER** PERMIT WQ0000649000  
**AIR NEW SOURCE PERMITS** PERMIT 4209A  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER HG0534U  
**AIR NEW SOURCE PERMITS** REGISTRATION 88266  
**AIR NEW SOURCE PERMITS** PERMIT 56361  
**AIR NEW SOURCE PERMITS** REGISTRATION 94041  
**AIR NEW SOURCE PERMITS** REGISTRATION 98455  
**AIR NEW SOURCE PERMITS** REGISTRATION 107795  
**AIR NEW SOURCE PERMITS** REGISTRATION 118031

**AIR OPERATING PERMITS** PERMIT 1252  
**PETROLEUM STORAGE TANK REGISTRATION** REGISTRATION 50576  
**WASTEWATER** EPA ID TX0007285  
**AIR NEW SOURCE PERMITS** REGISTRATION 15865  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX949  
**AIR NEW SOURCE PERMITS** AFS NUM 4820100029  
**AIR NEW SOURCE PERMITS** REGISTRATION 93662  
**AIR NEW SOURCE PERMITS** REGISTRATION 100756  
**AIR NEW SOURCE PERMITS** REGISTRATION 110346  
**AIR NEW SOURCE PERMITS** REGISTRATION 117468  
**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 1010936  
**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE REGISTRATION # (SWR) 30051  
**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER HG0534U  
**AIR QUALITY NON PERMITTED** ID NUMBER LGL101621944

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXD099387474  
**IHW CORRECTIVE ACTION** SOLID WASTE REGISTRATION # (SWR) 30051  
**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER HG0534U

**Compliance History Period:** September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** August 12, 2015

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** August 12, 2010 to August 12, 2015

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

**Name:** Carol McGrath

**Phone:** (210) 403-4063

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

## Components (Multimedia) for the Site Are Listed in Sections A - J

### A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 12/25/2010 **ADMINORDER 2010-1035-AIR-E (1660 Order-Agreed Order With Denial)**  
Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

Classification: Major

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.622(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: S.C. 1(E) OP  
S.C. 11(A) OP  
S.C. 2 OP

Description: Exceeded MAERT emission limit for HF on 11/20/2009, 1/15/2010 and 2/9/2010. Category Violation: A8(c)(1)(H)

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.622(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: S.C. 1(E) OP  
S.C. 11{A} OP  
S.C. 2 OP  
S.C. 2 PERMIT

Description: Exceeded emission limit for total fluorides and HF on 11/20/2009. Category Violation: A8(c)(1)(H)

2 Effective Date: 04/11/2012 **COURTORDER (Final Judgement-Agreed Order With Denial)**

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)(i)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Conditions No. 1 PERMIT

Description: Defendant discharged ammonia gas into the air.

3 Effective Date: 07/19/2013 **ADMINORDER 2013-0012-AIR-E (1660 Order-Agreed Order With Denial)**

Classification: Moderate

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

Rqmt Prov: NSR No. 56361, Special Condition #1 PERMIT

Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. (CATEGORY A6)

4 Effective Date: 08/25/2014 **ADMINORDER 2013-1836-AIR-E (1660 Order-Agreed Order With Denial)**

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 24(B) PERMIT  
ST&C 12 OP

Description: Failed to verify optical calibration using a manufacturer recommended optical filter for the 800 North and 800 South Scrubber Continuous Emissions Monitoring System ("CEMS"). Specifically, the Respondent failed to verify optical calibrations on the CEMS for Scrubbers Emission Point Numbers ("EPN") USNV001 and USNV002 for the fourth quarter of 2011 and for the first and second quarters of 2012.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 60, Subpart H 60.82(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Permit 56361 SC 14 PA  
ST&C 1A OP

Description: Failed to comply with the sulfur dioxide ("SO2") emissions rate for the Wet Scrubber Stack, EPN ASNV001. Specifically, the Respondent exceeded the emission rate of 4 pounds of SO2 per ton ("lbs/ton") of 100 percent sulfuric acid produced on May 9, 2012, June 14, 2012, and October 29, 2012 by 4.59 pounds per ton, 23.12 lbs/ton, and 8.75 lbs/ton,

respectively.

5 Effective Date: 04/09/2015 **ADMINORDER 2014-0839-IWD-E (1660 Order-Agreed Order With Denial)**  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: Effluent Limits PERMIT  
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

See addendum for information regarding federal actions.

**B. Criminal convictions:** N/A

**C. Chronic excessive emissions events:** N/A

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

Item 1	September 14, 2010	(873943)
Item 2	November 04, 2010	(881540)
Item 3	November 05, 2010	(865472)
Item 4	December 17, 2010	(896285)
Item 5	February 14, 2011	(909127)
Item 6	April 01, 2011	(899794)
Item 7	April 20, 2011	(924881)
Item 8	May 17, 2011	(924880)
Item 9	June 16, 2011	(945437)
Item 10	July 13, 2011	(936110)
Item 11	July 18, 2011	(952662)
Item 12	July 20, 2011	(937665)
Item 13	August 15, 2011	(959348)
Item 14	August 18, 2011	(944430)
Item 15	September 12, 2011	(965380)
Item 16	October 13, 2011	(971419)
Item 17	February 13, 2012	(998006)
Item 18	March 21, 2012	(1010098)
Item 19	May 01, 2012	(997547)
Item 20	May 11, 2012	(1016488)
Item 21	June 14, 2012	(1024211)
Item 22	July 13, 2012	(1031603)
Item 23	August 13, 2012	(1037980)
Item 24	September 18, 2012	(1046714)
Item 25	October 18, 2012	(1061007)
Item 26	November 15, 2012	(1061008)
Item 27	December 17, 2012	(1061009)
Item 28	January 14, 2013	(1079046)
Item 29	February 19, 2013	(1079045)
Item 30	March 13, 2013	(1089347)
Item 31	June 10, 2013	(1110340)
Item 32	August 13, 2013	(1124980)
Item 33	September 17, 2013	(1129579)
Item 34	October 10, 2013	(1135311)
Item 35	November 04, 2013	(1057145)
Item 36	November 26, 2013	(1124790)
Item 37	February 19, 2014	(1144040)
Item 38	March 14, 2014	(1167217)
Item 39	April 04, 2014	(1138925)
Item 40	April 23, 2014	(1174350)
Item 41	May 14, 2014	(1180538)
Item 42	June 06, 2014	(1163454)
Item 43	July 17, 2014	(1198621)
Item 44	August 18, 2014	(1174078)

Item 45	August 21, 2014	(1174094)
Item 46	September 16, 2014	(1205841)
Item 47	October 23, 2014	(1212253)
Item 48	November 07, 2014	(1202532)
Item 49	November 21, 2014	(1196398)
Item 50	December 15, 2014	(1224284)
Item 51	December 29, 2014	(1211758)
Item 52	January 16, 2015	(1230871)
Item 53	March 16, 2015	(1248651)
Item 54	April 16, 2015	(1255551)
Item 55	May 15, 2015	(1262261)
Item 56	May 21, 2015	(1240342)
Item 57	June 11, 2015	(1255077)
Item 58	June 17, 2015	(1269430)

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

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

- 1 Date: 10/31/2014 (1218505) CN604162990  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
  
- 2 Date: 01/31/2015 (1242322) CN604162990  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
  
- 3 Date: 02/12/2015 (1211880) CN604162990  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Description: Failure to prevent the unauthorized SO2 emissions from STEERS Incident 206431, because the circuit breaker for an acid pump at the SAP Wet Scrubber had not been adjusted correctly. [Subcategory B13]
  
- 4 Date: 05/29/2015 (1229620) CN604162990  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 64, SubChapter C, PT 64 64.7(c)  
4209A SC 18 PERMIT  
5C THSC Chapter 382 382.085(b)  
O-01252 ST&C 10B PERMIT  
Description: Failure to maintain the differential pressure across the scrubber at the north and south ammonium sulfate fertilizer production process(Catagory B).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 64, SubChapter C, PT 64 64.7(c)  
4209A SC 18 PERMIT  
5C THSC Chapter 382 382.085(b)  
O-01252 ST&C 10 PERMIT  
Description: Failure to maintain the differential pressure across baghouse (EPN 8MNV001) (category B).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
FOP O-01252 ST&C 11 PERMIT  
NSR 4209A SC24 PERMIT  
NSR 56361 SC 13 D PERMIT  
Description: Failure to perform daily calibration of CEMS (Category B).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(f)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT H 60.84(a)  
 FOP 01252 ST&C 5E PERMIT  
 NSR 56361, SC 13, 13A, 13D, 11 PERMIT

Description: Failure to record valid data for all periods in which the CEMS is required to operate (Category c).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THSC Chapter 382 382.085(b)  
 ST&C 2F PERMIT

Description: Failure to submit properly (via STEERS) of an initial 24-hour notification for an emission event, and submit a copy of the final record no later than two weeks after the end of the emission event(1 deviation)(Category B).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143  
 General Terms & Conditions PERMIT

Description: Failure to report all instances of deviations on the semi-annual deviation report submitted on July 16, 2014 (1deviation).

## F. Environmental audits:

Notice of Intent Date: 08/20/2010 (857453)  
 No DOV Associated

Notice of Intent Date: 12/09/2011 (994721)  
 Disclosure Date: 04/23/2012

Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT H 60.84(e)

Description: Failed to report excess emissions in deviation reports and semi-annual reports.

Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 106, SubChapter K 106.263(g)  
 30 TAC Chapter 106, SubChapter S 106.433(8)(B)  
 30 TAC Chapter 106, SubChapter S 106.433(8)(C)  
 30 TAC Chapter 106, SubChapter S 106.433(8)(D)  
 30 TAC Chapter 106, SubChapter T 106.452(2)(C)  
 30 TAC Chapter 115, SubChapter E 115.426(4)

Description: Failed maintain recordkeeping for: 30 TAC 106.433(8)(B), (C), and (D); 30 TAC 115.426(4); 30 TAC 106.452(2)(C); and 30 TAC 106.263(g).

Viol. Classification: Major  
 Citation: 30 TAC Chapter 122, SubChapter C 122.222(c)

Description: Failed to submit notifications and timely incorporate qualified changes to Title V Permit No. O-1252.

Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(a)

Description: Failed to submit required notifications and semi-annual report for 40 CFR 60 Subpart PP.

Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.11(e)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)

Description: Failed to conduct visible emission opacity observations for 40 CFR Subpart PP.

3 Notice of Intent Date: 09/09/2013 (1152074)

2 Disclosure Date: 01/15/2014

Viol. Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Rqmt Prov: PERMIT SC 21A

Description: Failed to have RATA calculations in the units of the applicable standard. Specifically, this pertains to the SO2 CEMS and the 3 year RATA on the NH3 CEMS, as they were conducted in ppm, not in the units of the standard.

Viol. Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC 21B

Description: Failed to include percent accuracy or corrective action at the Ammonium Sulfate Unit for the quarterly optical filter audits.

Viol. Classification: Minor  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT PP 60.423(a)

Description: Failed to conduct and document annual calibrations on the tail gas scrubbers and the raw material flow meters at the Ammonium Sulfate Unit.

Viol. Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failed to keep scrubber exhaust pick up point from getting plugged and it was not capturing particulate emissions.

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)

Description: Failed to report a reportable emission event to the TCEQ within 24 hours. Specifically, this concerns an excess emission event on 10/29/12 of 713 pounds of SO2 occurred from the Sulfuric Acid Plant in a single hour. This exceeded the 500 lb. limit.

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)

Description: Failed to report 4 reportable quantity exceedances at the Ammonium Sulfate Unit for the following days - 6/29/13, 8/2/13, 9/23/13, 11/5/13.

Viol. Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.165(c)(1)

Description: Failed to have written authorization on site from an officer of Rentech designating the General Site Manager or Responsible Official or Daily Authorized Representative.

Viol. Classification: Minor  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT PP 60.424(b)(2)

Description: Failed to collect the required minimum sample volume of 53 dsef during each of the three test runs during Method 5 performance testing in August 2011 and May 2012 on the Ammonium Sulfate Unit scrubbers for NSPS compliance.

Viol. Classification: Minor  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

Description: Failed to prevent visible emissions while ammonium sulfate was being loaded into a marine vessel.

Viol. Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC 30B

Description: Failed to have records available for the rolling 12-month average production rates for ammonium sulfate.

Viol. Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(a)(1)

Description: Failed to have a complete Operation Manual for the potable water system.

Viol. Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)

Description: Failed to have a full-face self-contained breathing apparatus installed, and also failed to have a bottle of fresh ammonia solution for testing for chlorine leakage at the public water supply.

Viol. Classification: Minor  
Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.13

Description: Failed to have a waste analysis plan.

Viol. Classification: Minor  
Citation: 30 TAC Chapter 335, SubChapter A 335.6

Description: Failed to register on the NOR as a place where fluorescent bulbs were accumulating.

Viol. Classification: Minor  
Citation: 30 TAC Chapter 335, SubChapter A 335.6

Description: Failed to register as an area where waste oil was accumulating in the NOR.

Viol. Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20

Description: Failed to have a CEMS Operations Manual for the sulfuric Acid Plant complete, as it was missing a number of Quality Assurance Provisions.

Viol. Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Description: Failed to have transmitters calibrated correctly at the RGC and Dryer Scrubbers.

Viol. Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125

Description: Failed to provide the initial and follow up notificacions to the TCEQ regional office after a permit limit exceedance of ammonia from Outfall 002 occurred on June 18, 2011 during a stormwater event.

**G. Type of environmental management systems (EMSs):** N/A

**H. Voluntary on-site compliance assessment dates:** N/A

**I. Participation in a voluntary pollution reduction program:** N/A

**J. Early compliance:** N/A

**Sites Outside of Texas:** N/A



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## *Addendum to Compliance History Federal Enforcement Actions*

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**Reg Entity Name:** AGRIFOS FERTILIZER L P

**Reg Entity Add:** 2001 JACKSON ROAD

**Reg Entity City:** PASADENA

**Reg Entity No:** RN101621944

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**EPA Case No:** 06-2010-0920 **Order Issue Date (yyyymmdd):** 20100927

**Case Result:** Final Order With Penalty **Statute:** RCRA **Sect of Statute:** 3002

**Classification:** Minor **Program:** Gen Hazardous Waste M **Citation:**

**Violation Type:** **Cite Sect:** **Cite Part:**

**Enforcement Action:** Administrative Penalty Order

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**Reg Entity Name:** AGRIFOS FERTILIZER LLC

**Reg Entity Add:** 2001 JACKSON ROAD

**Reg Entity City:** PASADENA

**Reg Entity No:** RN101621944

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**EPA Case No:** 06-2010-0506 **Order Issue Date (yyyymmdd):** 20100927

**Case Result:** Final Order With Penalty **Statute:** CAA **Sect of Statute:** 112R

**Classification:** Moderate **Program:** NESHAPs **Citation:**

**Violation Type:** **Cite Sect:** **Cite Part:**

**Enforcement Action:** Administrative Penalty Order

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**Reg Entity Name:** AGRIFOS FERTILIZER LP

**Reg Entity Add:** 2001 JACKSON ROAD

**Reg Entity City:** PASADENA

**Reg Entity No:** RN101621944

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**EPA Case No:** 06-2011-0960 **Order Issue Date (yyyymmdd):** 20111207

**Case Result:** **Statute:** RCRA **Sect of Statute:** 3008A

**Classification:** Moderate **Program:** National Emission Stand **Citation:**

**Violation Type:** **Cite Sect:** **Cite Part:**

**Enforcement Action:** Administrative Penalty Order With or Without Inj

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
RENTECH NITROGEN  
PASADENA, LLC  
RN101621944**

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§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2015-1144-AIR-E**

**I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Rentech Nitrogen Pasadena, LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a fertilizer manufacturing plant at 2001 Jackson Road in Pasadena, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 5, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fourteen Thousand Two Hundred Fifty Dollars (\$14,250) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eleven Thousand Four Hundred

Dollars (\$11,400) of the administrative penalty and Two Thousand Eight Hundred Fifty Dollars (\$2,850) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant designed to prevent a recurrence of emission events due to the same causes as Incident No. 213367:
  - a. On April 23, 2014, established and implemented regular weekly preventative maintenance checks of storage tank level transmitters;
  - b. On April 28, 2014, amended operating procedures of the anhydrous ammonia barge unloading and tank filling process;
  - c. On June 30, 2015, implemented formal training for employees involved in the anhydrous ammonia barge unloading and tank filling process; and
  - d. On July 31, 2015, completed equipment repair and replacement including recalibration of electronic transmitter, replacement of pneumatic transmitter, and installation of anhydrous ammonia detectors and alarms routed to the control room.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. 4209A, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted from May 11, 2015 through May 21, 2015. Specifically, the Respondent released 5,458 pounds of anhydrous ammonia during barge unloading, resulting in emissions event Incident No. 213367 that began on April 20, 2014 and lasted for 38 minutes. The event occurred due to over filling of the storage tank capacity when the tank level transmitter failed. Since the Respondent failed to demonstrate that the unauthorized emissions were caused by a sudden, unavoidable breakdown of equipment beyond the control of the owner or operator, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

## III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

## IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Rentech Nitrogen Pasadena, LLC, Docket No. 2015-1144-AIR-E" to:  

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be

copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
Date

*Ramona Moniva*  
For the Executive Director

2/18/16  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

*John H. Diesch*  
Signature

10/8/15  
Date

John H. Diesch  
Name (Printed or typed)  
Authorized Representative of  
Rentech Nitrogen Pasadena, LLC

President  
Title

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