Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

TPC Group Port Neches Operations, 2102 Spur 136, Port Neches, Jefferson County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2019-0342-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this

matter but does not wish to speak at Agenda.

Texas Register Publication Date: April 12, 2019

Comments Received: No

Penalty Information

Total Penalty Assessed: \$55,753

Amount Deferred for Expedited Settlement: \$11,150

Total Paid to General Revenue: \$22,302

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$22,301

Name of SEP: Southeast Texas Regional Planning Commission (Third-Party Pre-

Approved)

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): May 21, 2018 and November 3, 2018,

Complaint Information: Alleged there was excessive flaring from the facility and

soot settling on a nearby property.

Date(s) of Investigation: May 29, 2018, July 9, 2018, July 18, 2018, August 24, 2018, September 20, 2018, November 2, 2018, and November 12, 2018

Date(s) of NOE(s): July 25, 2018, August 10, 2018, September 5, 2018, October 4,

2018, November 8, 2018, and December 13, 2018

Violation Information

- 1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 101.8 pounds ("lbs") of 1,3-butadiene, 136.40 lbs of volatile organic compounds ("VOC"), 65.29 lbs of carbon monoxide ("CO"), and 12.89 lbs of nitrogen oxides ("NOx") from the North Flare, Emissions Point Number ("EPN") UWN6R1, during an emissions event (Incident No. 276895) that occurred on January 22, 2018 and lasted 17 minutes. The emissions event occurred due to over pressurization during the Plant startup, resulting in flaring. Since this emissions event could have been prevented through better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222 [30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 20485, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1327, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 20, and Tex. Health & Safety Code § 382.085(b)].
- 2. Failed to submit a permit compliance certification ("PCC") no later than 30 days after the end of the certification period. Specifically, the PCC for the January 1, 2017 through December 31, 2017 certification period was due by January 30, 2018, but was not submitted until July 23, 2018 [30 Tex. Admin. Code §§ 122.143(4) and 122.146(2), FOP No. O1327, GTC and STC No. 24, and Tex. Health & Safety Code § 382.085(b)].
- 3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 6,493.56 lbs of 1,3-butadiene, 16,245.32 lbs of VOC, 164.8 lbs of CO, and 35.54 lbs of NOx and experienced 100 percent opacity from the North/South Flare, EPNs UWN6R1 and UWS6R1, during an emissions event (Incident No. 282066) that occurred on April 13, 2018 and lasted 18 hours. The emissions event occurred due to high winds breaking the jumpers on the outer loop circuit connecting to the transformers and severing power to the Plant, resulting in flaring. Since this emissions event could have been prevented through better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. ADMIN. CODE § 101.222 [30 Tex. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No.

20485, SC No. 1, FOP No. O1327, GTC and STC No. 20, and Tex. Health & Safety Code § 382.085(b)].

- 4. Failed to identify the estimated total quantities for those compounds or mixtures to have been released during the emissions event on the final record for a reportable emissions event. Specifically, the Respondent did not report the correct estimated total quantities for 1,3-butadiene, VOC, CO, and NOx released during Incident No. 282066 [30 Tex. Admin. Code §§ 101.201(b)(1)(H) and 122.143(4), FOP No. O1327, GTC and STC No. 2.F, and Tex. Health & Safety Code § 382.085(b)].
- 5. Failed to prevent unauthorized emissions. Specifically, the Respondent released 54.45 lbs of VOC from the S4G16 Reflux Pump, during an emissions event (Incident No. 282087) that occurred on April 15, 2018 and lasted two minutes. The emissions event occurred when the S4G16 Reflux Pump was restarted with the plug installed instead of the seal flush piping, causing the plug to blow out and resulting in venting to the atmosphere. Since this emissions event could have been prevented through better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. ADMIN. CODE § 101.222 [30 Tex. ADMIN. CODE § 116.115(c) and 122.143(4), NSR Permit No. 20485, SC No. 1, FOP No. 01327, GTC and STC No. 20, and Tex. Health & Safety Code § 382.085(b)].
- 6. Failed to prevent unauthorized emissions. Specifically, the Respondent released 113.52 lbs of 1,3-butadiene and 123.92 lbs of VOC from the North/South Flare, EPNs UWN6R1 and UWS6R1, during an emissions event (Incident No. 284207) that occurred on May 21, 2018 and lasted 45 minutes. The emissions event occurred when proper procedures were not followed in the startup of the S2D1 Methyl Acetylene Removal tower and caused the pressure release valve to lift due to excessive pressure, resulting in flaring. Since this emissions event could have been prevented through better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222 [30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 20485, SC No. 1, FOP No. 01327, GTC and STC No. 20, and Tex. Health & Safety Code § 382.085(b)].
- 7. Failed to prevent unauthorized emissions. Specifically, the Respondent released 64.26 lbs of 1,3-butadiene and 110.79 lbs of VOC from the C4 Plant's Washer Tower, during an emissions event (Incident No. 291999) that occurred on September 11, 2018 and lasted 15 minutes. The emissions event occurred due to the failure of the valve at the pipe rack at the steam header that caused corrosion and the loss of primary containment, resulting in venting to the atmosphere. Since this emissions event could have been prevented through better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222 [30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 20485, SC No. 1, FOP No. 01327, GTC and STC No. 20, and Tex. Health & Safety Code § 382.085(b)].

8. Failed to prevent unauthorized emissions. Specifically, the Respondent released 442.33 lbs of 1,3-butadiene and 547.43 lbs of VOC from the Cooling Tower, EPN WWCT1-6, during an emissions event (Incident No. 291251) that occurred on August 29, 2018 and lasted six hours and 50 minutes. The emissions event occurred due to a leak in the S4E10 E/F Exchanger, resulting in venting to the atmosphere. Since this emissions event could have been prevented through better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222 [30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 20485, SC No. 1, FOP No. 01327, GTC and STC No. 20, and Tex. Health & Safety Code § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By May 11, 2018, updated the process startup procedures and conducted training for the operational personnel in order to prevent recurrence of emissions events due to the same or similar causes as Incident No. 276895;
- b. On May 22, 2018, provided the correct amount of 1,3-butadiene, VOC, CO, and NOx released during Incident No. 282066;
- c. By May 29, 2018, revised the operational readiness procedure in order to prevent recurrence of emissions events due to the same or similar causes as Incident No. 282087;
- d. On July 23, 2018, submitted the PCC for the January 1, 2017 through December 31, 2017 certification period;
- e. By September 19, 2018, revised the operational readiness procedure in order to prevent recurrence of emissions events due to the same or similar causes as Incident No. 284207;
- f. By October 1, 2018, repaired the S4E10 E/F Exchanger in response to Incident No. 291251; and
- g. By October 16, 2018, revised the operational readiness procedure in order to prevent recurrence of emissions events due to the same or similar causes as Incident No. 291999.

Technical Requirements:

- 1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
- 2. The Order will also require the Respondent to:
- a. Within 30 days, implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 282066 and 291251; and
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEO Attorney: N/A

TCEQ Enforcement Coordinator: Johnnie Wu, Enforcement Division,

Enforcement Team 5, MC 219, (512) 239-2524; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

Respondent: Joshua Nehlig, Plant Manager, TPC Group LLC, 2102 Spur 136, Port

Neches, Texas 77651

Kevin Harren, Environmental Manager, TPC Group LLC, 2102 Spur 136, Port Neches, Texas 77651

Respondent's Attorney: N/A

A S

Policy Revision 4 (A		Calculation	on Worksl	neet (PC	•	sion March 26, 2014
ICEQ					, cri nevi	2.2
DATES Assigned PCW		ing 8-Aug-2018	EPA Due]	
RESPONDENT/FACIL	TV INCORMATION				Management of the state of the	1 -00 pol - 0 - 0 - 1
Pesnondent	TPC Group LLC					
Reg. Ent. Ref. No.						
Facility/Site Region	10-Beaumont		Major/N	linor Source	Major	
					[ridjor	the mathematical and an array map of
CASE INFORMATION	[ezea.	2 / 18t - Y	-			5-2" , I'
Enf./Case ID No.	2018-1097-AIR-E		No. o	of Violations		
Media Program(s)				Order Type		
Multi-Media				t/Non-Profit		-
· · · · · · · · · · · · · · · · · · ·			_ Ent.	Coordinator		
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$25,000	EC S Team	Enforcement Tear	n 5
		-14- 0-1-1	6			
TOTAL BACE DEN	Pen	alty Calcula	ation Section	on		
	LTY (Sum of violation		-		Subtotal 1	\$30,250
ADJUSTMENTS (+	/-) TO SUBTOTAL 1					
Compliance Hi	stained by multiplying the Total B	ase Penalty (Subtotal	 by the indicated per 			
compliance m	story	100.0%	Adjustment	Subto	tals 2, 3, & 7	\$30,250
	Enhancement for two NO	Vs with same/sim	ilar violations and	d ten orders		
Notes	containing a denial of lia	bility. Reduction f	or three notices	of intent to		
	conduct an au	dit and one disclos	sure of violations	5.		
Code a la 1114						
Culpability	No	0.0%	Enhancement	<u> </u>	Subtotal 4	\$0
Notes	The Respondent	does not meet the	a culpability seita	-1-		
110103		does not meet the	e culpability crite	ria.		
Good Faith Effe	ort to Comply Total Adju					
GOOG TAILITEIN	nt to comply Total Adju	stments			Subtotal 5	-\$4,747
Economic Bene	efit	0.004	F-1		21111	
	Total EB Amounts \$1,354		Enhancement* ed at the Total EB \$ A	lmount	Subtotal 6	\$0
Estimated	Cost of Compliance \$49,250					
SUM OF SUBTOTAL	.S 1-7			Fil	nal Subtotal	\$55,753
OTHER FACTORS A	S JUSTICE MAY REQ	IIITDE I	0.004			
Reduces or enhances the Final	Subtotal by the indicated percent	age.	0.0%	= =	Adjustment	\$0
Notes			¥			
Notes						
, <u>.</u>	-			Final Pena	alty Amount	\$55,753
STATUTORY LIMIT	ADJUSTMENT			Final Acces		¢55.750
	THE WAY OF THE PARTY OF THE PAR			rmai ASSES.	sed Penalty	\$55,753
DEFERRAL		ſ	20.0%	Reduction	Adjustment	-\$11,150
Reduces the Final Assessed Per	alty by the indicated percentage.	L			najustilielit	Ψ11/13U
Notes	Doformal -4	iorad for acception				
Notes	Deferral off	ered for expedited	settlement.	1		
_						
PAYABLE PENALTY		The of the second section of the second section with the second section of the section of the second section of the section of t			-	\$44,603

Docket No. 2018-1097-AIR-E

Screening Date 8-Aug-2018
Respondent TPC Group LLC

Case ID No. 56511 Reg. Ent. Reference No. RN104964267

Media [Statute] Air Enf. Coordinator Johnnie Wu Policy Revision 4 (April 2014) PCW Revision March 26, 2014

Compliance History Worksheet

npilance nist Component	ory Site Enhancement (Subtotal 2) Number of	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	2	10%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	10	200%
Orders 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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	3	-3%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Other	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%
peat Violator		,	
No		centage (Su	btotal 3,
mpliance Hist	tory Person Classification (Subtotal 7)		
Satisfactory	Performer Adjustment Per	centage (Su	btotal 7
mpliance Hist	tory Summary		
Compliance History Notes	Enhancement for two NOVs with same/similar violations and ten orders containing liability. Reduction for three notices of intent to conduct an audit and one disclosure.	ng a denial of e of violations	
	Total Compliance History Adjustment Percentage (S	Subtotals 2	, 3, & 7)

Screening Date Respondent	too Lotton the American	Dock	et No. 2018-1097-AIR-E	PCW Policy Revision 4 (April 2014)
Case ID No. Reg. Ent. Reference No.				PCW Revision March 26, 2014
Media [Statute]	Air			
Enf. Coordinator Violation Number				
Rule Cite(s)		55 116 115(c) and 13	2 143(4) New Source Povious ("NCD")
Kule cite(s)	Permit No. 20485, ("FOP") No. O1327, G	Special Conditions ("S General Terms and Con	2.143(4), New Source Review (C") No. 1, Federal Operating Pe ditions ("GTC") and Special Teri ealth & Safety Code § 382.085(rmit ms and
Violation Description	101.8 pounds ("lbs") ("VOC"), 65.29 lbs o ("NOx") from the Nort emissions event (In- lasted 17 minutes. Th the Plant startup, res prevented through) of 1,3-butadiene, 136 of carbon monoxide ("C th Flare, Emissions Poir cident No. 276895) the e emissions event occu sulting in flaring. Since better design and/or l	Specifically, the Respondent religion. 5.40 lbs of volatile organic compion), and 12.89 lbs of nitrogen of Number ("EPN") UWN6R1, due to cocurred on January 22, 2018 urred due to over pressurization this emissions event could have better operational and maintenal asserting an affirmative defense 5 101.222.	ounds oxides iring an 8 and during e been ance
	and the challenge of the carbon are not the first and a failed and a f		Base F	Penalty \$25,000
>> Environmental, Proper	rty and Human He Hai			
OR Release	Major Mode			¥ u
Potential		×	Percent 15.0%	
>>Programmatic Matrix				
Falsification	Major Mode	erate Minor		
		·	Percent 0.0%	
Notes do not exceed	n or the environment ha levels that are protecti	ive of human health or the violation.	ignificant amounts of pollutants environmental receptors as a re	which esult of
Service Control of the Control of th	Application Applications for MM reserved	Particle Statement Co. Little 1994 of 1994	Adjustment	\$3,750
Violation Events		J. Water Sales		in it
1	/iolation Events 1		1 Number of violation day	/S
	dally. weekly monthly quarterly x semlannual annual single event		Violation Base P	enalty \$3,750
	One qu	arterly event is recomm	nended.	
Good Faith Efforts to Comp	oly 2:	5.0%	Rec	Juction \$937
	Before NOE Extraordinary	E/NOV NOE/NOV to EDPRE	P/Settlement Offer	NEW YORK
	Ordinary x			
	N/A			
			mpliance by May 11, 2018, ement ("NOE") dated July 118.	
·		3	Violation Su	btotal \$2,813
Economic Benefit (EB) for	this violation		Statutory Limit Te	est
Estimate	d EB Amount	\$44	Violation Final Penalty	* Total \$6,563
	This	s violation Final Asse	essed Penalty (adjusted for I	imits) \$6,563
				10,000

Economic Benefit Worksheet Respondent TPC Group LLC Case ID No. 56511 Reg. Ent. Reference No. RN104964267 Percent Interest Depreciation Years of Media Alr Violation No. 1 **EB** Amount Item Cost Date Required Final Date Yrs Interest Saved **Costs Saved Item Description Delayed Costs** 0.00 \$0 \$0 \$0 Equipment \$0 \$0 0.00 Buildings \$0 \$0 \$0 Other (as needed) 0.00 \$0 0.00 \$0 Engineering/Construction 0.00 \$0 n/a \$0 0.00 \$0 n/a Record Keeping System \$1.500 22-Jan-2018 11-May-2018 n/a 0.30 Training/Sampling 0.00 \$0 n/a \$0 Remediation/Disposal n/a \$0 0.00 Permit Costs 22-Jan-2018 11-May-2018 0.30 Other (as needed) Estimated costs to update the process startup procedures and to conduct training for the operational personnel in order to prevent recurrence of emissions events due to the same or similar causes as Incident Notes for DELAYED costs No. 276895. The Dates Required are the date of the emissions event and the Final Dates are the dates of compliance. ANNUALIZE avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** Disposal 0.00 \$0 Personnel 0.00 \$0 \$0 \$0 \$0 0.00 \$0 Inspection/Reporting/Sampling \$0 Supplies/Equipment 0.00 \$0 \$0 \$0 \$0 Financial Assurance 0.00 \$0 ONE-TIME avoided costs 0.00 \$0 0.00 Other (as needed)

\$3,000

TOTAL

\$44

Notes for AVOIDED costs

Approx. Cost of Compliance

	g Date 8-Aug-2018	DOCKET NO. 2018-1097-AIR-E	A P.C.W
	ondent TPC Group LLC ID No. 56511		Policy Revision 4 (April 2014)
	ce No. RN104964267	P	CW Revision March 26, 2014
Media [St			
Enf. Coord	inator Johnnie Wu		
Violation I			
Rule	Cite(s)		
		de §§ 122.143(4) and 122.146(2), FOP No. 01327, GTC and § . 24, and Tex. Health & Safety Code § 382.085(b)	БТС
Violation Desc	the end of the c	permit compliance certification ("PCC") no later than 30 days a ertification period. Specifically, the PCC for the January 1, 201: er 31, 2017 certification period was due by January 30, 2018, b was not submitted until July 23, 2018.	7
		Base Pena	\$25,000
>> Environmental,	Property and Human	Health Matrix	
		Harm	
OR	Release Major M Actual	loderate Minor	
66.000000000000000000000000000000000000	Potential	Percent 0.0%	
		refeelite 0.076	
>>Programmatic M			*
Falsi		oderate Minor	
	X	Percent 15,0%	
Matrix	100%	of the rule requirement was not met.	- 1
Notes		1	
		Adjustment \$21,2	250
			\$3,750
CONTRACT AND INCIDENCES AND INCIDENC			\$3,730
Violation Events			
Nun	nber of Violation Events	1 Number of violation days	ě
	Los asocionis		
	dally weekly		
	monthly		
	quarterly	Violation Base Pena	lty \$3,750
	semlannual		
	annual		
	single event	X	
			· ·
	0	ne single event is recommended.	
	k		
Good Faith Efforts to	Comply	25.0% Reducti	687
Good Faith/Ellorts-tt		NOE/NOV NOE/NOV to EDPRP/Settlement Offer	on \$937
	Extraordinary		
	Ordinary	x	
9	N/A		
	Notes	e Respondent achieved compliance on July 23, 2018, prior to the NOE dated August 10, 2018.	
		prior to the NOE dated August 10, 2018.	
nen elektriske i 1980 av 1880	Language of which its con-	Violation Subto	
Economic Benefit (E	B) for this violation	Statutory Limit Test	
E	stimated EB Amount	\$6 Violation Final Penalty To	\$6,563
		This violation Final Assessed Penalty (adjusted for limit	\$6,563

Economic Benefit Worksheet Respondent TPC Group LLC Case ID No. 56511 Reg. Ent. Reference No. RN104964267 Percent Interest Depreciation Media Alr Violation No. 2 5.0 Item Cost Date Required Final Date **Costs Saved EB Amount** Yrs Interest Saved **Item Description Delayed Costs** \$0 \$0 0.00 \$0 Equipment \$0 \$0 0.00 Buildings \$0 0.00 \$0 \$0 \$0 Other (as needed) \$0 \$0 \$0 Engineering/Construction 0.00 n/a \$0 Land \$0 0.00 \$0 n/a Record Keeping System 0.00 n/a \$0 Training/Sampling 0.00 \$0 n/a Remediation/Disposal n/a 0.00 Permit Costs 0.48 Other (as needed) Estimated cost to submit the PCC for the January 1, 2017 through December 31, 2017 certification period. Notes for DELAYED costs The Date Required is the date the PCC was due and the Final Date is the date of compliance. ANNUALIZE avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** Disposal 0.00 \$0 0.00 \$0 \$0 \$0 \$0 50 \$0 Inspection/Reporting/Sampling 0.00 Supplies/Equipment \$0 \$0 \$0 \$0 0.00 \$0 Financial Assurance \$0 ONE-TIME avoided costs 0.00 \$0 \$0 0.00 \$0 Other (as needed) Notes for AVOIDED costs

\$250

Approx. Cost of Compliance

\$6

TOTAL

Screening Date 8-Aug-2018 Docket No. 2018-1097-AIR-E PCW Respondent TPC Group LLC Policy Revision 4 (April 2014) **Case ID No.** 56511 PCW Revision March 26, 2014 Reg. Ent. Reference No. RN104964267 Media [Statute] Air Enf. Coordinator Johnnie Wu Violation Number 3 Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 20485, SC No. 1, FOP No. O1327, GTC and STC No. 20, and Tex. Health & Safety Code § 382.085(b) Failed to prevent unauthorized emissions. Specifically, the Respondent released 6,493.56 lbs of 1,3-butadiene, 16,245.32 lbs of VOC, 164.8 lbs of CO, and 35.54 lbs of NOx and experienced 100% opacity from the North/South Flare, EPNs UWN6R1 and UWS6R1, during an emissions event (Incident No. 282066) that occurred on April 13, 2018 and lasted 18 hours. The emissions event occurred due to high winds Violation Description breaking the jumpers on the outer loop circuit connecting to the transformers and severing power to the Plant, resulting in flaring. Since this emissions event could have been prevented through better design and/or better operational and maintenance practices, 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 Harm Release Moderate Minor OR Actual Potential Percent 30.0% >>Programmatic Matrix Falsification Moderate Minor Percent 0.0% Human health or the environment has been exposed to significant amounts of pollutants which do Matrix not exceed levels that are protective of human health or environmental receptors as a result of the Notes violation. Adjustment \$17,500 \$7,500 Violation Events Number of Violation Events Number of violation days daily weekly monthly quarterly Violation Base Penalty \$7,500 semiannual annual single event One monthly event is recommended. Good Faith Efforts to Comply 0.0% \$0 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A The Respondent does not meet the good faith criteria for Notes this violation. Violation Subtotal \$7,500 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$660 Violation Final Penalty Total \$15,000 This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet Respondent TPC Group LLC

Case ID No. 56511 Reg. Ent. Reference No. RN104964267 Media Air

Percent Interest Depreciation Years of

5.0

15

Violation No. 3

Item Cost Date Required Final Date

Yrs Interest Saved

Costs Saved

EB Amount

Item Description

Delayed Costs Equipment

Buildings Other (as needed) Engineering/Construction Record Keeping System Training/Sampling Remediation/Disposal

Permit Costs Other (as needed)

			0.00	\$0	\$0	\$0
			0.00	\$0	\$0	\$0
			0.00	\$0	\$0	\$0
			0.00	\$0	\$0	\$0
			0.00	\$0	n/a	\$0
			0.00	\$0	n/a/	\$0
			0.00	\$0	n/a	\$0
			0.00	\$0	n/a	\$0
			0.00	\$0	n/a	\$0
\$10,000	13-Apr-2018	8-Aug-2019	1.32	\$660	n/a	\$660

Notes for DELAYED costs

Estimated costs to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 282066. The Date Required is the date of the emissions event and the Final Date is the estimated date of compliance.

Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)

ANNUALIZE	avoided costs before entering	item (except for	r one-time avoid	ed costs)
	0.00	\$0	\$0	\$0
	0.00	\$0	\$0	\$0
	0.00	\$0	\$0	\$0
	0.00	\$0	\$0	\$0
	0.00	\$0	\$0	\$0
	0.00	\$0	\$0	\$0
	0.00	\$0	\$0	\$0

Approx. Cost of Compliance

Notes for AVOIDED costs

\$10,000

TOTAL

\$660

Screening Date Respondent Case ID No.	TPC Group LLC	Docke	et No. 2018-1097-AIR-E	PCW Policy Revision 4 (April 2014) PCW Revision March 26, 2014
Reg. Ent. Reference No. Media [Statute] Enf. Coordinator Violation Number	RN104964267 Air Johnnie Wu			PCW REVISION March 20, 2014
Rule Cite(s)	30 Tex. Admin. Code §§ 1	01.201(b)(1)(H) a and Tex. Health 8	nd 122.143(4), FOP No. O1327, Safety Code § 382.085(b)	GTC
Violation Description	have been released during emissions event. Specifical	the emissions eve ly, the Respondent	s for those compounds or mixtuint on the final record for a report did not report the correct estimand NOx released during Inciden	table lated
>> Environmental, Prope	rty and Human Hoalth	Marking	Base Pe	enalty \$25,000
Release OR Actual	Harm	Minor		
Potential >>Programmatic Matrix			Percent 0.0%	
Falsification	Major Moderate	Minor X	Percent 1.0%	
Matrix Notes	Less than 30% of th	ie rule requiremen	t was not met.	
			Adjustment \$2	4,750
		A more than a second of the control from		\$250
Violation Events Number of V	/iolation Events 1		Number of violation days	
	daily aveekly monthly		<u> </u>	
	quarterly semiannual annual single event x		Violation Base Pe	s 250
	One single e	event is recommer	ded.	
Good Faith Efforts to Comp	THE RESERVE THE PROPERTY OF TH	NOE/NOV to EDPRP/S	Redu	\$62
* 1	The Respond	ent achieved comp the NOE dated S	ollance by May 22, 2018, eptember 5, 2018.	
			Violation Subt	total \$188
Economic Benefit (EB) for		1 (a) 1 (b) 1 (c)	Statutory Limit Tes	
Estimate	d EB Amount	\$5	Violation Final Penalty 1	
	This viol	ation Final Asses	sed Penalty (adjusted for lin	nits) \$438

Economic Benefit Worksheet

Respondent TPC Group LLC Case ID No. 56511 Reg. Ent. Reference No. RN104964267 Percent Interest Depreciation Years of Media Air Violation No. 4 5.0 **EB** Amount Yrs Interest Saved **Costs Saved** Item Cost Date Required Final Date **Item Description Delayed Costs** 0.00 \$0 \$0 Equipment \$0 \$0 \$0 0.00 Buildings 0.00 \$0 \$0 Other (as needed) \$0 \$0 \$0 \$0 0.00 Engineering/Construction \$0 0.00 \$0 n/a n/a \$0 0.00 \$0 Record Keeping System 0.00 \$0 n/a \$0 Training/Sampling 0.00 \$0 \$0 Remediation/Disposal \$0 0.00 \$0 **Permit Costs** 0.07 Other (as needed) Estimated delayed cost to provide the correct amount of 1,3-butadiene, VOC, CO, and NOx released during Incident No. 282066. The Date Required is the due date of the final record and the Final Date is the date of Notes for DELAYED costs compliance. ANNUALIZE avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** \$0 0.00 \$0 \$0 Disposal \$0 0.00 \$0 \$0 Personnel \$0 0.00 \$0 Inspection/Reporting/Sampling \$0 \$0 0.00 \$0 \$0 Supplies/Equipment \$0 \$0 0.00 \$0 **Financial Assurance** \$0 \$0 \$0 \$0 ONE-TIME avoided costs 0.00 0.00 Other (as needed)

\$1,500

\$5

TOTAL

Notes for AVOIDED costs

Approx. Cost of Compliance

	Respondent	8-Aug-2018 TPC Group LLC		Docket No. 2018-10		PCW y Revision 4 (April 2014)
	Case ID No.					Revision March 26, 2014
Reg. Ent. R	eference No.					
	dia [Statute]					
	Coordinator		a			
Vic	plation Number		L			a
	Rule Cite(s)	30 Tex. Admin 1, FOP No	. Code §§ 116. o. O1327, GTC	115(c) and 122.143(4), NSR Pern and STC No. 20, and Tex. Health 382.085(b)	nit No. 20485, SC No. & Safety Code §	
Violat	ion Description	54.45 lbs of VO No. 282087) the event occurred instead of the sto the atmosp better operal	OC from the Sanat occurred or occurred or occurred or other the Sanat of occurred or o	ized emissions. Specifically, the Ri IG16 Reflux Pump, during an emis n April 15, 2018 and lasted two m G16 Reflux Pump was restarted w g, causing the plug to blow out ar is emissions event could have bee intenance practices, the Responder to defense under 30 Tex. Admin. C	sions event (Incident inutes. The emissions ith the plug installed id resulting in venting in prevented through it is precluded from	
i Sumanus managan sing sumalin	ell at a facility of the Manager of School of the School o	Table No. Marke of temporal wind country to the			Base Penalty	\$25,000
>> Environm	ental, Prope	ty and Hum		Matrix	XX6X688	
90.85	Release	Major	Harm Moderate	Minor		
OR	Actual		- Troublate	×		,
	Potential			Percent	15.0%	
	elongen op salens hog en en			State of the state		
>>Programm						
	Falsification	Major	Moderate	Minor	0.00(
	L.,			Percent	0.0%	
Matrix Notes				exposed to insignificant amounts of an health or environmental recept violation.		
					#21 2F0	
į.			LAND AND AND THE STATE OF THE PRINCES	Adjustment	\$21,250	\$3,750
Violation Ever	nts			Adjustment	\$21,230	
Violation Ever		lolation Events	1		of violation days	
Violation Evei			1			
Violation Evei		daily weekly	1 x	1 Number o		
Violation Eve		daily weekly monthly quarterly semiannual annual		1 Number o	of violation days	\$3,750
Violation Ever	Number of \	daily. daily. weekly monthly quarterly semiannual annual single event	One quarterly	1 Number of Viol	of violation days	\$3,750
	Number of \	daily weekly monthly quarterly semiannual single event	One quarterly	1 Number o	of violation days	\$3,750 \$3,750
	Number of \	daily. daily. weekly monthly quarterly semiannual annual single event	One quarterly 25.0% efore NOE/NOV	1 Number of Viol	of violation days	\$3,750 \$3,750
	Number of \	daily. daily. weekly monthly quarterly semiannual annual single event Extraordinary Ordinary	One quarterly	1 Number of Viol	of violation days	\$3,750 \$3,750
	Number of \	daily. daily. weekly monthly quarterly semiannual annual single event	One quarterly 25.0% efore NOE/NOV X The Responde	1 Number of Viol	Reduction for the second secon	\$3,750 \$3,750
	Number of \	daily. weekly monthly quarterly semiannual annual single event Extraordinary Ordinary N/A	One quarterly 25.0% efore NOE/NOV X The Responde	Viol event is recommended. NOE/NOV to EDPRP/Settlement Offer ent achieved compliance by May 2	Reduction 9, 2018,	\$3,750 \$3,750
	Number of \	daily. weekly monthly quarterly semiannual annual single event Extraordinary Ordinary N/A	One quarterly 25.0% efore NOE/NOV X The Responde	Viol event is recommended. NOE/NOV to EDPRP/Settlement Offer ent achieved compliance by May 2	Reduction for the second secon	\$3,750 \$3,750

\$9

This violation Final Assessed Penalty (adjusted for limits)

Violation Final Penalty Total

\$6,563

\$6,563

Estimated EB Amount

Economic Benefit Worksheet Respondent TPC Group LLC Case ID No. 56511 Reg. Ent. Reference No. RN104964267 Percent Interest Depreciation Media Air Violation No. 5 5.0 Item Cost Date Required Final Date **Costs Saved EB Amount** Yrs Interest Saved **Item Description Delayed Costs** \$0 0.00 \$0 \$0 Equipment \$0 \$0 \$0 Buildings 0.00 \$0 \$0 \$0 0.00 Other (as needed) \$0 \$0 \$0 Engineering/Construction \$0 0.00 \$0 n/a Land \$0 0.00 \$0 n/a Record Keeping System 0.00 \$0 n/a \$0 Training/Sampling 0.00 \$0 n/a Remediation/Disposal 0.00 \$0 n/a Permit Costs Other (as needed) Estimated costs to revise the operational readiness procedure in order to prevent recurrence of emissions events due to the same or similar causes as Incident No. 282087. The Date Required is the date of the Notes for DELAYED costs emissions event and the Final Date is the date of compliance. ANNUALIZE avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** Disposal 0.00 \$0 \$0 Personnel 0.00 \$0 \$0 \$0 Inspection/Reporting/Sampling 0.00 \$0 \$0 \$0 Supplies/Equipment 0.00 \$0 \$0 50 0.00 \$0 Financial Assurance \$0 50

\$1,500

0.00

0.00

\$0

TOTAL

\$0

\$9

ONE-TIME avoided costs

Notes for AVOIDED costs

Approx. Cost of Compliance

Other (as needed)

Screening Date 8-Aug-2018 Docket No. 2018-1097-AIR-E PCW Respondent TPC Group LLC Policy Revision 4 (April 2014) Case ID No. 56511 PCW Revision March 26, 2014 Reg. Ent. Reference No. RN104964267 Media [Statute] Air Enf. Coordinator Johnnie Wu Violation Number 6 Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 20485, SC No. 1, FOP No. O1327, GTC and STC No. 20, and Tex. Health & Safety Code § 382.085(b) Failed to prevent unauthorized emissions. Specifically, the Respondent released 113.52 lbs of 1,3-butadiene and 123.92 lbs of VOC from the North/South Flare, EPNs UWN6R1 and UWS6R1, during an emissions event (Incident No. 284207) that occurred on May 21, 2018 and lasted 45 minutes. The emissions event occurred when proper procedures were not followed in the startup of the S2D1 Methyl Violation Description Acetylene Removal tower and caused the pressure release valve to lift due to excessive pressure, resulting in flaring. Since this emissions event could have been prevented through better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222. \$25,000 Base Penalty >> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor OR Actual Potential Percent 15.0% >>Programmatic Matrix Falsification Major Moderate Minor Percent 0.0% Human health or the environment has been exposed to insignificant amounts of pollutants which do Matrix not exceed levels that are protective of human health or environmental receptors as a result of the Notes violation. Adjustment \$21,250 \$3,750 Violation Events Number of Violation Events Number of violation days daily weekly monthly quarterly Violation Base Penalty \$3,750 semiannual annual single event One quarterly event is recommended. Good Faith Efforts to Comply 25.0% Reduction \$937 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A The Respondent achieved compliance by September 19, Notes 2018, prior to the NOE dated November 8, 2018. Violation Subtotal \$2,813

Statutory Limit Test

This violation Final Assessed Penalty (adjusted for limits)

\$25

Violation Final Penalty Total

\$6,563

\$6,563

Economic Benefit (EB) for this violation

Estimated EB Amount

Economic Benefit Worksheet Respondent TPC Group LLC Case ID No. 56511 Reg. Ent. Reference No. RN104964267 Percent Interest Depreciation Media Air Violation No. 6 5.0 **Costs Saved EB** Amount Item Cost Date Required Final Date Yrs Interest Saved **Item Description Delayed Costs** \$0 \$0 \$0 \$0 \$0 0.00 Equipment \$0 Buildings 0.00 \$0 0.00 \$0 \$0 Other (as needed) \$0 \$0 0.00 \$0 Engineering/Construction 0.00 n/a \$0 \$0 \$0 \$0 n/a Record Keeping System 0.00 \$0 Training/Sampling 0.00 \$0 \$0 n/a n/a \$0 0.00 Remediation/Disposal \$0 n/a \$0 **Permit Costs** Other (as needed) Estimated costs to revise the operational readiness procedure in order to prevent recurrence of emissions events due to the same or similar causes as Incident No. 284207. The Date Required is the date of the Notes for DELAYED costs emissions event and the Final Date is the date of compliance. ANNUALIZE avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** 0.00 \$0 \$0 \$0 Disposal 0.00 \$0 \$0 \$0 Personnel 0.00 \$0 \$0 \$0 Inspection/Reporting/Sampling 0.00 \$0 \$0 \$0 Supplies/Equipment \$0 0.00 \$0 \$0 Financial Assurance \$0 \$0 ONE-TIME avoided costs 0.00 \$0 \$0

\$1,500

0.00

TOTAL

Other (as needed)

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

\$25

		ening Date	The second secon		Do	cket No. 2018-1097	-AIR-E	PCW
			TPC Group LLC				Policy	Revision 4 (April 2014)
Dog		Case ID No.					PCW	Revision March 26, 2014
Keg.			RN104964267					
	Enf. (a [Statute] Coordinator	AIF					
		ation Number		า				
	¥101			IL	115()	22 ((2/4) (1/22 2		1
		Kule Cite(s)	1, FOP No	. Code §§ 116 o. O1327, GTC	5.115(c) and 1 2 and STC No. 382.0	22.143(4), NSR Permii 20, and Tex. Health & 85(b)	Safety Code §	
1			Failed to pre	vent unautho		s. Specifically, the Res	nondent released	
			64.26 lbs o	f 1,3-butadier	ne and 110.79	lbs of VOC from the C	4 Plant's Washer	. 1
			Tower, di	uring an emiss	sions event (Ir	cident No. 291999) th	at occurred on	
	Violatio	n Description	September 1	1, 2018 and la	asted 15 minu	es. The emissions eve	nt occurred due to	
	Violatio	ii bescription		f primary cont	tainment reci	the steam header that Ilting in venting to the	t caused corrosion	
			this emission	s event could	have been pr	evented through bette	r operational and	
	*		maintenance	practices, the	Respondent i	precluded from asser	ting an affirmative	
				defense ui	nder 30 Tex.	dmin. Code § 101.222		
					•		Base Penalty	\$25,000
>> Env	/ironme	ntal, Proper	ty and Hum	an Health	Matrix	198 0 (188	528/33	
				Harm				
OR	9	Release	Major	Moderate	Minor			
		Actual Potential			X		72.227	
		rotential		L		Percent	15.0%	
>>Proc	gramma	tic Matrix		i entratiti di primare	NEWSON CHES	E) (1995) (1995)		
	Control of the second	Falsification	Major	Moderate	Minor			
						Percent	0.0%	
	7.4							
	Matrix	Human health	or the environm	nent has been	exposed to in	significant amounts of	pollutants which do	
	Notes	not exceed lev	els that are pro	tective of hum	nan health or	environmental receptor	s as a result of the	
					violation.			
	200000000000000		1921/03/03/03/03/03/03/03/03/03/03/03/03/03/	MARKITUGGISTIG SELEK		16995;679559;8997 x 01994;49077;090629		
99552557F054	400000000000	12469445555445955				Adjustment	\$21,250	
							1	\$3,750
ONENCE LA	A SECTION ASSESSED.	EZMIRKKU KA KITA	-Annielius e Miesto	e semble entre to the	ochtropas Malacinados	an e dan saturungan dan bahasan kan bahasa da ka	Service and record and account of	
violatio	n Event	Street					S. 1995 S. W. C. P. F. C.	
		Number of V	iolation Events	1		1 Number of	violation days	
			is is a second			IVAINDEL OF	violation days	
		I	daily					
			weekly					
		* 1	monthly					
			quarterly	X		Viola	ion Base Penalty	\$3,750
		1	semiannual					
			annual' [
			anigle evenie					
	1			One quarterly	event is reco	mmended.		
	Į					***		
10000 A 1000		and the second of the second				a company a serie da se a la se		
Good Fa	ith Effo	rts to Comp	A SECTION OF THE PROPERTY OF THE PARTY.	25.0%	an an march	SEASEL PROBLEMS	, Reduction	\$937
				fore NOE/NOV	NOE/NOV to EDF	RP/Settlement Offer		1
			Extraordinary					
			Ordinary	×				
			Ordinary N/A	Х				
			N/A		ident achieved	compliance by Octobe	r 16.	
			* IE	The Respon	dent achieved	compliance by Octobe	r 16, 18.	
			N/A	The Respon	dent achieved	compliance by Octobe lated December 13, 20	r 16, 18.	
			N/A	The Respon	dent achieved r to the NOE o	lated December 13, 20	r 16, 18. Iolation Subtotal	\$2.813
<u> </u>	ورود ورود ورود ورود ورود ورود ورود ورود		N/A Notes	The Respon 2018, prio	dent achieved r to the NOE o	lated December 13, 20	iolation Subtotal	\$2,813
€conom	ic Bene	fit (EB) for	N/A	The Respon 2018, prio	dent achieved r to the NOE o	lated December 13, 20	18.	\$2,813
Econom	ic Bene		N/A Notes	The Respon 2018, prio	ident achieved ir to the NOE o	v Statutory	iolation Subtotal	\$2,813] \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

Economic Benefit Worksheet

Respondent TPC Group LLC Case ID No. 56511 Reg. Ent. Reference No. RN104964267 Percent Interest Depreciation Media Air Violation No. 7 5.0 15 **Costs Saved EB Amount** Yrs Interest Saved Item Cost Date Required Final Date **Item Description Delayed Costs** \$0 \$0 \$0 \$0 \$0 0.00 Equipment \$0 0.00 Buildings \$0 \$0 Other (as needed) 0.00 \$0 \$0 \$0 \$0 Engineering/Construction 0.00 0.00 n/a \$0 \$0 \$0 n/a \$0 0.00 Record Keeping System 0.00 0.00 0.00 \$0 n/a Training/Sampling \$0 \$0 n/a Remediation/Disposal n/a **Permit Costs** 16-Oct-2018 0.10 Other (as needed) Estimated costs to revise the operational readiness procedure in order to prevent recurrence of emissions events due to the same or similar causes as Incident No. 291999. The Date Required is the date of the Notes for DELAYED costs emissions event and the Final Date is the date of compliance. ANNUALIZE avoided costs before entering Item (except for one-time avoided costs) **Avoided Costs** \$0 \$0 0.00 \$0 \$0 Disposal 0.00 \$0 \$0 Personnel \$0 Inspection/Reporting/Sampling 0.00 \$0 \$0 Supplies/Equipment 0.00 \$0 \$0 \$0 \$0 \$0 \$0 0.00 Financial Assurance \$0 \$0 \$0 **ONE-TIME** avoided costs 0.00 Other (as needed)

\$1,500

TOTAL

Notes for AVOIDED costs

Approx. Cost of Compliance

9 5 60-00 K KNAO		ening Date		Docket No. 2018-1097-AIR-E	PCW
			TPC Group LLC		lcy Revision 4 (April 2014)
Rea.		ase ID No.	RN104964267	PCV	V Revision March 26, 2014
	Media	[Statute]	Air		
	Enf. C	oordinator	Johnnie Wu	•	
	Viola	tion Number			
Se 1		Rule Cite(s)	1, FOP N	 Code §§ 116.115(c) and 122.143(4), NSR Permit No. 20485, SC No. 0. 01327, GTC and STC No. 20, and Tex. Health & Safety Code § 382.085(b)).
	Violation	n Description	442.33 lbs o WWCT1-6, August 29, 20 due to a leak Since this en and maini	event unauthorized emissions. Specifically, the Respondent released of 1,3-butadiene and 547.43 lbs of VOC from the Cooling Tower, EPN during an emissions event (Incident No. 291251) that occurred on 18 and lasted six hours and 50 minutes. The emissions event occurre in the S4E10 E/F Exchanger, resulting in venting to the atmosphere. Insistions event could have been prevented through better operational tenance practices, the Respondent is precluded from asserting an firmative defense under 30 Tex. Admin. Code § 101.222.	d
				Base Penalt	\$25,000
>> Env	ironmer	ital, Proper	ty and Hun	ian Health Matrix	
		Release		Harm	
OR		Actual	Major	Moderate Minor	
		Potential		Percent 15.0%	
XX D-aa	in the state of th	ic Matrix	is in the second of	1.0000 Section 600 section (1900 1940 1980 1940 1880 1840 1840 1840 1840 1840 1840 18	
F109	ji alilillai	Falsification	Major	Moderate Minor	
				Percent 0.0%	
					=1
	Matrix	Human health	or the environn	nent has been exposed to insignificant amounts of pollutants which de	
	Notes	not exceed lev	eis that are pro	tective of human health or environmental receptors as a result of the violation.	
	<u>u</u>				
			STALL FOR EASING	Adjustment \$21,250	
			•		\$3,750
Termen metaning	enezanteoa.	WWW.harver.com/orenands/s	cato tata ia analisoacimienza a	C STORY CONTROL OF A STATE OF A POST OF A STATE OF A ST	\$5,750
violatio	n Events	5			
		Number of V	iolation Events	1 Number of violation days	
		1	daily		
		1	weekly monthly		
			quarterly	X Violation Base Penalty	\$3,750
		li di	semiannual		
			annual single event		I.
	_		earraine ar airte af f		
			*		1
				One quarterly event is recommended.	
	L				
Good Fa	ith Effor	ts to Comp		0.0% Reduction	\$0
			Extraordinary	efore NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
			Ordinary		
			N/A	x	
			ĺ	The Personal days not most the good faith with all for	
			Notes	The Respondent does not meet the good faith criteria for this violation.	
			L		
				Violation Subtotal	\$3,750
conomi	ic Benefi	t (EB) for t	his violatio	n Statutory Limit Test	
		Estimated	I EB Amount	\$598 Violation Final Penalty Total	\$7,500
and the second	para expense ni Villa			This violation Final Assessed Penalty (adjusted for limits)	\$7,500
Commence of the Commence of th	COLUMN TRACTOR AND THE		and the second s	그리고	Carry Mark to the work of the second section by the Artist

Economic Benefit Worksheet

Respondent TPC Group LLC Case ID No. 56511 Reg. Ent. Reference No. RN104964267 Media Air Violation No. 8

Percent Interest Years of Depreciation 5.0 15

Item Cost Date Required Final Date Yrs Interest Saved Costs Saved EB Amount

Item Description

Delayed Costs

Delayed Cost
Equipment
Buildings
Other (as needed)
Engineering/Construction
Land
Record Keeping System
Trainlng/Sampling
Remediation/Disposal
Permit Costs
Other (as needed)

\$20,000	29-Aug-2018	1-Oct-2018	0.09	\$6	\$121	\$127
320,000	7700 200		0.00	\$0	\$0	\$0
			0.00	\$0	\$0	\$0
			0.00	\$0	\$0	\$0
			0.00	\$0	n/a	\$0
			0.00	\$0	n/a	\$0
			0.00	\$0	n/a	\$0
			0.00	\$0	n/a	\$0
			0.00	\$0	n/a	\$0
\$10,000	29-Aug-2018	8-Aug-2019	0.94	\$471	n/a	\$471

Notes for DELAYED costs

Estimated costs to repair the S4E10 E/F Exchanger (\$20,000) and implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 291251 (\$10,000). The Date Required is the date of the emissions event and the Final Dates are the date of compliance and estimated date of compliance.

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Avoided Costs
Disposal
Personnel
Inspection/Reporting/Sampling
Supplles/Equipment
Financial Assurance
ONE-TIME avoided costs
Other (as needed)

0.00	ΨU	9	70
	\$0	\$0	\$0
	\$0	\$0	\$0
	\$0	\$0	\$0
	\$0	\$0	\$0
	\$0	\$0	\$0
0.00	\$0	\$0	\$0
	0.00 0.00 0.00 0.00 0.00	0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0	0.00 \$0 \$0 0.00 \$0 \$0 0.00 \$0 \$0 0.00 \$0 \$0 0.00 \$0 \$0 0.00 \$0 \$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$30,000 TOTAL \$598



Compliance History Report

Compliance History Report for CN603624289, RN104964267, Rating Year 2018 which includes Compliance History (CH) components from September 1, 2013, through August 31, 2018.

Customer, Respondent, or CN603624289, TPC Group LLC Classification: SATISFACTORY Rating: 9.59 Owner/Operator: Regulated Entity: RN104964267, TPC GROUP PORT NECHES Classification: SATISFACTORY **Rating:** 15.70 OPERATIONS 20 **Complexity Points:** Repeat Violator: CH Group: 05 - Chemical Manufacturing 2102 SPUR 136 PORT NECHES, TX 77651-4313, JEFFERSON COUNTY Location: TCEQ Region: **REGION 10 - BEAUMONT** ID Number(s): **POLLUTION PREVENTION PLANNING ID NUMBER P07062** INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000069476 INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE AIR OPERATING PERMITS ACCOUNT NUMBER JEA007G REGISTRATION # (SWR) 87942 **AIR OPERATING PERMITS PERMIT 1327 AIR NEW SOURCE PERMITS REGISTRATION 79464 AIR NEW SOURCE PERMITS PERMIT 20485 AIR NEW SOURCE PERMITS REGISTRATION 80323 AIR NEW SOURCE PERMITS REGISTRATION 12599 AIR NEW SOURCE PERMITS REGISTRATION 13377 AIR NEW SOURCE PERMITS REGISTRATION 71986 AIR NEW SOURCE PERMITS REGISTRATION 78199 AIR NEW SOURCE PERMITS REGISTRATION 79198 AIR NEW SOURCE PERMITS REGISTRATION 79122 AIR NEW SOURCE PERMITS REGISTRATION 85193 AIR NEW SOURCE PERMITS REGISTRATION 89677** AIR NEW SOURCE PERMITS REGISTRATION 139659 **AIR NEW SOURCE PERMITS REGISTRATION 107811 AIR NEW SOURCE PERMITS REGISTRATION 110141 AIR NEW SOURCE PERMITS REGISTRATION 137572 AIR NEW SOURCE PERMITS REGISTRATION 131229 AIR NEW SOURCE PERMITS REGISTRATION 150799 AIR NEW SOURCE PERMITS REGISTRATION 145781 AIR NEW SOURCE PERMITS REGISTRATION 148449** AIR NEW SOURCE PERMITS REGISTRATION 150792 **AIR NEW SOURCE PERMITS REGISTRATION 153013** AIR NEW SOURCE PERMITS ACCOUNT NUMBER JEA007G AIR NEW SOURCE PERMITS AFS NUM 4824500715 PETROLEUM STORAGE TANK REGISTRATION REGISTRATION STORMWATER PERMIT WQ0004840000 **STORMWATER EPA ID TX0129887** STORMWATER PERMIT TXR05CT39 AIR EMISSIONS INVENTORY ACCOUNT NUMBER JEA007G TAX RELIEF ID NUMBER 17792 **TAX RELIEF ID NUMBER 17788** TAX RELIEF ID NUMBER 16755 TAX RELIEF ID NUMBER 16753 Compliance History Period: September 01, 2013 to August 31, 2018 Rating Year: 2018 Rating Date: 09/01/2018 Date Compliance History Report Prepared: January 04, 2019 **Agency Decision Requiring Compliance History:** Enforcement Component Period Selected: January 04, 2014 to January 04, 2019 TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History. Name: Johnnie Wu Phone: (512) 239-2524

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period?

YES

2) Has there been a (known) change in ownership/operator of the site during the compliance period?

NO

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

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

Effective Date: 06/13/2014 ADMINORDER 2013-1377-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

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)

Rgmt Prov: SPECIAL CONDITION 1 PERMIT

SPECIAL CONDITION 19 OP

Description: Failure to maintain an emission rate below the allowable emission limit.

Classification: Moderate

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 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)

Rgmt Prov: SPECIAL CONDITION 1 PERMIT

SPECIAL CONDITION 19 OP

Description: Failure to comply with the maximum allowable emission rate of 15.56 pounds per hour of VOC for EPN C4FUG.

Effective Date: 10/18/2014 2

ADMINORDER 2014-0687-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 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)

Rgmt Prov: General Terms and Conditions OP

Special Condition 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

Effective Date: 08/10/2015 3

ADMINORDER 2014-1301-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 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: General Terms and Condtions OP

Special Terms and Condition 1 PERMIT

Special Terms and Conditions 19 OP

Description: Falled to comply with the MAERs. Specifically, the Respondent exceeded the VOC annual emissions rate of 45.90 tons per year based on a rolling 12-month period at the North/South Flare for the 12-month periods ending from November 2011 through September 2013, the carbon monoxide annual emissions rate of 29.14 tpy based on a rolling 12-month period at the North/South Flare for the 12-month periods ending from August 2011 through December 2013, and the nitrogen oxides annual emissions rate of 5.66

Effective Date: 03/04/2016

ADMINORDER 2015-1261-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

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: Special Condition 1 PERMIT

Special Condition 19 OP

Description: Failure to comply with the maximum allowable emissions rate for the Dock Flare, Emission Point Number ("EPN")

RDWLDFLR.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THSC Chapter 382 382.085(b)

Rgmt Prov: General Terms & Conditions OP

Description: Failure to report all instances of deviations in the Semiannual Deviation Report.

5 Effective Date: 07/12/2016 ADMINORDER 2016-0298-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

Compliance History Report for CN603624289, RN104964267, Rating Year 2018 which includes Compliance History (CH) components from January 04, 2014, through January 04, 2019.

Page 2

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rgmt Prov: General Terms and Conditions OP

Special Condition 1 PERMIT

Special Condition 17 OP

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 900 pounds of chlorine from the Cooling Tower, Emission Point Number WWCT1-6, during an avoidable emissions event (Incident No. 222102) that began on October 23, 2015 and lasted 48 hours. The emissions event occurred due to external corrosion on the chlorine line. Since the emissions event could have been avoided through better operational practices, the Respondent is precluded from asserting an affirmative defense.

6 Effective Date: 07/27/2017

ADMINORDER 2016-1610-MLM-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

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: General Terms and Conditions OP

Special Condition 1 PERMIT Special Condition 19 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on April 13, 2016, TCFO Insident No. 231400

13, 2016, TCEQ Incident No. 231400.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Condition 2F OP

Description: Failure to submit a copy of the final record to the applicable commission office no later than two weeks after the end of the emissions event.

Classification: Moderate

Citation: 3D TWC Charles 3

2D TWC Chapter 26, SubChapter A 26.3475(d) 30 TAC Chapter 334, SubChapter C 334.49(a)(2)

Description: Failure to have corrosion protection for the UST system.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

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: General Terms and Conditions OP

Special Condition 1 PERMIT Special Condition 17 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that occurred on April 21, 2016, TCEQ Incident 231974.

7 Effective Date: 06/05/2018

ADMINORDER 2017-0911-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rgmt Prov: General Terms and Conditions OP

Special Terms and Conditions 1 PERMIT

Special Terms and Conditions 20 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on March 7, 2017, TCEQ Incident No. 253839.

See addendum for information regarding federal actions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

Compliance History Report for CN603624289, RN104964267, Rating Year 2018 which includes Compliance History (CH) components from January 04, 2014, through January 04, 2019.

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

The approve	al dates of investigations	
Item 1	January 15, 2014	(1155472)
Item 2	February 18, 2014	(1162794)
Item 3	March 10, 2014	(1169389)
Item 4	April 07, 2014	(1158988)
Item 5	April 16, 2014	(1176592)
Item 6	April 25, 2014	(1164324)
Item 7	May 14, 2014	(1182842)
Item 8	June 17, 2014	(1189710)
Item 9	July 09, 2014	(1179917)
Item 10	July 16, 2014	(1201782)
Item 11	August 18, 2014	(1201783)
Item 12	September 12, 2014	(1208005)
Item 13	October 14, 2014	(1173457)
Item 14	November 05, 2014	(1205177)
Item 15	November 17, 2014	(1220638)
Item 16	December 19, 2014	(1226491)
Item 17	January 14, 2015	(1233636)
		(1216989)
Item 18	January 16, 2015 February 09, 2015	(1244457)
Item 19	(5). (3).	,
Item 20	February 13, 2015	(1223594)
Item 21	March 12, 2015	(1250854)
Item 22	April 09, 2015	(1257742)
Item 23	May 07, 2015	(1264517)
Item 24	May 14, 2015	(1246597)
Item 25	May 28, 2015	(1246537)
Item 26	June 10, 2015	(1271593)
Item 27	July 02, 2015	(1279149)
Item 28	August 07, 2015	(1285367)
Item 29	September 15, 2015	(1292451)
Item 30	October 02, 2015	(1298615)
Item 31	November 11, 2015	(1304064)
Item 32	December 08, 2015	(1311063)
Item 33	January 05, 2016	(1317834)
Item 34	February 02, 2016	(1327182)
Item 35	March 02, 2016	(1333973)
Item 36	March 04, 2016	(1307875)
Item 37	April 04, 2016	(1341103)
Item 38	April 05, 2016	(1312500)
Item 39	May 06, 2016	(1347906)
Item 40	May 24, 2016	(1330505)
Item 41	June 15, 2016	(1354337)
Item 42	July 08, 2016	(1342283)
Item 43	July 15, 2016	(1361319)
Item 44	August 12, 2016	(1367732)
Item 45	August 22, 2016	(1356370)
Item 46	September 12, 2016	(1374478)
Item 47	October 15, 2016	(1380625)
Item 48	November 28, 2016	(1386576)
Item 49	December 12, 2016	(1392703)
Item 50	January 13, 2017	(1399318)
Item 51	February 06, 2017	(1388635)
Item 52	February 16, 2017	(1406224)
Item 53	March 20, 2017	(1413329)
Item 54	April 03, 2017	(34041)
Item 55	May 17, 2017	(1427440)
Item 56	June 08, 2017	(1433450)
Item 57	July 06, 2017	(1442011)
Item 58	August 17, 2017	(1445677)

Compliance History Report for CN603624289, RN104964267, Rating Year 2018 which includes Compliance History (CH) components from January 04, 2014, through January 04, 2019.

Item 59	August 29, 2017	(1434700)
Item 60	September 13, 2017	(1452270)
Item 61	October 16, 2017	(1458142)
Item 62	November 15, 2017	(1463569)
Item 63	December 01, 2017	(1454717)
Item 64	December 14, 2017	(1470014)
Item 65	January 15, 2018	(1476728)
Item 66	January 26, 2018	(1439717)
Item 67	February 05, 2018	(1488865)
Item 68	March 16, 2018	(1492529)
Item 69	April 17, 2018	(1495833)
Item 70	May 03, 2018	(1460562)
Item 71	May 08, 2018	(1483474)
Item 72	May 14, 2018	(1502789)
Item 73	June 26, 2018	(1509882)
Item 74	July 19, 2018	(1516203)
Item 75	July 23, 2018	(1504773)
Item 76	August 14, 2018	(1522246)
Item 77	August 22, 2018	(1510863)
Item 78	September 17, 2018	(1529440)
Item 79	October 17, 2018	(1535748)
Item 80	November 15, 2018	(1526416)
Item 81	November 20, 2018	(1524040)
Item 82	November 26, 2018	(1525636)
Item 83	November 30, 2018	(1531611)

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

Description:

Mod 2D

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

Date: 08/10/2018 (1500329)Self Report? Classification: Moderate 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) General Terms and Conditions OP Special Condition 11 PERMIT Special Condition 20 OP Failure to comply with permitted emissions rates for the cooling tower, Emission Point Description: Number (EPN) WWCT1-6. EIC B18(g)(1) Mod 2D Self Report? Classification: Moderate Citation: 30 TAC Chapter 113, SubChapter C 113.120 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.138(k)(3) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 12 PERMIT Special Condition 1A OP Special Condition 20 OP Special Condition 3 PERMIT Description: Failure to comply with butadiene removal efficiencies from the Wastewater Stripper, N2D7, as required. EIC B18(g)(1) Mod 2D Self Report? Classification: Moderate Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(1) 30 TAC Chapter 115, SubChapter B 115.122(a)(1) 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 60.18(c)(3)(ii) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 1A OP Special Condition 20 OP Special Condition 4A PERMIT

Failure to operate a flare to control vent gas streams as required.

EIC B18(g)(1)

2 Date: 10/12/2018 (1504379)

Self Report? Citation:

30 TAC Chapter 113, SubChapter C 113.120

30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(2)

Moderate

Classification:

5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 1A OP Special Condition 20 OP

Description:

Special Condition 3 PERMIT EIC B3 Mod 2B Failure to submit a periodic report as required.

F. Environmental audits:

Notice of Intent Date:

11/04/2013 (1132413)

Disclosure Date:

05/05/2014

Viol. Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Rgmt Prov: PERMIT MSGP TXR050000 Part II Section B3

Description: Failure to rountinely conduct and document quarterly outfall visual monitoring.

Viol. Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Ramt Prov:

PERMIT MSGP TXR050000 Part III Section B3

Description: Failure to conduct the annual comprehensive site compliance audit.

Notice of Intent Date:

09/18/2014 (1198081)

No DOV Associated

Notice of Intent Date:

12/08/2016 (1382981)

No DOV Associated

Notice of Intent Date:

08/14/2018 (1513510)

No DOV Associated

Type of environmental management systems (EMSs):

H. Voluntary on-site compliance assessment dates:

I. Participation in a voluntary pollution reduction program:

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name:

TPC GROUP PORT NECHES OPERATION

Reg Entity Add:

2102 SPUR 136

Reg Entity City:

PORT NECHES

Reg Entity No: RN104964267

EPA Case No:

06-2017-3361

Order Issue Date (yyyymmdd):

Case Result:

Statute:

Sect of Statute: 111

Classification: Minor

Program: New Source Performanc Citation:

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Penalty Order With or Without Inj

EPA Case No: 06-2016-3354

Order Issue Date (yyyymmdd):

Case Result:

Final Order With Penalty

Statute: CAA

Sect of Statute: 112[R][1]

Classification: Minor

Program: Risk Management Progra Citation:

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Penalty Order With or Without Inj

EPA Case No: 06-2016-3355

20160519 Order Issue Date (yyyymmdd):

Case Result:

Final Order No Penalty

Statute:

Sect of Statute: 112[R][1]

Classification: Minor

Program: Risk Management Progra Citation:

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Compliance Orders

*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN \$ BEFORE THE ENFORCEMENT ACTION \$ TEXAS COMMISSION ON TPC GROUP LLC \$ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2018-1097-AIR-E

I. JURISDICTION AND STIPULATIONS

On	, the Texas Commission on Environmental Quality ("the
Commission" or "TCE	Q") considered this agreement of the parties, resolving an enforcement
action regarding TPC (Group LLC (the "Respondent") under the authority of TEX. HEALTH &
SAFETY CODE ch. 382 a	nd TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through
the Enforcement Divis	ion, and the Respondent together stipulate that:

- 1. The Respondent owns and operates a chemical manufacturing plant located at 2102 Spur 136 in Port Neches, Jefferson County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in Tex. Health & Safety Code § 382.003(12).
- 2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to Tex. Water Code §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to Tex. Water Code § 5.013 because it alleges violations of Tex. Health & Safety Code ch. 382 and the rules of the TCEQ.
- 3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 4. An administrative penalty in the amount of \$55,753 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$22,302 of the penalty and \$11,150 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$22,301 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment

A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

- 5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 Tex. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
- 7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
- 8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
- 9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. By May 11, 2018, updated the process startup procedures and conducted training for the operational personnel in order to prevent recurrence of emissions events due to the same or similar causes as Incident No. 276895;
 - b. On May 22, 2018, provided the correct amount of 1,3-butadiene, volatile organic compounds ("VOC"), carbon monoxide ("CO"), and nitrogen oxides ("NOx") released during Incident No. 282066;
 - By May 29, 2018, revised the operational readiness procedure in order to prevent recurrence of emissions events due to the same or similar causes as Incident No. 282087;
 - d. On July 23, 2018, submitted the permit compliance certification ("PCC") for the January 1, 2017 through December 31, 2017 certification period;
 - e. By September 19, 2018, revised the operational readiness procedure in order to prevent recurrence of emissions events due to the same or similar causes as Incident No. 284207;
 - f. By October 1, 2018, repaired the S4E10 E/F Exchanger in response to Incident No. 291251; and

g. By October 16, 2018, revised the operational readiness procedure in order to prevent recurrence of emissions events due to the same or similar causes as Incident No. 291999.

II. ALLEGATIONS

- During a record review conducted on May 29, 2018, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 20485, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. 01327, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 20, and Tex. Health & Safety Code § 382.085(b). Specifically, the Respondent released 101.8 pounds ("lbs") of 1,3-butadiene, 136.40 lbs of VOC, 65.29 lbs of CO, and 12.89 lbs of NOx from the North Flare, Emissions Point Number ("EPN") UWN6R1, during an emissions event (Incident No. 276895) that occurred on January 22, 2018 and lasted 17 minutes. The emissions event occurred due to over pressurization during the Plant startup, resulting in flaring. Since this emissions event could have been prevented through better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.
- 2. During a record review conducted on July 9, 2018, an investigator documented that the Respondent failed to submit a PCC no later than 30 days after the end of the certification period, in violation of 30 Tex. ADMIN. CODE §§ 122.143(4) and 122.146(2), FOP No. O1327, GTC and STC No. 24, and Tex. Health & Safety Code § 382.085(b). Specifically, the PCC for the January 1, 2017 through December 31, 2017 certification period was due by January 30, 2018, but was not submitted until July 23, 2018.
- 3. During a record review conducted on July 18, 2018, an investigator documented that the Respondent:
 - a. Failed to prevent unauthorized emissions, in violation of 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 20485, SC No. 1, FOP No. 01327, GTC and STC No. 20, and Tex. Health & Safety Code § 382.085(b). Specifically, the Respondent released 6,493.56 lbs of 1,3-butadiene, 16,245.32 lbs of VOC, 164.8 lbs of CO, and 35.54 lbs of NOx and experienced 100 percent opacity from the North/South Flare, EPNs UWN6R1 and UWS6R1, during an emissions event (Incident No. 282066) that occurred on April 13, 2018 and lasted 18 hours. The emissions event occurred due to high winds breaking the jumpers on the outer loop circuit connecting to the transformers and severing power to the Plant, resulting in flaring. Since this emissions event could have been prevented through better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.
 - b. Failed to identify the estimated total quantities for those compounds or mixtures to have been released during the emissions event on the final record for a reportable emissions event, in violation of 30 Tex. Admin. Code §§ 101.201(b)(1)(H) and 122.143(4), FOP No. 01327, GTC and STC No. 2.F, and Tex. Health & Safety Code § 382.085(b). Specifically, the Respondent did not

report the correct estimated total quantities for 1,3-butadiene, VOC, CO, and NOx released during Incident No. 282066.

- During a record review conducted on August 24, 2018, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 20485, SC No. 1, FOP No. 01327, GTC and STC No. 20, and Tex. Health & Safety Code § 382.085(b). Specifically, the Respondent released 54.45 lbs of VOC from the S4G16 Reflux Pump, during an emissions event (Incident No. 282087) that occurred on April 15, 2018 and lasted two minutes. The emissions event occurred when the S4G16 Reflux Pump was restarted with the plug installed instead of the seal flush piping, causing the plug to blow out and resulting in venting to the atmosphere. Since this emissions event could have been prevented through better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.
- During a record review conducted on September 20, 2018, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 Tex. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 20485, SC No. 1, FOP No. O1327, GTC and STC No. 20, and Tex. Health & Safety Code § 382.085(b). Specifically, the Respondent released 113.52 lbs of 1,3-butadiene and 123.92 lbs of VOC from the North/South Flare, EPNs UWN6R1 and UWS6R1, during an emissions event (Incident No. 284207) that occurred on May 21, 2018 and lasted 45 minutes. The emissions event occurred when proper procedures were not followed in the startup of the S2D1 Methyl Acetylene Removal tower and caused the pressure release valve to lift due to excessive pressure, resulting in flaring. Since this emissions event could have been prevented through better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.
- 6. During a record review conducted on November 2, 2018, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 Tex. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 20485, SC No. 1, FOP No. O1327, GTC and STC No. 20, and Tex. Health & Safety Code § 382.085(b). Specifically, the Respondent released 64.26 lbs of 1,3-butadiene and 110.79 lbs of VOC from the C4 Plant's Washer Tower, during an emissions event (Incident No. 291999) that occurred on September 11, 2018 and lasted 15 minutes. The emissions event occurred due to the failure of the valve at the pipe rack at the steam header that caused corrosion and the loss of primary containment, resulting in venting to the atmosphere. Since this emissions event could have been prevented through better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. ADMIN. CODE § 101.222.
- During a record review conducted on November 12, 2018, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 Tex. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 20485, SC No. 1, FOP No. O1327, GTC and STC No. 20, and Tex. Health & Safety Code § 382.085(b). Specifically, the Respondent released 442.33 lbs of 1,3-butadiene and 547.43 lbs of VOC from the Cooling Tower, EPN WWCT1-6, during an emissions event (Incident No. 291251) that occurred on August 29, 2018 and lasted six hours and 50 minutes. The emissions event occurred due to a leak in the S4E10 E/F Exchanger, resulting in venting to the

atmosphere. Since this emissions event could have been prevented through better operational and maintenance practices, 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

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: TPC Group LLC, Docket No. 2018-1097-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 Respondent shall implement and complete an SEP as set forth in Section I, Paragraph No. 4. The amount of \$22,301 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
- 3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 282066 and 291251; and
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No.
 3.a. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe

that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Air Section Manager Beaumont Regional Office Texas Commission on Environmental Quality 3870 Eastex Freeway Beaumont, Texas 77703-1830

- 4. All relief not expressly granted in this Order is denied.
- 5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
- 6. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
- 8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

- This Order may be executed in separate and multiple counterparts, which together shall 9. constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- 10. 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

* 8	
For the Commission	Date
Parry Jawin	10/10/15
For the Executive Director	Date
I, the undersigned, have read and understand the atta the attached Order, and I do agree to the terms and c acknowledge that the TCEQ, in accepting payment fo on such representation.	onditions specified therein. I further r the penalty amount, is materially relying
I also understand that failure to comply with the Ord and/or failure to timely pay the penalty amount, may	ering Provisions, if any, in this Order result in:
 A negative impact on compliance history; Greater scrutiny of any permit applications sub Referral of this case to the Attorney General's O additional penalties, and/or attorney fees, or to Increased penalties in any future enforcement a Automatic referral to the Attorney General's Of TCEQ seeking other relief as authorized by law. 	ffice for contempt, injunctive relief, a collection agency; actions; fice of any future enforcement actions; and
In addition, any falsification of any compliance documents	nents may result in criminal prosecution.
Signature Signature Name (Printed or typed)	2/25/2019 Plant Manager Title
Authorized Representative of TPC Group LLC	
☐ If mailing address has changed, please check thi	s hox and provide the new address below:
_ j matting add, ooo itaa oita. g - , p - sale oita	

Attachment A

Docket Number: 2018-1097-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	TPC Group LLC
Payable Penalty Amount:	\$44,603
SEP Offset Amount:	\$22,301
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	Meteorological and Air Monitoring Network
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *Meteorological and Air Monitoring Network* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network that includes nine compliance assurance monitoring ("CAM") stations currently at the following locations:

- Beaumont CAM#2
- Cove School CAM #C695
- Mauriceville CAM#642
- Port Arthur (Motiva) Industrial Site CAM #C628
- Port Arthur Memorial High School campus CAM #C689
- Port Neches CAM #136
- Sabine Pass CAM #C640
- Southeast Texas Regional Airport CAM #C643

TPC Group LLC Agreed Order - Attachment A

West Orange CAM #C9

Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency guidelines. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely to settle this enforcement action. The Respondent shall not profit from this SEP.

b. Environmental Benefit

Particulate matter, sulfides, oxides of nitrogen, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

TPC Group LLC Agreed Order - Attachment A

> Southeast Texas Regional Planning Commission Attention: Bob Dickinson, Director 2210 Eastex Freeway Beaumont, Texas 77703-4929

3. Records and Reporting

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

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

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality Litigation Division Attention: SEP Coordinator, MC 175 P.O. Box 13087 Austin, Texas 78711-3087 TPC Group LLC Agreed Order - Attachment A

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.