

**Executive Summary – Enforcement Matter – Case No. 56511**

**TPC Group LLC**

**RN104964267**

**Docket No. 2018-1097-AIR-E**

**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

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**TPC Group LLC**  
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**Docket No. 2018-1097-AIR-E**

***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. 01327, 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. 01327, 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.

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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 NO<sub>x</sub> 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. O1327, 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. O1327, 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. O1327, GTC and STC No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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**TPC Group LLC**  
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**Docket No. 2018-1097-AIR-E**

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.



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**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***

**TCEQ 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





Policy Revision 4 (April 2014)

## Penalty Calculation Worksheet (PCW)

PCW Revision March 26, 2014

TCEQ

DATES

Assigned 7-Aug-2018

PCW 15-Jan-2019

Screening 8-Aug-2018

EPA Due

## RESPONDENT/FACILITY INFORMATION

Respondent TPC Group LLC

Reg. Ent. Ref. No. RN104964267

Facility/Site Region 10-Beaumont

Major/Minor Source Major

## CASE INFORMATION

Enf./Case ID No. 56511

Docket No. 2018-1097-AIR-E

Media Program(s) Air

Multi-Media

No. of Violations 8

Order Type 1660

Government/Non-Profit No

Enf. Coordinator Johnnie Wu

EC's Team Enforcement Team 5

Admin. Penalty \$ Limit Minimum

\$0

Maximum

\$25,000

## Penalty Calculation Section

## TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$30,250

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

## Compliance History

100.0% Adjustment

Subtotals 2, 3, &amp; 7 \$30,250

Notes

Enhancement for two NOV's with same/similar violations and ten orders containing a denial of liability. Reduction for three notices of intent to conduct an audit and one disclosure of violations.

## Culpability

No

0.0% Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

## Good Faith Effort to Comply Total Adjustments

Subtotal 5 -\$4,747

## Economic Benefit

Total EB Amounts \$1,354

Estimated Cost of Compliance \$49,250

0.0% Enhancement\*

\*Capped at the Total EB \$ Amount

Subtotal 6 \$0

## SUM OF SUBTOTALS 1-7

Final Subtotal \$55,753

## OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage.

0.0%

Adjustment \$0

Notes

Final Penalty Amount \$55,753

## STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$55,753

## DEFERRAL

Reduces the Final Assessed Penalty by the indicated percentage.

20.0%

Reduction

Adjustment -\$11,150

Notes

Deferral offered for expedited settlement.

## PAYABLE PENALTY

\$44,603

**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

**Docket No.** 2018-1097-AIR-E

**PCW**

Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	10	200%
	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> )	0	0%
	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> )	1	-2%
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)** 205%

#### >> 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 and ten orders containing a denial of liability. Reduction for three notices of intent to conduct an audit and one disclosure of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 205%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 100%



Screening Date 8-Aug-2018  
Respondent TPC Group LLC  
Case ID No. 56511

Docket No. 2018-1097-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN104964267

Media [Statute] Air

Enf. Coordinator Johnnie Wu

Violation Number 1

Rule Cite(s) 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)

Violation Description

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.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

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	x	
N/A		

Notes

The Respondent achieved compliance by May 11, 2018, prior to the Notice of Enforcement ("NOE") dated July 25, 2018.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$44

Violation Final Penalty Total \$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  
Media Air  
Violation No. 1

Percent Interest 5.0  
Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
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	\$1,500	22-Jan-2018	11-May-2018	0.30	\$22	n/a	\$22
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	22-Jan-2018	11-May-2018	0.30	\$22	n/a	\$22

Notes for DELAYED costs

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 No. 276895. The Dates Required are the date of the emissions event and the Final Dates are the dates of compliance.

## Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$44

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 2

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4) and 122.146(2), FOP No. 01327, GTC and STC No. 24, and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

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.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 1

174 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended.

## Good Faith Efforts to Comply

25.0%

Reduction \$937

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes

The Respondent achieved compliance on July 23, 2018, prior to the NOE dated August 10, 2018.

Violation Subtotal \$2,813

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$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  
 Media Air  
 Violation No. 2

Percent Interest 5.0  
 Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	30-Jan-2018	23-Jul-2018	0.48	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to submit the PCC for the January 1, 2017 through December 31, 2017 certification period.  
 The Date Required is the date the PCC was due and the Final Date is the date of compliance.

## Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$6



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)

## Violation Description

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 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

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 30.0%

## &gt;&gt; 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	

Violation Base Penalty \$7,500

One monthly event is recommended.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary	
Ordinary	
N/A	x

Notes

The Respondent does not meet the good faith criteria for 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) \$15,000

# Economic Benefit Worksheet

Respondent TPC Group LLC  
Case ID No. 56511  
Reg. Ent. Reference No. RN104964267  
Media Air  
Violation No. 3

Percent Interest 5.0  
Years of Depreciation 15

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

## Item Description

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$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

#### ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$660

Screening Date 8-Aug-2018  
Respondent TPC Group LLC  
Case ID No. 56511

Docket No. 2018-1097-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN104964267

Media [Statute] Air

Enf. Coordinator Johnnie Wu

Violation Number 4

Rule Cite(s)

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)

Violation Description

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.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

24 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$62

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

Extraordinary	
Ordinary	x
N/A	

Notes

The Respondent achieved compliance by May 22, 2018, prior to the NOE dated September 5, 2018.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$438

This violation Final Assessed Penalty (adjusted for limits) \$438



# Economic Benefit Worksheet

Respondent TPC Group LLC  
 Case ID No. 56511  
 Reg. Ent. Reference No. RN104964267  
 Media Air  
 Violation No. 4

Percent Interest 5.0  
 Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	28-Apr-2018	22-May-2018	0.07	\$5	n/a	\$5

Notes for DELAYED costs

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 compliance.

## Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$5



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 5

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)

## Violation Description

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.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

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	x	
N/A		

Notes

The Respondent achieved compliance by May 29, 2018, prior to the NOE dated October 4, 2018.

Violation Subtotal \$2,813

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$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  
Media Air  
Violation No. 5

Percent Interest 5.0  
Years of Depreciation 15

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

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	15-Apr-2018	29-May-2018	0.12	\$9	n/a	\$9

Notes for DELAYED costs

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 emissions event and the Final Date is the date of compliance.

## Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$9

Screening Date 8-Aug-2018  
Respondent TPC Group LLC  
Case ID No. 56511

Docket No. 2018-1097-AIR-E

PCW

Policy Revision 4 (April 2014)

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)

Violation Description

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.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

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	x	
N/A		

Notes

The Respondent achieved compliance by September 19, 2018, prior to the NOE dated November 8, 2018.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$25

Violation Final Penalty Total \$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  
Media Air  
Violation No. 6

Percent Interest 5.0  
Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	21-May-2018	19-Sep-2018	0.33	\$25	n/a	\$25

Notes for DELAYED costs

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 emissions event and the Final Date is the date of compliance.

<b>Avoided Costs</b>	<b>ANNUALIZE avoided costs before entering item (except for one-time avoided costs)</b>						
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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$25



Screening Date 8-Aug-2018  
Respondent TPC Group LLC  
Case ID No. 56511

Docket No. 2018-1097-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN104964267

Media [Statute] Air

Enf. Coordinator Johnnie Wu

Violation Number 7

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)

Violation Description

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.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

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	x
N/A	

Notes

The Respondent achieved compliance by October 16, 2018, prior to the NOE dated December 13, 2018.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$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  
Media Air  
Violation No. 7

Percent Interest 5.0  
Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	11-Sep-2018	16-Oct-2018	0.10	\$7	n/a	\$7

Notes for DELAYED costs  
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 emissions event and the Final Date is the date of compliance.

<b>Avoided Costs</b>	<b>ANNUALIZE avoided costs before entering Item (except for one-time avoided costs)</b>						
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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$7

Screening Date 8-Aug-2018  
Respondent TPC Group LLC  
Case ID No. 56511

Docket No. 2018-1097-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN104964267

Media [Statute] Air

Enf. Coordinator Johnnie Wu

Violation Number 8

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)

Violation Description

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.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$598

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500



# Economic Benefit Worksheet

Respondent TPC Group LLC

Case ID No. 56511

Reg. Ent. Reference No. RN104964267

Media Air

Violation No. 8

Percent Interest 5.0  
Years of Depreciation 15

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

## Item Description

### Delayed Costs

Equipment	\$20,000	29-Aug-2018	1-Oct-2018	0.09	\$6	\$121	\$127
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$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.

### Avoided Costs

#### ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$30,000

TOTAL

\$598



The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# 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 Owner/Operator:** CN603624289, TPC Group LLC

**Classification:** SATISFACTORY

**Rating:** 9.59

**Regulated Entity:**

RN104964267, TPC GROUP PORT NECHES OPERATIONS

**Classification:** SATISFACTORY

**Rating:** 15.70

**Complexity Points:**

20

**Repeat Violator:** NO

**CH Group:**

05 - Chemical Manufacturing

**Location:**

2102 SPUR 136 PORT NECHES, TX 77651-4313, JEFFERSON COUNTY

**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 REGISTRATION # (SWR)** 87942

**AIR OPERATING PERMITS ACCOUNT NUMBER** JEA007G

**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** 35486

**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:

- 1 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)  
 Rqmt Prov: SPECIAL CONDITION 1 PERMIT  
 SPECIAL CONDITION 19 OP  
 Description: Failure to maintain an emission rate below the allowable emission limit.  
 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: 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.

- 2 Effective Date: 10/18/2014 ADMINORDER 2014-0687-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)  
 Rqmt Prov: General Terms and Conditions OP  
 Special Condition 1 PERMIT  
 Description: Failure to maintain an emission rate below the allowable emission limit.
- 3 Effective Date: 08/10/2015 ADMINORDER 2014-1301-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)  
 Rqmt Prov: General Terms and Conditions OP  
 Special Terms and Condition 1 PERMIT  
 Special Terms and Conditions 19 OP  
 Description: Failed 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
- 4 Effective Date: 03/04/2016 ADMINORDER 2015-1261-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)  
 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)  
 Rqmt 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  
 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: 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, 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: 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)

Rqmt 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



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

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)
Item 18	January 16, 2015	(1216989)
Item 19	February 09, 2015	(1244457)
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)



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.):

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:	08/10/2018	(1500329)		
	Self Report?	NO		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			
	Description:	Failure to comply with permitted emissions rates for the cooling tower, Emission Point Number (EPN) WWCT1-6. EIC B18(g)(1) Mod 2D			
	Self Report?	NO		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?	NO		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			
	Description:	Failure to operate a flare to control vent gas streams as required. EIC B18(g)(1) Mod 2D			



## ***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

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**EPA Case No:** 06-2017-3361

**Order Issue Date (yyyymmdd):** 20170712

**Case Result:**

**Statute:** CAA

**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

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**EPA Case No:** 06-2016-3354

**Order Issue Date (yyyymmdd):** 20160524

**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

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**EPA Case No:** 06-2016-3355

**Order Issue Date (yyyymmdd):** 20160519

**Case Result:** Final Order No 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 Compliance Orders

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
TPC GROUP LLC  
RN104964267**

§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2018-1097-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 TPC Group LLC (the "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 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;
  - 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 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

1. 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 NO<sub>x</sub> 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. 01327, 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 NO<sub>x</sub> 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 NO<sub>x</sub> released during Incident No. 282066.

4. 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. O1327, 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.
5. 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.
7. 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.

9. This Order may be executed in separate and multiple counterparts, which together shall 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

For the Commission

Date

  
For the Executive Director

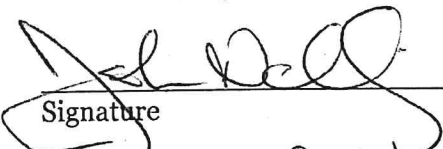
10/10/15  
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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.

  
Signature

3/25/2019  
Date

Joshua Nehlig  
Name (Printed or typed)  
Authorized Representative of  
TPC Group LLC

Plant Manager  
Title

☐ If mailing address has changed, please check this box and provide the new address below:

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



**Attachment A**  
**Docket Number: 2018-1097-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

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

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

**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.