

Executive Summary – Enforcement Matter – Case No. 56723
Buckeye Texas Processing LLC
RN106620438
Docket No. 2018-1310-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

EF90 Corpus Christi Facility, 7209 Up River Road, Corpus Cristi, Nueces County

Type of Operation:

Petroleum refinery

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2019-1363-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 20, 2019

Comments Received: No

Penalty Information

Total Penalty Assessed: \$759,521

Amount Deferred for Expedited Settlement: \$151,904

Total Paid to General Revenue: \$303,809

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$308,808

Name of SEP: Texas Association of Resource Conservation & Development Areas,
Inc. (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): N/A

Complaint Information: N/A

Date(s) of Investigation: May 1, 2018 through August 29, 2018

Date(s) of NOE(s): August 31, 2018

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Violation Information

1. Failed to obtain a Federal Operating Permit ("FOP"). Specifically, the Respondent began operating the Plant that exceeded the major source threshold for volatile organic compounds ("VOC") on September 22, 2015, prior to obtaining FOP No. O3869 on October 5, 2016 [30 TEX. ADMIN. CODE § 122.121 and TEX. HEALTH & SAFETY CODE §§ 382.054 and 382.085(b)].
2. Failed to comply with the prevention of significant deterioration ("PSD") requirements. Specifically, the Respondent constructed a new major source in an attainment area, prior to obtaining a PSD permit [30 TEX. ADMIN. CODE § 116.160(a), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 52.21(a)(2)(iii), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the VOC MAER of 0.25 ton per year ("tpy") based on a 12-month rolling period for the 12-month periods ending from September 2016 through October 2017 for the Cooling Tower, Emissions Point Number ("EPN") CT1, resulting in 0.26 ton of unauthorized VOC [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review ("NSR") Permit No. 109923, General Conditions ("GC") Nos. 8 and 14 and Special Conditions ("SC") No. 1, FOP No. O3869, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of less than 0.01 tpy based on a 12-month rolling period for the 12-month periods ending from September 2016 through October 2017 for the Wastewater Carbon Canisters, EPN WWCC, resulting in 0.13 ton of unauthorized VOC [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
5. Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 2.95 tpy based on a 12-month rolling period for the 12-month periods ending from February 2017 through October 2017 for Wastewater, EPN WW, resulting in 12.93 tons of unauthorized VOC [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
6. Failed to comply with the MAER. Specifically, the Respondent exceeded the sulfur dioxide ("SO₂") MAER of 0.52 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through May 2017 for Boiler #1, EPN BOILER1, resulting in 0.02 ton of unauthorized SO₂ [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and

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(c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7. Failed to comply with the MAERs. Specifically, the Respondent exceeded the nitrogen oxides ("NOx") MAER of 3.50 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through December 2016 and the SO₂ MAER of 3.47 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through August 2017 for Heater #1, EPN HEATER1, resulting in 0.29 ton of unauthorized NOx and 1.26 tons of unauthorized SO₂ [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8. Failed to comply with the MAERs. Specifically, the Respondent exceeded the SO₂ MAER of 3.47 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through August 2017 and the NOx MAER of 3.50 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through December 2016 for Heater #2, EPN HEATER2, resulting in 1.29 tons of unauthorized SO₂ and 0.33 ton of unauthorized NOx [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9. Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 19.28 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through October 2017 for Fugitives, EPN FUG, resulting in 5.86 tons of unauthorized VOC [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

10. Failed to comply with the MAERs. Specifically, the Respondent exceeded the VOC MAER of 0.02 tpy and the carbon monoxide ("CO") MAER of 0.10 tpy based on 12-month rolling periods for the 12-month periods ending from October 2016 through October 2017 for the Liquified Petroleum Gas ("LPG") Flare, EPN FLARE1, resulting in 1.05 tons of unauthorized VOC and 0.90 ton of unauthorized CO [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

11. Failed to comply with the MAERs. Specifically, the Respondent exceeded the CO MAER of 0.79 tpy and the SO₂ MAER of 0.08 tpy based on 12-month rolling periods for the 12-month periods ending from October 2016 through October 2017 for the Flare, EPN FLARE, resulting in 2.67 tons of unauthorized CO and 2.58 tons of unauthorized SO₂ [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No.

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109923, GC Nos. 8 and 14 and SC No. 1, FOP No. 03869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

12. Failed to comply with the MAERs. Specifically, the Respondent exceeded the NO_x MAER of 0.23 tpy, the SO₂ MAER of 0.03 tpy, and the particulate matter ("PM"), the PM equal to or less than 10 microns in diameter ("PM₁₀"), and the PM equal to or less than 2.5 microns in diameter ("PM_{2.5}") MAERs of less than 0.01 tpy based on 12-month rolling periods for the 12-month periods ending from October 2016 through July 2017 and the CO MAER of 1.01 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through February 2017 for Maintenance, Startup, and Shutdown Combustion, EPN MSS-TEMP, resulting in 0.01 ton of unauthorized NO_x, 0.03 ton of unauthorized SO₂, 0.01 ton of unauthorized PM, PM₁₀, and PM_{2.5}, and 0.66 ton of unauthorized CO [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. 03869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

13. Failed to comply with the MAERs. Specifically, the Respondent exceeded the NO_x MAER of 0.01 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through October 2017 and the CO MAER of 0.01 tpy based on a 12-month rolling period for the 12-month periods ending from June 2017 through October 2017 for the Control Building Emergency Generator, EPN EMRGEN2b, resulting in 0.07 ton of unauthorized NO_x and 0.01 ton of unauthorized CO [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. 03869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

14. Failed to comply with the MAER. Specifically, the Respondent exceeded the NO_x MAER of 0.09 tpy based on a 12-month rolling period for the 12-month periods ending from December 2016 through October 2017 for Back-Up Generator, EPN EMRGEN3a, resulting in 0.20 ton of unauthorized NO_x [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. 03869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

15. Failed to comply with the MAER. Specifically, the Respondent exceeded the NO_x MAER of 0.09 tpy based on a 12-month rolling period for the 12-month periods ending from December 2016 through October 2017 for Back-Up Generator, EPN EMRGEN3b, resulting in 0.02 ton of unauthorized NO_x [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. 03869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

16. Failed to comply with the MAER. Specifically, the Respondent exceeded the NO_x MAER of 0.09 tpy based on a 12-month rolling period for the 12-month periods ending from December 2016 through October 2017 for Back-Up Generator, EPN EMRGEN3c, resulting in 0.04 ton of unauthorized NO_x [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and

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(c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

17. Failed to comply with the MAER. Specifically, the Respondent exceeded the NO_x MAER of 0.11 tpy based on a 12-month rolling period for the 12-month periods ending from April 2017 through October 2017 for the Splitter Emergency Engine, EPN EMRGEN₄, resulting in 0.03 ton of unauthorized NO_x [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

18. Failed to comply with the MAERs. Specifically, the Respondent exceeded the NO_x MAER of 0.08 tpy and the CO MAER of 0.03 tpy based on 12-month rolling periods for the 12-month periods ending from October 2016 through October 2017 for Firewater Pump, EPN FWP₂, resulting in 0.07 ton of unauthorized NO_x and 0.01 ton of unauthorized CO [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

19. Failed to comply with the MAER. Specifically, the Respondent exceeded the NO_x MAER of 0.08 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through October 2017 for Firewater Pump, EPN FWP₃, resulting in 2.52 tons of unauthorized NO_x [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

20. Failed to comply with the MAERs. Specifically, the Respondent exceeded the NO_x MAER of 0.03 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through October 2017 and the CO MAER of 0.01 tpy based on a 12-month period for the 12-month periods ending from December 2016 through July 2017 for Firewater Pump, EPN FWP₄, resulting in 0.03 ton of unauthorized NO_x and 0.01 ton of unauthorized CO [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

21. Failed to operate the flare with no visible emissions except for periods not to exceed a total of five minutes during any two consecutive hours as ensured by the use of steam assist to the flare. Specifically, the LPG Flare is an emergency flare that was operated from November 10, 2015 through December 24, 2015, April 21, 2016 through May 30, 2017, and March 3, 2018 through May 9, 2018 without being steam-assisted and was designed to smoke [30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(b) and (c), and 122.143(4), 40 CFR § 60.18(c)(1), NSR Permit No. 109923, GC Nos. 1 and 14 and SC Nos. 3.A and 15.C, FOP No. O3869, GTC and STC Nos. 1 and 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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22. Failed to comply with the representations with regard to construction plans and operation procedures in a permit application. Specifically, the Respondent represented in the application for NSR Permit No. 109923 that Heater #1 and Heater #2 would be equipped with selective catalytic reduction ("SCR") systems to reduce NOx emissions, but the SCR systems did not become operational until February 29, 2016 for Heater #1 and March 1, 2016 for Heater #2 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(G), 116.116(a)(1), and 122.143(4), NSR Permit No. 109923, GC Nos. 1 and 9, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

23. Failed to include a high-high level alarm for the fill level of the aqueous ammonia ("NH₃") storage tanks. Specifically, the aqueous NH₃ storage tanks were equipped with a high level alarm but the high-high level alarm was disabled from December 2017 through May 2018 [30 TEX. ADMIN. CODE §§ 116.115(b)(2) and (c) and 122.143(4), NSR Permit No. 109923, GC No. 14 and SC No. 13, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

24. Failed to comply with the total VOC loading limit. Specifically, the Respondent exceeded the 2.4 pounds per hour ("lbs/hr") total VOC loading limit for the desalter wastewater stream on 38 occasions during the October 5, 2016 through April 4, 2017 reporting period and on 17 occasions during the April 5, 2017 through October 4, 2017 reporting period [30 TEX. ADMIN. CODE §§ 116.115(b)(2) and (c) and 122.143(4), NSR Permit No. 109923, GC No. 14 and SC No. 26, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

25. Failed to prevent the loss of valid data from a continuous emissions monitoring system ("CEMS") due to periods of monitor break down, out-of-control operations, repair, maintenance, or calibration that exceeds 5.0 percent ("%") of the time (in minutes) that the heater operated over the previous rolling 12-month period. Specifically, the CEMS downtime exceeded 5.0% of the operational time (in minutes) for the NH₃ CEMS for EPN HEATER1 for the 12-month periods ending from February 2017 through July 2017 and on October 2017; for the CO CEMS for EPN HEATER2 for the 12-month periods ending from December 2016 through October 2017; and for the NH₃, NOx, and oxygen ("O₂") CEMS for EPN HEATER2 for the 12-month periods ending from October 2016 through October 2017 [30 TEX. ADMIN. CODE §§ 116.115(b)(2) and (c) and 122.143(4), NSR Permit No. 109923, GC No. 14 and SC No. 14.G, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

26. Failed to submit a 40 CFR Part 60 Subpart QQQ certification within 60 days after startup. Specifically, the certification required by 40 CFR Part 60 Subpart QQQ was due by November 21, 2015, but was not submitted until January 30, 2018 [30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(b)(2)(H) and (c), and 122.143(4), 40 CFR § 60.698(b)(1), NSR Permit No. 109923, GC No. 10 and SC No. 3.G, FOP No. O3869, GTC and STC Nos. 8 and 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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27. Failed to comply with the VOC breakthrough definition and failed to calibrate the instrument measuring the VOC concentration. Specifically, the Respondent exceeded the breakthrough definition of the highest measured VOC concentration at or above 100 parts per million by volume ("ppmv") above background by 400 ppmv from October 5, 2016 through May 1, 2017, resulting in the waste gas flow not being switched to the second canister when the condition of breakthrough of VOC from the initial saturation canister occurred. Also, the Respondent did not calibrate the instrument measuring the VOC concentration within 24 hours of use from June 7, 2017 through June 28, 2017 [30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(b)(2) and (c), and 122.143(4), 40 CFR § 60.695(a) and (a)(3)(ii), NSR Permit No. 109923, GC No. 14 and SC Nos. 3.G, 32.(A)(i), and 39.A(4), FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

28. Failed to immediately direct process wastewater to a covered system. Specifically, the process wastewater from the V101, V013, and V105 water boots in the 100 and 200 splitter units was routed to the catch basins under the unit, to a grate-covered trench, and then into the sewer [30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(b)(2) and (c), and 122.143(4), 40 CFR § 60.692-2(c)(1), NSR Permit No. 109923, GC No. 14 and SC Nos. 3.G and 24, FOP No. O3869, GTC and STC Nos. 1 and 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

29. Failed to report all instances of deviations. Specifically, the deviation report for the October 5, 2016 through April 4, 2017 reporting period did not include the deviations for failing to comply with the VOC annual MAER for EPN WW, the SO₂ annual MAERs for EPNs BOILER₁ and HEATER₂, the NO_x annual MAERs for EPNs HEATER₁, HEATER₂, and EMRGEN₄, the total VOC loading limit for the desalter wastewater stream, and the VOC breakthrough definition, failing to prevent the loss of valid data from a CEMS, failing to submit a 40 CFR Part 60 Subpart QQQ certification, and failing to immediately direct process wastewater to a covered system; and the deviation report for the April 5, 2017 through October 4, 2017 reporting period did not include the deviations for failing to comply with the VOC annual MAER for EPN WWCC, the NO_x annual MAERs for EPNs HEATER₁, HEATER₂, and EMRGEN₄, and the total VOC loading limit for the desalter wastewater stream [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O3869, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

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- a. By March 1, 2016, equipped Heater #1 and Heater #2 with SCR systems as represented in the application for NSR Permit No. 109923;
- b. By May 31, 2016, submitted an amendment application for NSR Permit No. 109923 to obtain a PSD permit for the Plant, to increase the VOC annual MAER for EPN WW, to authorize the installation of a new air-assisted flare, to include the revised piping component count in order to comply with the VOC annual MAER for Fugitives, EPN FUG, and to increase the total VOC loading limit for the desalter wastewater stream;
- c. By October 5, 2016, obtained FOP No. O3869 to authorize the emission units at the Plant;
- d. On November 3, 2017, submitted the deviation report for the April 5, 2017 through October 4, 2017 reporting period to report the deviations for failing to prevent the loss of valid data from a CEMS, to comply with the VOC breakthrough definition, and to immediately direct wastewater to a covered system;
- e. On January 30, 2018, submitted the 40 CFR Part 60 Subpart QQQ certification;
- f. By May 31, 2018, reenabled the high-high level alarms for the aqueous NH₃ storage tanks; and
- g. By May 31, 2018, directed all process wastewater to a covered system with no visible gaps or cracks in joints, seals, or other emission interfaces.

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. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application within 30 days after the date of such requests, or by any other deadline specified in writing;
 - b. Within 30 days:
 - i. Implement measures and/or procedures designed to comply with the VOC annual MAER for EPN CT₁;
 - ii. Implement measures and/or procedures designed to comply with the VOC annual MAER for EPN WWCC;

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- iii. Implement measures and/or procedures designed to comply with the SO₂ annual MAER for EPN BOILER₁;
- iv. Implement measures and/or procedures designed to comply with the NO_x and SO₂ annual MAERs for EPN HEATER₁;
- v. Implement measures and/or procedures designed to comply with the SO₂ and NO_x annual MAERs for EPN HEATER₂;
- vi. Implement measures and/or procedures designed to comply with the VOC and CO annual MAERs for EPN FLARE₁;
- vii. Implement measures and/or procedures designed to comply with the CO and SO₂ annual MAERs for EPN FLARE;
- viii. Implement measures and/or procedures designed to comply with the NO_x, SO₂, CO, PM, PM₁₀, and PM_{2.5} MAERs for EPN MSS-TEMP;
- ix. Implement measures and/or procedures designed to comply with the NO_x and CO annual MAERs for EPN EMRGEN_{2b};
- x. Implement measures and/or procedures designed to comply with the NO_x annual MAER for EPN EMRGEN_{3a};
- xi. Implement measures and/or procedures designed to comply with the NO_x annual MAER for EPN EMRGEN_{3b};
- xii. Implement measures and/or procedures designed to comply with the NO_x annual MAER for EPN EMRGEN_{3c};
- xiii. Implement measures and/or procedures designed to comply with the NO_x annual MAER for EPN EMRGEN₄;
- xiv. Implement measures and/or procedures designed to comply with the NO_x and CO annual MAERs for EPN FWP₂;
- xv. Implement measures and/or procedures designed to comply with the NO_x annual MAER for EPN FWP₃;
- xvi. Implement measures and/or procedures designed to comply with the NO_x and CO annual MAERs for EPN FWP₄;

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xvii. Implement measures and/or procedures designed to ensure that the valid data from the CEMS for EPNs HEATER₁ and HEATER₂ is prevented from being lost due to periods of monitor breakdown, out-of-control operations, repair, maintenance, or calibration that exceeds 5.0% of the time (in minutes) that the heater operated over the previous rolling 12-month period;

xviii. Implement measures and/or procedures designed to comply with the VOC breakthrough definition in order to ensure that the waste gas flow is switched to the second canister when the condition of breakthrough of VOC from the initial saturation canister occurs;

xix. Submit a revised deviation report for the October 5, 2016 through April 4, 2017 reporting period to report the deviations for failing to comply with the VOC annual MAER for EPN WW, the SO₂ annual MAERs for EPNs BOILER₁ and HEATER₂, the NO_x annual MAERs for EPNs HEATER₁, HEATER₂, and EMRGEN₄, and the total VOC loading limit for the desalter wastewater stream;

xx. Submit a revised deviation report for the April 5, 2017 through October 4, 2017 reporting period to report the deviations for failing to comply with the VOC annual MAER for EPN WWCC, the NO_x annual MAERs for EPNs HEATER₁, HEATER₂, and EMRGEN₄, and the total VOC loading limit for the desalter wastewater stream; and

xxi. Implement measures and/or procedures designed to ensure that the instrument measuring the VOC concentration is calibrated within 24 hours of use.

c. Within 45 days, submit written certification to demonstrate compliance with b.

d. Within 180 days, submit written certification that either the amendment for NSR Permit No. 109923 has been obtained or that operation has ceased until such time that appropriate authorization is obtained to demonstrate compliance.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Richard Garza, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-2697; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

Respondent: Kevin D. Burke, Senior Director, Buckeye Texas Processing LLC, 7209 Up River Road, Corpus Christi, Texas 78409

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	4-Sep-2018	Screening	12-Sep-2018	EPA Due	
	PCW	17-Jul-2019				

RESPONDENT/FACILITY INFORMATION

Respondent	Buckeye Texas Processing LLC		
Reg. Ent. Ref. No.	RN106620438		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	56723	No. of Violations	30
Docket No.	2018-1310-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Richard Garza
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$495,250**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **49.0%** **Adjustment** **Subtotals 2, 3, & 7** **\$242,672**

Notes: Enhancement for two NOV's with same/similar violations, three NOV's with dissimilar violations, and two agreed orders with a denial of liability. Reduction for three notices of intent to conduct an audit and two disclosures 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** **-\$13,061**

Economic Benefit **50.0%** **Enhancement*** **Subtotal 6** **\$34,660**

Total EB Amounts \$34,660
Estimated Cost of Compliance \$190,210
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$759,521**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$759,521**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$759,521**

DEFERRAL **20.0%** **Reduction** **Adjustment** **-\$151,904**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$607,617**

Screening Date 12-Sep-2018

Docket No. 2018-1310-AIR-E

PCW

Respondent Buckeye Texas Processing LLC

Policy Revision 4 (April 2014)

Case ID No. 56723

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106620438

Media Air

Enf. Coordinator Richard Garza

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	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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>)	2	-4%
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) 49%

>> 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, three NOVs with dissimilar violations, and two agreed orders with a denial of liability. Reduction for three notices of intent to conduct an audit and two disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 49%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 49%

Screening Date 12-Sep-2018
Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air

Docket No. 2018-1310-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Enf. Coordinator Richard Garza
Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 122.121 and Tex. Health & Safety Code §§ 382.054 and 382.085(b)

Violation Description

Failed to obtain a federal operating permit ("FOP"). Specifically, the Respondent began operating the Plant that exceeded the major source threshold for volatile organic compounds ("VOC") on September 22, 2015, prior to obtaining FOP No. 03869 on October 5, 2016.

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 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

379 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 October 5, 2016, before the Notice of Enforcement ("NOE") dated August 31, 2018.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$260

Violation Final Penalty Total \$5,806

This violation Final Assessed Penalty (adjusted for limits) \$5,806

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
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
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	\$5,000	22-Sep-2015	5-Oct-2016	1.04	\$260	n/a	\$260
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain FOP No. O3869 to authorize the emission units at the Plant. Date Required is the date operations began 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

\$5,000

TOTAL

\$260

Screening Date 12-Sep-2018

Docket No. 2018-1310-AIR-E

PCW

Respondent Buckeye Texas Processing LLC

Policy Revision 4 (April 2014)

Case ID No. 56723

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106620438

Media Air

Enf. Coordinator Richard Garza

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 116.160(a), 40 Code of Federal Regulations ("CFR") § 52.21(a)(2)(iii), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the prevention of significant deterioration ("PSD") requirements. Specifically, the Respondent constructed a new major source in an attainment area, prior to obtaining a PSD permit.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	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 36

1086 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$135,000

Thirty-six monthly events are recommended from the September 22, 2015 non-compliance date to the September 12, 2018 screening date.

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 \$135,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18,236

Violation Final Penalty Total \$202,305

This violation Final Assessed Penalty (adjusted for limits) \$202,305

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
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
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	\$75,000	22-Sep-2015	1-Aug-2020	4.86	\$18,236	n/a	\$18,236
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	<p>Actual cost to obtain an amendment for New Source Review ("NSR") Permit No. 109923 to obtain a PSD permit for the Plant, to increase the VOC annual maximum allowable emissions rate ("MAER") for Emissions Point Number ("EPN") WW, to authorize the installation of a new air-assisted flare, to include the revised piping component count in order to comply with the VOC annual MAER for Fugitives, EPN FUG, and to increase the total VOC loading limit for the desalter wastewater stream. Date Required is the date operations began and the Final Date is the estimated date of compliance.</p>						
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	\$75,000			TOTAL		\$18,236	

Screening Date 12-Sep-2018

Docket No. 2018-1310-AIR-E

PCW

Respondent Buckeye Texas Processing LLC

Policy Revision 4 (April 2014)

Case ID No. 56723

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106620438

Media Air

Enf. Coordinator Richard Garza

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, General Conditions ("GC") Nos. 8 and 14 and Special Conditions ("SC") No. 1, FOP No. 03869, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 0.25 ton per year ("tpy") based on a 12-month rolling period for the 12-month periods ending from September 2016 through October 2017 for the Cooling Tower, EPN CT1, resulting in 0.26 ton of unauthorized VOC.

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 that 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 3

426 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	X
annual	
single event	

Violation Base Penalty \$11,250

Three semiannual events are recommended for the period of non-compliance that occurred from September 1, 2016 through October 31, 2017.

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 \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$855

Violation Final Penalty Total \$17,918

This violation Final Assessed Penalty (adjusted for limits) \$17,918

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC

Case ID No. 56723

Reg. Ent. Reference No. RN106620438

Media Air

Violation No. 3

Percent Interest	Years of Depreciation
5.0	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)	\$5,000	1-Sep-2016	1-Feb-2020	3.42	\$855	n/a	\$855

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to comply with the VOC annual MAER for EPN CT1. The Date Required is the first date of non-compliance 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

\$5,000

TOTAL

\$855

Screening Date 12-Sep-2018
Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air

Docket No. 2018-1310-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Enf. Coordinator Richard Garza

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. 03869, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of less than 0.01 tpy based on a 12-month rolling period for the 12-month periods ending from September 2016 through October 2017 for the Wastewater Carbon Canisters, EPN WWCC, resulting in 0.13 ton of unauthorized VOC.

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 that 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 3

426 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty \$11,250

Three semiannual events are recommended for the period of non-compliance that occurred from September 1, 2016 through October 31, 2017.

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 \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$855

Violation Final Penalty Total \$17,918

This violation Final Assessed Penalty (adjusted for limits) \$17,918

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	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)	\$5,000	1-Sep-2016	1-Feb-2020	3.42	\$855	n/a	\$855

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to comply with the VOC annual MAER for EPN WWCC. The Date Required is the first date of non-compliance 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

\$5,000

TOTAL

\$855

Screening Date 12-Sep-2018

Docket No. 2018-1310-AIR-E

PCW

Respondent Buckeye Texas Processing LLC

Policy Revision 4 (April 2014)

Case ID No. 56723

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106620438

Media Air

Enf. Coordinator Richard Garza

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. 03869, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 2.95 tpy based on a 12-month rolling period for the 12-month periods ending from February 2017 through October 2017 for Wastewater, EPN WW, resulting in 12.93 tons of unauthorized VOC.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants that 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 3

273 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$22,500

Three quarterly events events are recommended for the period of non-compliance that occurred from February 1, 2017 through October 31, 2017.

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 \$22,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$34,680

This violation Final Assessed Penalty (adjusted for limits) \$34,680

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC

Case ID No. 56723

Reg. Ent. Reference No. RN106620438

Media Air

Violation No. 5

Percent Interest	Years of Depreciation
5.0	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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 2.

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

\$0

TOTAL

\$0

Screening Date 12-Sep-2018
Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438

Docket No. 2018-1310-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Media Air
Enf. Coordinator Richard Garza

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the MAER. Specifically, the Respondent exceeded the sulfur dioxide ("SO₂") MAER of 0.52 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through May 2017 for Boiler #1, EPN BOILER1, resulting in 0.02 ton of unauthorized SO₂.

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 that 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 2

243 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty \$7,500

Two semiannual events are recommended for the period of non-compliance that occurred from October 1, 2016 through May 31, 2017.

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 \$834

Violation Final Penalty Total \$12,330

This violation Final Assessed Penalty (adjusted for limits) \$12,330

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
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
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)	\$5,000	1-Oct-2016	1-Feb-2020	3.34	\$834	n/a	\$834

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to comply with the SO2 annual MAER for EPN BOILER1. The Date Required is the first date of non-compliance 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

\$5,000

TOTAL

\$834

Screening Date 12-Sep-2018
Respondent Buckeye Texas Processing LLC
Case ID No. 56723

Docket No. 2018-1310-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106620438

Media Air

Enf. Coordinator Richard Garza

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the MAERs. Specifically, the Respondent exceeded the nitrogen oxides ("NOx") MAER of 3.50 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through December 2016 and the SO2 MAER of 3.47 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through August 2017 for Heater #1, EPN HEATER1, resulting in 0.29 ton of unauthorized NOx and 1.26 tons of unauthorized SO2.

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 that 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 4

334 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Four quarterly events are recommended for the period of non-compliance that occurred from October 1, 2016 through August 31, 2017.

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 \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$834

Violation Final Penalty Total \$23,505

This violation Final Assessed Penalty (adjusted for limits) \$23,505

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air
Violation No. 7

Percent Interest	Years of Depreciation
5.0	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)	\$5,000	1-Oct-2016	1-Feb-2020	3.34	\$834	n/a	\$834

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to comply with the NOx and SO2 annual MAERs for EPN HEATER1. The Date Required is the first date of non-compliance 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

\$5,000

TOTAL

\$834

Screening Date 12-Sep-2018

Docket No. 2018-1310-AIR-E

PCW

Respondent Buckeye Texas Processing LLC

Policy Revision 4 (April 2014)

Case ID No. 56723

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106620438

Media Air

Enf. Coordinator Richard Garza

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. 03869, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the MAERs. Specifically, the Respondent exceeded the SO₂ MAER of 3.47 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through August 2017 and the NO_x MAER of 3.50 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through December 2016 for Heater #2, EPN HEATER2, resulting in 1.29 tons of unauthorized SO₂ and 0.33 ton of unauthorized NO_x.

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 that 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 4

334 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Four quarterly events are recommended for the period of non-compliance that occurred from October 1, 2016 through August 31, 2017.

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 \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$834

Violation Final Penalty Total \$23,505

This violation Final Assessed Penalty (adjusted for limits) \$23,505

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air
Violation No. 8

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)	\$5,000	1-Oct-2016	1-Feb-2020	3.34	\$834	n/a	\$834

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to comply with the SO2 and NOx annual MAERs for EPN HEATER2. The Date Required is the first date of non-compliance 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

\$5,000

TOTAL

\$834

Screening Date 12-Sep-2018

Docket No. 2018-1310-AIR-E

PCW

Respondent Buckeye Texas Processing LLC

Policy Revision 4 (April 2014)

Case ID No. 56723

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106620438

Media Air

Enf. Coordinator Richard Garza

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. 03869, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 19.28 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through October 2017 for Fugitives, EPN FUG, resulting in 5.86 tons of unauthorized VOC.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	15.0%
Potential				

>> Programmatic Matrix

Falsification				Percent
	Major	Moderate	Minor	
				0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that 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 5 395 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$18,750

Five quarterly events are recommended for the period of non-compliance that occurred from October 1, 2016 through October 31, 2017.

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 \$18,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$29,093

This violation Final Assessed Penalty (adjusted for limits) \$29,093

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air
Violation No. 9

Percent Interest	Years of Depreciation
5.0	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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 2.

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 \$0

TOTAL \$0

Screening Date 12-Sep-2018

Docket No. 2018-1310-AIR-E

PCW

Respondent Buckeye Texas Processing LLC

Policy Revision 4 (April 2014)

Case ID No. 56723

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106620438

Media Air

Enf. Coordinator Richard Garza

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. 03869, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the MAERs. Specifically, the Respondent exceeded the VOC MAER of 0.02 tpy and the carbon monoxide ("CO") MAER of 0.10 tpy based on 12-month rolling periods for the 12-month periods ending from October 2016 through October 2017 for the Liquified Petroleum Gas ("LPG") Flare, EPN FLARE1, resulting in 1.05 tons of unauthorized VOC and 0.90 ton of unauthorized CO.

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 that 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 5

395 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$18,750

Five quarterly events are recommended for the period of non-compliance that occurred from October 1, 2016 through October 31, 2017.

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 \$18,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$834

Violation Final Penalty Total \$29,093

This violation Final Assessed Penalty (adjusted for limits) \$29,093

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air
Violation No. 10

Percent Interest	Years of Depreciation
5.0	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)	\$5,000	1-Oct-2016	1-Feb-2020	3.34	\$834	n/a	\$834

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to comply with the VOC and CO annual MAERs for EPN FLARE1. The Date Required is the date of non-compliance 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

\$5,000

TOTAL

\$834

Screening Date 12-Sep-2018
Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438

Docket No. 2018-1310-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Media Air
Enf. Coordinator Richard Garza

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. 03869, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the MAERs. Specifically, the Respondent exceeded the CO MAER of 0.79 tpy and the SO₂ MAER of 0.08 tpy based on 12-month rolling periods for the 12-month periods ending from October 2016 through October 2017 for the Flare, EPN FLARE, resulting in 2.67 tons of unauthorized CO and 2.58 tons of unauthorized SO₂.

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 that 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 5

395 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$18,750

Five quarterly events are recommended for the period of non-compliance that occurred from October 1, 2016 through October 31, 2017.

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 \$18,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$834

Violation Final Penalty Total \$29,093

This violation Final Assessed Penalty (adjusted for limits) \$29,093

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air
Violation No. 11

Percent Interest	Years of Depreciation
5.0	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)	\$5,000	1-Oct-2016	1-Feb-2020	3.34	\$834	n/a	\$834

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to comply with the CO and SO2 annual MAERs for EPN FLARE. The Date Required is the first date of non-compliance 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

\$5,000

TOTAL

\$834

Screening Date 12-Sep-2018
Respondent Buckeye Texas Processing LLC
Case ID No. 56723

Docket No. 2018-1310-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106620438

Media Air

Enf. Coordinator Richard Garza

V12 12

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. 03869, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the MAERs. Specifically, the Respondent exceeded the NOx MAER of 0.23 tpy, the SO2 MAER of 0.03 tpy, and the particulate matter ("PM"), the PM equal to or less than 10 microns in diameter ("PM10"), and the PM equal to or less than 2.5 microns in diameter ("PM2.5") MAERs of less than 0.01 tpy based on 12-month rolling periods for the 12-month periods ending from October 2016 through July 2017 and the CO MAER of 1.01 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through February 2017 for Maintenance, Startup, and Shutdown Combustion, EPN MSS-TEMP, resulting in 0.01 ton of unauthorized NOx, 0.03 ton of unauthorized SO2, 0.01 ton of unauthorized PM, PM10, and PM2.5, and 0.66 ton of unauthorized CO.

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 that 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 2 303 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	X
annual	
single event	

Violation Base Penalty \$7,500

Two semiannual events are recommended for the period of non-compliance that occurred from October 1, 2016 through July 31, 2017.

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 \$834

Violation Final Penalty Total \$12,330

This violation Final Assessed Penalty (adjusted for limits) \$12,330

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air
Violation No. 12

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)	\$5,000	1-Oct-2016	1-Feb-2020	3.34	\$834	n/a	\$834

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to comply with the NOx, SO2, CO, PM, PM10, and PM2.5 annual MAERs for EPN MSS-TEMP. The Date Required is the first date of non-compliance 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

\$5,000

TOTAL

\$834

Screening Date 12-Sep-2018
Respondent Buckeye Texas Processing LLC
Case ID No. 56723

Docket No. 2018-1310-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106620438

Media Air

Enf. Coordinator Richard Garza

Violation Number 13

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the MAERs. Specifically, the Respondent exceeded the NOx MAER of 0.01 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through October 2017 and the CO MAER of 0.01 tpy based on a 12-month rolling period for the 12-month periods ending from June 2017 through October 2017 for the Control Building Emergency Generator, EPN EMRGEN2b, resulting in 0.07 ton of unauthorized NOx and 0.01 ton of unauthorized CO.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	15.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that 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 3 395 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	X
annual	
single event	

Violation Base Penalty \$11,250

Three semiannual events are recommended for the period of non-compliance that occurred from October 1, 2016 through October 31, 2017.

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 \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$834

Violation Final Penalty Total \$17,918

This violation Final Assessed Penalty (adjusted for limits) \$17,918

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air
Violation No. 13

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)	\$5,000	1-Oct-2016	1-Feb-2020	3.34	\$834	n/a	\$834

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to comply with the NOx and CO annual MAERs for EPN EMRGEN2b. The Date Required is the first date of non-compliance 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

\$5,000

TOTAL

\$834

Screening Date 12-Sep-2018
Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air

Docket No. 2018-1310-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Enf. Coordinator Richard Garza

Violation Number 14

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. 03869, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the MAER. Specifically, the Respondent exceeded the NOx MAER of 0.09 tpy based on a 12-month rolling period for the 12-month periods ending from December 2016 through October 2017 for Back-Up Generator, EPN EMRGEN3a, resulting in 0.20 ton of unauthorized NOx.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	15.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that 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 2 334 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	X
annual	
single event	

Violation Base Penalty \$7,500

Two semiannual events are recommended for the period of non-compliance that occurred from December 1, 2016 through October 31, 2017.

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

Estimated EB Amount \$792

Statutory Limit Test

Violation Final Penalty Total \$12,330

This violation Final Assessed Penalty (adjusted for limits) \$12,330

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air
Violation No. 14

Percent Interest	Years of Depreciation
5.0	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)	\$5,000	1-Dec-2016	1-Feb-2020	3.17	\$792	n/a	\$792

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to comply with the NOx annual MAER for EPN EMRGEN3a. The Date Required is the first date of non-compliance 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

\$5,000

TOTAL

\$792

Screening Date 12-Sep-2018
Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air

Docket No. 2018-1310-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Enf. Coordinator Richard Garza

Violation Number 15

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. 03869, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the MAER. Specifically, the Respondent exceeded the NOx MAER of 0.09 tpy based on a 12-month rolling period for the 12-month periods ending from December 2016 through October 2017 for Back-Up Generator, EPN EMRG3b, resulting in 0.02 ton of unauthorized NOx.

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 that 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 2

334 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	X
annual	
single event	

Violation Base Penalty \$7,500

Two semiannual events are recommended for the period of non-compliance that occurred from December 1, 2016 through October 31, 2017.

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

Estimated EB Amount \$792

Statutory Limit Test

Violation Final Penalty Total \$12,330

This violation Final Assessed Penalty (adjusted for limits) \$12,330

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air
Violation No. 15

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)	\$5,000	1-Dec-2016	1-Feb-2020	3.17	\$792	n/a	\$792

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to comply with the NOx annual MAER for EPN EMRGEN3b. The Date Required is the first date of non-compliance 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

\$5,000

TOTAL

\$792

Screening Date 12-Sep-2018

Docket No. 2018-1310-AIR-E

PCW

Respondent Buckeye Texas Processing LLC

Policy Revision 4 (April 2014)

Case ID No. 56723

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106620438

Media Air

Enf. Coordinator Richard Garza

Violation Number 16

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. 03869, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the MAER. Specifically, the Respondent exceeded the NOx MAER of 0.09 tpy based on a 12-month rolling period for the 12-month periods ending from December 2016 through October 2017 for Back-Up Generator, EPN EMRGEN3c, resulting in 0.04 ton of unauthorized NOx.

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 that 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 2

334 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	X
annual	
single event	

Violation Base Penalty \$7,500

Two semiannual events are recommended for the period of non-compliance that occurred from December 1, 2016 through October 31, 2017.

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 \$792

Violation Final Penalty Total \$12,330

This violation Final Assessed Penalty (adjusted for limits) \$12,330

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air
Violation No. 16

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)	\$5,000	1-Dec-2016	1-Feb-2020	3.17	\$792	n/a	\$792

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to comply with the NOx annual MAER for EPN EMRGEN3c. The Date Required is the first date of non-compliance 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

\$5,000

TOTAL

\$792

Screening Date 12-Sep-2018
Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438

Docket No. 2018-1310-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Media Air
Enf. Coordinator Richard Garza

Violation Number 17

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the MAER. Specifically, the Respondent exceeded the NOx MAER of 0.11 tpy based on a 12-month rolling period for the 12-month periods ending from April 2017 through October 2017 for the Splitter Emergency Engine, EPN EMRGEN4, resulting in 0.03 ton of unauthorized NOx.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	15.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that 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 2 213 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	X
annual	
single event	

Violation Base Penalty \$7,500

Two semiannual events are recommended for the period of non-compliance that occurred from April 1, 2017 through October 31, 2017.

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 \$710

Violation Final Penalty Total \$12,330

This violation Final Assessed Penalty (adjusted for limits) \$12,330

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air
Violation No. 17

Percent Interest	Years of Depreciation
5.0	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)	\$5,000	1-Apr-2017	1-Feb-2020	2.84	\$710	n/a	\$710

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to comply with the NOx annual MAER for EPN EMRGEN4. The Date Required is the first date of non-compliance 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

\$5,000

TOTAL

\$710

Screening Date 12-Sep-2018

Docket No. 2018-1310-AIR-E

PCW

Respondent Buckeye Texas Processing LLC

Policy Revision 4 (April 2014)

Case ID No. 56723

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106620438

Media Air

Enf. Coordinator Richard Garza

Violation Number 18

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. 03869, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the MAERs. Specifically, the Respondent exceeded the NOx MAER of 0.08 tpy and the CO MAER of 0.03 tpy based on 12-month rolling periods for the 12-month periods ending from October 2016 through October 2017 for Firewater Pump, EPN FWP2, resulting in 0.07 ton of unauthorized NOx and 0.01 ton of unauthorized CO.

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 that 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 3

395 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	X
annual	
single event	

Violation Base Penalty \$11,250

Three semiannual events are recommended for the period of non-compliance that occurred from October 1, 2016 through October 31, 2017.

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 \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$834

Violation Final Penalty Total \$17,918

This violation Final Assessed Penalty (adjusted for limits) \$17,918

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air
Violation No. 18

Percent Interest	Years of Depreciation
5.0	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)	\$5,000	1-Oct-2016	1-Feb-2020	3.34	\$834	n/a	\$834

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to comply with the NOx and CO annual MAERs for EPN FWP2. The Date Required is the first date of non-compliance 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

\$5,000

TOTAL

\$834

Screening Date 12-Sep-2018

Docket No. 2018-1310-AIR-E

PCW

Respondent Buckeye Texas Processing LLC

Policy Revision 4 (April 2014)

Case ID No. 56723

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106620438

Media Air

Enf. Coordinator Richard Garza

Violation Number 19

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. 03869, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the MAER. Specifically, the Respondent exceeded the NOx MAER of 0.08 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through October 2017 for Firewater Pump, EPN FWP3, resulting in 2.52 tons of unauthorized NOx.

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 that 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 3

395 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	X
annual	
single event	

Violation Base Penalty \$11,250

Three semiannual events are recommended for the period of non-compliance that occurred from October 1, 2016 through October 31, 2017.

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 \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$834

Violation Final Penalty Total \$17,918

This violation Final Assessed Penalty (adjusted for limits) \$17,918

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air
Violation No. 19

Percent Interest	Years of Depreciation
5.0	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)	\$5,000	1-Oct-2016	1-Feb-2020	3.34	\$834	n/a	\$834

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to comply with the NOx annual MAER for EPN FWP3. The Date Required is the first date of non-compliance 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

\$5,000

TOTAL

\$834

Screening Date 12-Sep-2018
Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air
Enf. Coordinator Richard Garza

Docket No. 2018-1310-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Violation Number 20

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the MAERs. Specifically, the Respondent exceeded the NOx MAER of 0.03 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through October 2017 and the CO MAER of 0.01 tpy based on a 12-month period for the 12-month periods ending from December 2016 through July 2017 for Firewater Pump, EPN FWP4, resulting in 0.03 ton of unauthorized NOx and 0.01 ton of unauthorized CO.

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 that 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 3

395 **Number of violation days**

daily	
weekly	
monthly	
quarterly	
semiannual	X
annual	
single event	

Violation Base Penalty \$11,250

Three semiannual events are recommended for the period of non-compliance that occurred from October 1, 2016 through October 31, 2017.

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 \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$834

Violation Final Penalty Total \$17,918

This violation Final Assessed Penalty (adjusted for limits) \$17,918

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air
Violation No. 20

Percent Interest	Years of Depreciation
5.0	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)	\$5,000	1-Oct-2016	1-Feb-2020	3.34	\$834	n/a	\$834

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to comply with the NOx and CO annual MAERs for EPN FWP4. The Date Required is the first date of non-compliance 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

\$5,000

TOTAL

\$834

Screening Date 12-Sep-2018
Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air

Docket No. 2018-1310-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Enf. Coordinator Richard Garza

Violation Number 21

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1), 116.115(b) and (c), and 122.143(4), 40 CFR § 60.18(c)(1), NSR Permit No. 109923, GC Nos. 1 and 14 and SC Nos. 3.A and 15.C, FOP No. 03869, GTC and STC Nos. 1 and 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to operate the flare with no visible emissions except for periods not to exceed a total of five minutes during any two consecutive hours as ensured by the use of steam assist to the flare. Specifically, the LPG Flare is an emergency flare that was operated from November 10, 2015 through December 24, 2015, April 21, 2016 through May 30, 2017, and March 3, 2018 through May 9, 2018 without being steam-assisted and was designed to smoke.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	15.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that 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 7 1086 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$26,250

Seven quarterly events are recommended for the periods of operation from November 10, 2015 through December 24, 2015, from April 21, 2016 through May 30, 2017, and from March 3, 2018 through May 9, 2018.

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 \$26,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$40,268

This violation Final Assessed Penalty (adjusted for limits) \$40,268

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air
Violation No. 21

Percent Interest	Years of Depreciation
5.0	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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 2.

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

\$0

TOTAL

\$0

Screening Date 12-Sep-2018
Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air

Docket No. 2018-1310-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Enf. Coordinator Richard Garza

Violation Number 22

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2)(G), 116.116(a)(1), and 122.143(4), NSR Permit No. 109923, GC Nos. 1 and 9, FOP No. O3869, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the representations with regard to construction plans and operation procedures in a permit application. Specifically, the Respondent represented in the application for NSR Permit No. 109923 that Heater #1 and Heater #2 would be equipped with selective catalytic reduction ("SCR") systems to reduce NOx emissions, but the SCR systems did not become operational until February 29, 2016 for Heater #1 and March 1, 2016 for Heater #2.

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 that 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 4

161 **Number of violation days**

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Four quarterly events are recommended, two for each EPN, from the start of operations on September 22, 2015 to the date of compliance on March 1, 2016.

Good Faith Efforts to Comply

25.0%

Reduction \$3,750

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

Extraordinary	
Ordinary	X
N/A	

Notes

The Respondent achieved compliance by March 1, 2016, before the NOE dated August 31, 2018.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$309

Violation Final Penalty Total \$19,755

This violation Final Assessed Penalty (adjusted for limits) \$19,755

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC

Case ID No. 56723

Reg. Ent. Reference No. RN106620438

Media Air

Violation No. 22

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$10,000	22-Sep-2015	1-Mar-2016	0.44	\$15	\$294	\$309
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to equip Heater #1 and Heater #2 with SCR systems as represented in the application for NSR Permit No. 109923. The Date Required is the date the operations began 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

\$10,000

TOTAL

\$309

Screening Date 12-Sep-2018

Docket No. 2018-1310-AIR-E

PCW

Respondent Buckeye Texas Processing LLC

Policy Revision 4 (April 2014)

Case ID No. 56723

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106620438

Media Air

Enf. Coordinator Richard Garza

Violation Number 23

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2) and (c) and 122.143(4), NSR Permit No. 109923, GC No. 14 and SC No. 13, FOP No. O3869, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to include a high-high level alarm for the fill level of the aqueous ammonia ("NH3") storage tanks. Specifically, the aqueous NH3 storage tanks were equipped with a high level alarm but the high-high level alarm was disabled from December 2017 through May 2018.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Release	Major	Moderate	Minor
Actual				
Potential				x

Percent 7.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 2

181 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,500

Two single events are recommended, one for each tank.

Good Faith Efforts to Comply

25.0%

Reduction \$875

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

Extraordinary		
Ordinary	x	
N/A		

Notes

The Respondent achieved compliance by May 31, 2018, before the NOE dated August 31, 2018.

Violation Subtotal \$2,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$35

Violation Final Penalty Total \$5,495

This violation Final Assessed Penalty (adjusted for limits) \$5,495

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC
 Case ID No. 56723
 Reg. Ent. Reference No. RN106620438
 Media Air
 Violation No. 23

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	\$1,000	1-Dec-2017	31-May-2018	0.50	\$2	\$33	\$35
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to reenable the high-high level alarms for the aqueous NH3 tanks. The Date Required is the date the violation began 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

\$1,000

TOTAL

\$35

Screening Date 12-Sep-2018
Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air

Docket No. 2018-1310-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Enf. Coordinator Richard Garza

Violation Number 24

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2) and (c) and 122.143(4), NSR Permit No. 109923, GC No. 14 and SC No. 26, FOP No. O3869, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the total VOC loading limit. Specifically, the Respondent exceeded the 2.4 pounds per hour ("lbs/hr") total VOC loading limit for the desalter wastewater stream on 38 occasions during the October 5, 2016 through April 4, 2017 reporting period and on 17 occasions during the April 5, 2017 through October 4, 2017 reporting period.

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 that 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 4

364 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Four quarterly events are recommended for the instances of non-compliance that occurred from October 5, 2016 to October 4, 2017.

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 \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$23,505

This violation Final Assessed Penalty (adjusted for limits) \$23,505

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air
Violation No. 24

Percent Interest	Years of Depreciation
5.0	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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 2.

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

\$0

TOTAL

\$0

Screening Date 12-Sep-2018
Respondent Buckeye Texas Processing LLC
Case ID No. 56723

Docket No. 2018-1310-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106620438

Media Air

Enf. Coordinator Richard Garza

Violation Number 25

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(b)(2) and (c) and 122.143(4), NSR Permit No. 109923, GC No. 14 and SC No. 14.G, FOP No. O3869, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent the loss of valid data from a continuous emissions monitoring system ("CEMS") due to periods of monitor break down, out-of-control operations, repair, maintenance, or calibration that exceeds 5.0 percent ("%") of the time (in minutes) that the heater operated over the previous rolling 12-month period. Specifically, the CEMS downtime exceeded 5.0% of the operational time (in minutes) for the NH3 CEMS for EPN HEATER1 for the 12-month periods ending from February 2017 through July 2017 and on October 2017; for the CO CEMS for EPN HEATER2 for the 12-month periods ending from December 2016 through October 2017; and for the NH3, NOx, and oxygen ("O2") CEMS for EPN HEATER2 for the 12-month periods ending from October 2016 through October 2017.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 15.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants that would 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 8

395 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$30,000

Eight quarterly events are recommended for the instances of non-compliance that occurred from October 1, 2016 through October 31, 2017 (three quarters for HEATER1 and five quarters for HEATER2).

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 \$30,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$834

Violation Final Penalty Total \$45,855

This violation Final Assessed Penalty (adjusted for limits) \$45,855

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air
Violation No. 25

Percent Interest	Years of Depreciation
5.0	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)	\$5,000	1-Oct-2016	1-Feb-2020	3.34	\$834	n/a	\$834

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to ensure that the valid data from the CEMS for EPNs HEATER1 and HEATER2 is prevented from being lost due to periods of monitor breakdown, out-of-control operations, repair, maintenance, or calibration that exceeds 5.0% of the time (in minutes) that the heater operated over the previous rolling 12-month period. The Date Required is the date the violation began 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

\$5,000

TOTAL

\$834

Screening Date 12-Sep-2018

Docket No. 2018-1310-AIR-E

PCW

Respondent Buckeye Texas Processing LLC

Policy Revision 4 (April 2014)

Case ID No. 56723

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106620438

Media Air

Enf. Coordinator Richard Garza

Violation Number 26

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(1), 116.115(b)(2)(H) and (c), and 122.143(4), 40 CFR § 60.698(b)(1), NSR Permit No. 109923, GC No. 10 and SC No. 3.G, FOP No. 03869, GTC and STC Nos. 8 and 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit a 40 CFR Part 60 Subpart QQQ certification within 60 days after startup. Specifically, the certification required by 40 CFR Part 60 Subpart QQQ was due by November 21, 2015, but was not submitted until January 30, 2018.

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 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

801 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 completed the corrective action on January 30, 2018, prior to the NOE dated August 31, 2018.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$27

Violation Final Penalty Total \$5,806

This violation Final Assessed Penalty (adjusted for limits) \$5,806

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air
Violation No. 26

Percent Interest	Years of Depreciation
5.0	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)	\$250	21-Nov-2015	30-Jan-2018	2.19	\$27	n/a	\$27

Notes for DELAYED costs

Estimated cost to submit the 40 CFR Part 60 Subpart QQQ certification. Date Required is the date the certification was due. 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

\$27

Screening Date 12-Sep-2018

Docket No. 2018-1310-AIR-E

PCW

Respondent Buckeye Texas Processing LLC

Policy Revision 4 (April 2014)

Case ID No. 56723

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106620438

Media Air

Enf. Coordinator Richard Garza

Violation Number 27

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1), 116.115(b)(2) and (c), and 122.143(4), 40 CFR § 60.695(a)(3)(ii), NSR Permit No. 109923, GC No. 14 and SC Nos. 3.G and 39.A(4), FOP No. O3869, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the VOC breakthrough definition. Specifically, the Respondent exceeded the breakthrough definition of the highest measured VOC concentration at or above 100 parts per million by volume ("ppmv") above background by 400 ppmv from October 5, 2016 through May 1, 2017, resulting in the waste gas flow not being switched to the second canister when the condition of breakthrough of VOC from the initial saturation canister occurred.

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 that 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 3

208 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$11,250

Three quarterly events are recommended for the period of noncompliance that occurred from October 5, 2016 through May 1, 2017.

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 \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$249

Violation Final Penalty Total \$17,918

This violation Final Assessed Penalty (adjusted for limits) \$17,918

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air
Violation No. 27

Percent Interest	Years of Depreciation
5.0	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	\$1,500	5-Oct-2016	1-Feb-2020	3.33	\$249	n/a	\$249
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to comply with the VOC breakthrough definition in order to ensure that the waste gas flow is switched to the second canister when the condition of breakthrough of VOC from the initial saturation canister occurs. The Date Required is the date the violation began 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

\$1,500

TOTAL

\$249

Screening Date 12-Sep-2018
Respondent Buckeye Texas Processing LLC
Case ID No. 56723

Docket No. 2018-1310-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106620438

Media Air

Enf. Coordinator Richard Garza

Violation Number 28

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(1), 116.115(b)(2) and (c), and 122.143(4), 40 CFR § 60.692-2(c)(1), NSR Permit No. 109923, GC No. 14 and SC Nos. 3.G and 24, FOP No. O3869, GTC and STC Nos. 1 and 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to immediately direct process wastewater to a covered system. Specifically, the process wastewater from the V101, V013, and V105 water boots in the 100 and 200 splitter units was routed to the catch basins under the unit, to a grate-covered trench, and then into the sewer.

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 that 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 7

603 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$26,250

Seven quarterly events are recommended for the period of non-compliance from October 5, 2016 to May 31, 2018.

Good Faith Efforts to Comply

25.0%

Reduction \$6,562

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

Extraordinary	
Ordinary	X
N/A	

Notes

The Respondent achieved compliance by May 31, 2018, before the NOE dated August 31, 2018.

Violation Subtotal \$19,688

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,156

Violation Final Penalty Total \$33,706

This violation Final Assessed Penalty (adjusted for limits) \$33,706

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air
Violation No. 28

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	\$10,000	5-Oct-2016	31-May-2018	1.65	\$55	\$1,101	\$1,156
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to direct all process wastewater to a covered system with no visible gaps or cracks in joints, seals, or other emission interfaces. The Date Required is the date the violation began 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

\$10,000

TOTAL

\$1,156

Screening Date 12-Sep-2018
Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air

Docket No. 2018-1310-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Enf. Coordinator Richard Garza

Violation Number 29

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. 03869, GTC, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to report all instances of deviations. Specifically, the deviation report for the October 5, 2016 through April 4, 2017 reporting period did not include the deviations for failing to comply with the VOC annual MAER for EPN WW, the SO2 annual MAERs for EPNs BOILER1 and HEATER2, the NOx annual MAERs for EPNs HEATER1, HEATER2, and EMRG4, the total VOC loading limit for the desalter wastewater stream, and the VOC breakthrough definition, failing to prevent the loss of valid data from a CEMS, failing to submit a 40 CFR Part 60 Subpart QQQ certification, and failing to immediately direct process wastewater to a covered system; and the deviation report for the April 5, 2017 through October 4, 2017 reporting period did not include the deviations for failing to comply with the VOC annual MAER for EPN WWCC, the NOx annual MAERs for EPNs HEATER1, HEATER2, and EMRG4, and the total VOC loading limit for the desalter wastewater stream.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification				Percent
		Major	Moderate	Minor	
				x	1.0%

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

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 2 123 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

Two single events are recommended (one for each incomplete report).

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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$75

Violation Final Penalty Total \$1,900

This violation Final Assessed Penalty (adjusted for limits) \$1,900

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air
Violation No. 29

Percent Interest	Years of Depreciation
5.0	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
Other (as needed)	\$500	4-May-2017	1-Feb-2020	2.75	\$69	n/a	\$69
Other (as needed)	\$250	4-May-2017	3-Nov-2017	0.50	\$6	n/a	\$6

Notes for DELAYED costs

Estimated costs to submit the deviation report for the April 5, 2017 through October 4, 2017 reporting period to report the deviations for failing to prevent the loss of valid data from a CEMS, to comply with the VOC breakthrough definition, and to immediately direct wastewater to a covered system (\$250); to submit a revised deviation report for the October 5, 2016 through April 4, 2017 reporting period to report the deviations for failing to comply with the VOC annual MAER for EPN WW, the SO2 annual MAERs for EPNs BOILER1 and HEATER2, the NOx annual MAERs for EPNs HEATER1, HEATER2, and EMRGEN4, and the total VOC loading limit for the desalter wastewater stream (\$250); and to submit a revised deviation report for the April 5, 2017 through October 4, 2017 reporting period to report the deviations for failing to comply with the VOC annual MAER for EPN WWCC, the NOx annual MAERs for EPNs HEATER1, HEATER2, and EMRGEN4, and the total VOC loading limit for the desalter wastewater stream (\$250). The Dates Required are the date the first report was due and the Final Dates are the date the deviation report for the April 5, 2017 through October 4, 2017 reporting period was submitted and 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

\$750

TOTAL

\$75

Screening Date 12-Sep-2018
Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air
Enf. Coordinator Richard Garza
Violation Number 30
Rule Cite(s)

Docket No. 2018-1310-AIR-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

30 Tex. Admin. Code §§ 101.20(1), 116.115(b)(2) and (c), and 122.143(4), 40 CFR § 60.695(a), NSR Permit No. 109923, GC No. 14 and SC Nos. 3.G and 32.(A)(i), FOP No. O3869, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to calibrate the instrument measuring the VOC concentration. Specifically, the Respondent did not calibrate the instrument measuring the VOC concentration within 24 hours of use from June 7, 2017 through June 28, 2017.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential		x		

>> Programmatic Matrix

Matrix Notes	Falsification				Percent
		Major	Moderate	Minor	
					0.0%
Human health or the environment will or could be exposed to significant amounts of pollutants that would 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 21 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended for the period of non-compliance from June 7, 2017 through June 28, 2017.

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 \$343

Violation Final Penalty Total \$6,743

This violation Final Assessed Penalty (adjusted for limits) \$6,743

Economic Benefit Worksheet

Respondent Buckeye Texas Processing LLC
Case ID No. 56723
Reg. Ent. Reference No. RN106620438
Media Air
Violation No. 30

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	1-May-2018	1-Feb-2020	1.76	\$132	n/a	\$132

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to ensure that the instrument measuring the VOC concentration is calibrated within 24 hours of use. The Date Required is the investigation date 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)	\$210	6-Jun-2017	27-Jun-2017	0.06	\$1	\$210	\$211

Notes for AVOIDED costs

Estimated avoided cost to calibrate the instrument measuring the VOC concentration (\$10/calibration x 21 missed calibrations). The Date Required is the first day the calibration was required. The Final Date is the last day the calibration was required.

Approx. Cost of Compliance

\$1,710

TOTAL

\$343



Compliance History Report

Compliance History Report for CN604275107, RN106620438, Rating Year 2018 which includes Compliance History (CH) components from September 1, 2013, through August 31, 2018.

Customer, Respondent, or Owner/Operator: CN604275107, Buckeye Texas Processing LLC **Classification:** SATISFACTORY **Rating:** 6.17

Regulated Entity: RN106620438, EF90 CORPUS CHRISTI FACILITY **Classification:** SATISFACTORY **Rating:** 6.17

Complexity Points: 25 **Repeat Violator:** NO

CH Group: 02 - Oil and Petroleum Refineries

Location: 7209 UP RIVER RD CORPUS CHRISTI, TX 78409-2817, NUECES COUNTY

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 95725

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000084023

WASTEWATER PERMIT WQ0005024000

AIR NEW SOURCE PERMITS REGISTRATION 146052

AIR NEW SOURCE PERMITS REGISTRATION 138745

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1502

AIR NEW SOURCE PERMITS REGISTRATION 118059

AIR NEW SOURCE PERMITS REGISTRATION 151918

AIR NEW SOURCE PERMITS REGISTRATION 148941

AIR NEW SOURCE PERMITS REGISTRATION 151233

AIR NEW SOURCE PERMITS REGISTRATION 144101

AIR NEW SOURCE PERMITS AFS NUM 4835501688

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 95725

STORMWATER PERMIT TXR05CG66

WASTEWATER EPA ID TX0134694

AIR NEW SOURCE PERMITS REGISTRATION 147839

AIR NEW SOURCE PERMITS PERMIT 109923

AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX159

AIR NEW SOURCE PERMITS REGISTRATION 137801

AIR NEW SOURCE PERMITS REGISTRATION 150387

AIR NEW SOURCE PERMITS REGISTRATION 148939

AIR NEW SOURCE PERMITS REGISTRATION 149370

AIR NEW SOURCE PERMITS REGISTRATION 155810

AIR EMISSIONS INVENTORY ACCOUNT NUMBER NEA029C

AIR OPERATING PERMITS PERMIT 3869

POLLUTION PREVENTION PLANNING ID NUMBER P09880

AIR OPERATING PERMITS ACCOUNT NUMBER NEA029C

TAX RELIEF ID NUMBER 20707

TAX RELIEF ID NUMBER 20709

TAX RELIEF ID NUMBER 20708

TAX RELIEF ID NUMBER 20706

TAX RELIEF ID NUMBER 20704

TAX RELIEF ID NUMBER 20702

TAX RELIEF ID NUMBER 20705

TAX RELIEF ID NUMBER 20703

Compliance History Period: September 01, 2013 to August 31, 2018 **Rating Year:** 2018 **Rating Date:** 09/01/2018

Date Compliance History Report Prepared: April 15, 2019

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 15, 2014 to April 15, 2019

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

Name: Richard Garza

Phone: (512) 239-2697

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: 03/20/2018 | ADMINORDER | 2016-1855-IWD-E | (1660 Order-Agreed Order With Denial) |
| | Classification: Moderate | | | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1) | | | |

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	November 07, 2014	(1234265)
Item 2	December 03, 2014	(1234259)
Item 3	March 02, 2015	(1244595)
Item 4	May 22, 2015	(1257931)
Item 5	June 05, 2015	(1264675)
Item 6	June 09, 2015	(1264674)
Item 7	July 17, 2015	(1279316)
Item 8	August 18, 2015	(1254408)
Item 9	August 26, 2015	(1285511)
Item 10	September 18, 2015	(1292608)
Item 11	January 25, 2016	(1311202)
Item 12	February 18, 2016	(1317987)
Item 13	February 29, 2016	(1317988)
Item 14	March 16, 2016	(1327326)
Item 15	April 22, 2016	(1334118)
Item 16	July 28, 2016	(1337721)
Item 17	December 21, 2016	(1370871)
Item 18	June 29, 2017	(1416602)
Item 19	July 10, 2017	(1410844)
Item 20	March 05, 2018	(1449906)
Item 21	April 03, 2018	(1464566)
Item 22	April 06, 2018	(1438338)
Item 23	April 25, 2018	(1481971)
Item 24	May 08, 2018	(1502950)
Item 25	June 11, 2018	(1510042)
Item 26	August 14, 2018	(1522406)
Item 27	September 13, 2018	(1529623)
Item 28	October 15, 2018	(1518259)
Item 29	October 17, 2018	(1535910)
Item 30	November 29, 2018	(1530848)
Item 31	January 25, 2019	(1538925)
Item 32	February 05, 2019	(1425023)

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:	06/30/2018	(1516363)		
	Self Report?	YES		Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description:	Failure to meet the limit for one or more permit parameter			
2	Date:	08/31/2018	(1481634)		
	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) GC 14 PERMIT SC 8 PERMIT STC 13 OP			

Description:	Failure to burn in any fuel gas combustion device any fuel gas that does not contain hydrogen sulfide (H2S) in excess of 80 ppmv determined on a 1-hour rolling average basis.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H) 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 Ja 60.102a(g)(1)(ii) 5C THSC Chapter 382 382.085(b) GC 10 PERMIT GC 14 PERMIT SC 3C PERMIT SC 8 PERMIT STC 13 OP		
Description:	Failure to burn in any fuel gas combustion device any fuel gas that does not contain H2S in excess of 60 ppmv determined daily on a 365 successive calendar day rolling average basis.		
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) GC 14 PERMIT SC 10 PERMIT STC 13 OP		
Description:	Failure to comply with the NOx emission limit of 0.014 pounds per million British thermal units (lb/MMBtu) determined on a 1-hour average basis at EPNs HEATER1 and HEATER2.		
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) GC 14 PERMIT SC 10 PERMIT STC 13 OP		
Description:	Failure to comply with the NOx emission limit of 0.010 lb/MMBtu determined on a rolling 12-month average basis at EPNs HEATER1 and HEATER2.		
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) GC 14 PERMIT SC 10 PERMIT STC 13 OP		
Description:	Failure to comply with the carbon monoxide (CO) limit of 50 parts per million by volume, dry basis (ppmvd) at 3% oxygen (O2) determined on a 1-hour average basis.		
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) GC 14 PERMIT SC 10 PERMIT STC 13 OP		
Description:	Failure to comply with the ammonia (NH3) limit of 10 parts per million by volume (ppmv) determined on a 1-hour average basis.		
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) GC 14 PERMIT SC 20 PERMIT STC 13 OP		
Description:	Failure to comply with the authorized maximum barrel per hour (bbl/hr) tank fill/drain rates.		
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) GC 14 PERMIT STC 13 OP STC 21B PERMIT		
Description:	Failure to use an explosimeter to measure the lower explosive limit (LEL) of the		

vapor space above the internal floating roofs of tanks on a semiannual basis.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)
 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 QQQ 60.692-2(a)(2)
 5C THSC Chapter 382 382.085(b)
 GC 10 PERMIT
 SC 3G PERMIT
 STC 13 OP
 STC 8 OP

Description: Failure to perform monthly visual or physical inspections for each drain in active service.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)
 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 QQQ 60.692-2(b)(2)
 5C THSC Chapter 382 382.085(b)
 GC 10 PERMIT
 SC 3G PERMIT
 STC 13 OP
 STC 8 OP

Description: Failure to keep junction box covers in place at all times.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)
 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 QQQ 60.692-2(b)(3)
 5C THSC Chapter 382 382.085(b)
 GC 10 PERMIT
 SC 3G PERMIT
 STC 13 OP
 STC 8 OP

Description: Failure to perform semiannual visual inspections of junction boxes. Specifically, Buckeye failed to perform semiannual visual inspections of junction boxes to ensure that the cover is in place and to ensure that the cover has a tight seal around the edge as required by 40 CFR Part 60, Subpart QQQ during the second semiannual period of 2016 and the first semiannual period of 2017.

Refer to Deviation Item No. 640 of the DR1 and Deviation Item No. 543 of the DR2.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)
 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 QQQ 60.692-2(c)(2)
 5C THSC Chapter 382 382.085(b)
 GC 10 PERMIT
 SC 3G PERMIT
 STC 13 OP
 STC 8 OP

Description: Failure to perform semiannual visual inspections of each portion of unburied sewer line.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)
 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)
 GC 10 PERMIT
 STC 13 OP
 STC 3G PERMIT
 STC 8 OP

Description: Failure to perform semiannual inspections of the openings for each oil-water separator tank, slop oil tank, storage vessel, or other auxiliary equipment.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)

	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 Ja 60.107a(f)(1)(v) 5C THSC Chapter 382 382.085(b) GC 10 PERMIT STC 1 OP STC 13 OP STC 3C PERMIT	
Description:	Failure to install an instrument or instruments for continuously monitoring and recording the concentration of total reduced sulfur in gas discharged to a flare subject to the sulfur monitoring requirements of 40 CFR Part 60, Subpart Ja.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H) 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 Ja 60.107a(f)(1)(iv) 5C THSC Chapter 382 382.085(b) GC 10 PERMIT SC 3C PERMIT STC 1 OP STC 13 OP	
Description:	Failure to perform quarterly visual inspections of all components of the flow monitor (CPMS) measuring flow rate of gas discharged to the flares subject to 40 CFR Part 60, Subpart Ja.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.107a(a)(2)(iii) 5C THSC Chapter 382 382.085(b) GC 14 PERMIT SC 3C PERMIT SC 7 PERMIT STC 1 OP STC 13 OP	
Description:	Failure to perform daily calibration drift (CD) checks at the H2S fuel gas CEMS according to the requirements of 40 CFR Part 60, Appendix F.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H) 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 Ja 60.107a(a)(2)(iii) 5C THSC Chapter 382 382.085(b) GC 10 PERMIT SC 14 PERMIT SC 3C PERMIT STC 13 OP	
Description:	Failure to develop and implement a quality control (QC) program for the continuous emissions monitoring systems (CEMS).	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H) 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 QQQ 60.695(a)(3)(ii) 5C THSC Chapter 382 382.085(b) GC 10 PERMIT SC 3G PERMIT STC 13 OP STC 8 OP	
Description:	Failure to immediately replace existing carbon with fresh carbon when carbon breakthrough is indicated at the carbon canister.	
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) GC 14 PERMIT SC 12 PERMIT STC 13 OP	
Description:	Failure to locate the aqueous ammonia (NH3) storage tanks within a physical barrier to traffic.	

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) GC 14 PERMIT SC 14C PERMIT STC 13 OP		
Description:	Failure to reduce the gas fuel usage for each boiler and each heater monitored by the fuel flow meter to an hourly average flow rate at least once every day.		
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) GC 14 PERMIT SC 14D PERMIT STC 13 OP		
Description:	Failure to reduce the CEMs pollutant concentration data to at least 1-hour average concentrations and determine and record monthly the flow weighted average for each rolling 12-months.		
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) GC 14 PERMIT SC 14F PERMIT STC 13 OP		
Description:	Failure to notify the TCEQ Regional Office at least 30 days prior to any required Relative Accuracy Test Audit (RATA).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii) 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) GC 14 PERMIT STC 1 OP STC 13 OP STC 3 OP		
Description:	Failure to perform daily visible emission observations of the flares.		
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) GC 14 PERMIT SC 18C PERMIT STC 13 OP		
Description:	Failure to maintain records of audio, visual, and olfactory (AVO) inspections.		
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) GC 14 PERMIT SC 19 PERMIT STC 13 OP		
Description:	Failure to conduct monthly monitoring for volatile organic compounds (VOC) at the cooling tower (EPN CT1) with an air stripping system meeting the requirements of the TCEQ Sampling Procedures Manual, Appendix P (dated January 2003 or a later edition) or an approved equivalent sampling method (El Paso Method Monitoring).		
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) GC 14 PERMIT SC 19D PERMIT STC 13 OP		
Description:	Failure to sample the cooling tower water (EPN CT1) at least once per week for total dissolved solids (TDS).		
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) GC 14 PERMIT SC 22B PERMIT		

Description: STC 13 OP
 Failure to perform quarterly sampling to determine the vapor pressure-temperature relationship at the tanks subject to such monitoring.

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)
 GC 14 PERMIT
 SC 26 PERMIT
 STC 13 OP

Description: Failure to conduct monthly sampling of the desalter wastewater stream for total volatile organic compounds (VOC) by methods conforming to United State Environmental Protection Agency (EPA) Method 25D.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.695(a)(3)(ii)
 5C THSC Chapter 382 382.085(b)
 GC 14 PERMIT
 SC 24 PERMIT
 SC 39A(2) PERMIT
 SC 3G PERMIT
 STC 1 OP
 STC 13 OP

Description: Failure to vent fixed roof storage tanks storing wastewater to a control device meeting the requirements of Special Condition 39(A).

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)
 GC 14 PERMIT
 SC 15D PERMIT
 STC 13 OP

Description: Failure to maintain records of the average hourly values of the flow and Btu content of the vent stream flow to the flares.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)
 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)
 GC 7 PERMIT
 SC 19 PERMIT
 SC 43 PERMIT
 STC 13 OP

Description: Failure to maintain monthly emission records for EPN CT1 (cooling tower).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)
 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)
 GC 7 PERMIT
 SC 26 PERMIT
 SC 43 PERMIT
 STC 13 OP

Description: Failure to maintain monthly emission records for EPN WW (wastewater).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)
 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)
 GC 7 PERMIT
 SC 29 PERMIT
 SC 35 PERMIT
 SC 36 PERMIT
 SC 43 PERMIT
 STC 13 OP

Description: Failure to maintain monthly emission records for planned maintenance, startup, and shutdown (MSS) activities.

3

Date: 10/31/2018 (1543785)

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

4 Date: 11/30/2018 (1547481)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

5 Date: 01/30/2019 (1530707)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
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(d)
5C THSC Chapter 382 382.085(b)
GC 9 PERMIT
SC 3(A) PERMIT
STC 1 OP
STC 13 OP
STC 2(H) OP
Description: Failure to operate and maintain emission capture and abatement equipment properly during facility operations.

F. Environmental audits:

Notice of Intent Date: 01/18/2017 (1389297)

Disclosure Date: 07/25/2017

Viol. Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(2)

Description: Failure to submit a complete and correct Annual Waste Summary on or before March 1, 2017.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 260, SubChapter I, PT 260, SubPT B 260.10

Description: Failure to designate separate waste management units. A single registered waste management unit was being used to represent two separate noncontiguous areas.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11

30 TAC Chapter 335, SubChapter C 335.62

Description: Failed to document waste classification determinations on all industrial solid wastes.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.53(b)

30 TAC Chapter 335, SubChapter E 335.112(a)(3)

30 TAC Chapter 335, SubChapter C 335.69(a)(4)

Description: Failed to submit the Hazardous Waste Contingency Plan to all state and local agencies providing emergency response service.

Viol. Classification: Minor

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT E 262.52(d)

Description: The Hazardous Waste Contingency Plan does not list office and home addresses and office phone number for the Emergency Coordinator.

Viol. Classification: Minor

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.16(d)(1)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.16(d)(2)

30 TAC Chapter 335, SubChapter E 335.112(a)(1)

30 TAC Chapter 335, SubChapter C 335.69(a)(4)

Description: Failed to maintain name, job title, and job description of each employee involved with hazardous waste management.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)

30 TAC Chapter 335, SubChapter C 335.69(a)(3)

Description: Failed to clearly label or mark containers as "Hazardous Waste". Unlabeled totes of hazardous waste were observed in WMUs, 002, 003, 005, 006.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)
30 TAC Chapter 335, SubChapter C 335.69(a)(2)

Description: Failure to mark hazardous waste containers with the accumulation start date. Labels on totes containing hazardous waste observed in WMU's, 002, 003, 004, 005, 006 were not properly dated.

Viol. Classification: Minor

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174
30 TAC Chapter 335, SubChapter E 335.112(a)(8)
30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)

Description: Failure to maintain records of weekly container hazardous waste inspections for the period of December 2016 to April 2017.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.16(a)
30 TAC Chapter 335, SubChapter E 335.112(a)(1)
30 TAC Chapter 335, SubChapter C 335.69(a)(4)

Description: Failure to ensure that staff is trained to respond to emergencies. The hazardous waste training program does not include minimum elements to ensure that facility personnel are able to respond effectively to emergencies.

Viol. Classification: Minor

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.16(b)
30 TAC Chapter 335, SubChapter E 335.112(a)(1)
30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A)

Description: Failure to maintain hazardous waste training records. Hazardous waste training records are not sufficient to demonstrate that initial personnel training has been conducted.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.1

Description: Failure to submit a timely Discharge Monitoring Report (DMR). Some DMRs were submitted late.

Viol. Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to notify TCEQ within 5 working days of pollutant exceedances in excess of 40%. Outfall 201 oil & grease daily maximum was more than 40% above the TPDES permit limit in November 2016, but no written notification was made to TCEQ within 5 working days.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.1

Description: Failure to conduct quarterly Whole Effluent Toxicity testing. Quarterly Whole Effluent Toxicity testing was not conducted for Outfalls 001 and 002.

Viol. Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to calibrate equipment annually. Flow meters at Outfalls 201 and 301 were not calibrated annually.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.5(a)

Description: Failure to properly configure composite samplers to collect wastewater samples. The wastewater composite sampler at Outfall 001 is not configured to collect flow weighted samples.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to implement employee training program for stormwater pollution prevention. Employee stormwater pollution prevention training and education programs have not been implemented.

Notice of Intent Date: 09/19/2017 (1438850)

Disclosure Date: 11/02/2017

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.4

Description: Failure to collect composite sample for Outfall 101.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.4

Description: Failure to correctly collect biomonitoring samples for Outfall 001.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.5(b)

Description: Failure to collect required samples for Outfall 101 and 004.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.5(a)
Description: Failure to monitor pH at correct location for Outfall 001.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to submit accurate DMRs. Several DMRs contain errors.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.1
Description: Failure to report exceedances by 40% or more within 5 working days (Outfalls 001 and 301).
Viol. Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.11(a)
Description: Failure of lab detection limit to meet MAL (minimum analytical level) requirements for phenolic compounds.
Disclosure Date: 12/01/2017
Viol. Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11
Description: Failure to record continuous flow measurements of outfalls 001 and 101.
Disclosure Date: 02/05/2018
Viol. Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to submit DMR reports on time. Due to uncertainty about outfall 001 and 101 flow data, the November 2017 DMR's for these 2 outfalls were submitted late.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to maintain TSS below permit limits. The filters for boiler blowdown and cooling tower blowdown were bypassed resulting in exceeding the TSS limits for outfalls 201 and 301 on December 7, 2017.

Notice of Intent Date: 12/19/2018 (1537495)
No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: BUCKEYE TEXAS PROCESSING, LLC COR

Reg Entity Add: 7209 UP RIVER RD

Reg Entity City: CORPUS CHRISTI

Reg Entity No: RN106620438

EPA Case No: 06-2017-4809

Order Issue Date (yyyymmdd): 20171205

Case Result: Final Order With Penalty

Statute: CWA

Sect of Statute: 311J

Classification: Moderate

Program: FRP

Citation:

Violation Type: Oil Spill Violation Under
CWA/OPA

Cite Sect:

Cite Part:

Enforcement Action: Administrative Penalty Order With or Without Inj

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BUCKEYE TEXAS PROCESSING
LLC
RN106620438**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2018-1310-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 Buckeye Texas Processing 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 petroleum refinery located at 7209 Up River Road in Corpus Cristi, Nueces 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 \$759,521 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$303,809 of the penalty and \$151,904 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements 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, \$303,808 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 March 1, 2016, equipped Heater #1 and Heater #2 with selective catalytic reduction ("SCR") systems as represented in the application for New Source Review ("NSR") Permit No. 109923;
 - b. By May 31, 2016, submitted an amendment application for NSR Permit No. 109923 to obtain a prevention of significant deterioration ("PSD") permit for the Plant, to increase the volatile organic compounds ("VOC") annual maximum allowable emissions rate ("MAER") for Emissions Point Number ("EPN") WW, to authorize the installation of a new air-assisted flare, to include the revised piping component count in order to comply with the VOC annual MAER for Fugitives, EPN FUG, and to increase the total VOC loading limit for the desalter wastewater stream;
 - c. By October 5, 2016, obtained Federal Operating Permit ("FOP") No. O3869 to authorize the emission units at the Plant;
 - d. On November 3, 2017, submitted the deviation report for the April 5, 2017 through October 4, 2017 reporting period to report the deviations for failing to prevent the loss of valid data from a continuous emissions monitoring system ("CEMS"), to comply with the VOC breakthrough definition, and to immediately direct wastewater to a covered system;

- e. On January 30, 2018, submitted the 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 60 Subpart QQQ certification;
- f. By May 31, 2018, reenabled the high-high level alarms for the aqueous ammonia ("NH₃") storage tanks; and
- g. By May 31, 2018, directed all process wastewater to a covered system with no visible gaps or cracks in joints, seals, or other emission interfaces.

II. ALLEGATIONS

During an investigation conducted on May 1, 2018 through August 29, 2018, an investigator documented that the Respondent:

1. Failed to obtain a FOP, in violation of 30 TEX. ADMIN. CODE § 122.121 and TEX. HEALTH & SAFETY CODE §§ 382.054 and 382.085(b). Specifically, the Respondent began operating the Plant that exceeded the major source threshold for VOC on September 22, 2015, prior to obtaining FOP No. 03869 on October 5, 2016.
2. Failed to comply with the PSD requirements, in violation of 30 TEX. ADMIN. CODE § 116.160(a), 40 CFR § 52.21(a)(2)(iii), and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent constructed a new major source in an attainment area, prior to obtaining a PSD permit.
3. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, General Conditions ("GC") Nos. 8 and 14 and Special Conditions ("SC") No. 1, FOP No. 03869, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the VOC MAER of 0.25 ton per year ("tpy") based on a 12-month rolling period for the 12-month periods ending from September 2016 through October 2017 for the Cooling Tower, EPN CT1, resulting in 0.26 ton of unauthorized VOC.
4. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. 03869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the VOC MAER of less than 0.01 tpy based on a 12-month rolling period for the 12-month periods ending from September 2016 through October 2017 for the Wastewater Carbon Canisters, EPN WWCC, resulting in 0.13 ton of unauthorized VOC.
5. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. 03869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the VOC MAER of 2.95 tpy based on a 12-month rolling period for the 12-month periods ending from February 2017 through October 2017 for Wastewater, EPN WW, resulting in 12.93 tons of unauthorized VOC.
6. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP

No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the sulfur dioxide ("SO₂") MAER of 0.52 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through May 2017 for Boiler #1, EPN BOILER₁, resulting in 0.02 ton of unauthorized SO₂.

7. Failed to comply with the MAERs, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the nitrogen oxides ("NO_x") MAER of 3.50 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through December 2016 and the SO₂ MAER of 3.47 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through August 2017 for Heater #1, EPN HEATER₁, resulting in 0.29 ton of unauthorized NO_x and 1.26 tons of unauthorized SO₂.
8. Failed to comply with the MAERs, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the SO₂ MAER of 3.47 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through August 2017 and the NO_x MAER of 3.50 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through December 2016 for Heater #2, EPN HEATER₂, resulting in 1.29 tons of unauthorized SO₂ and 0.33 ton of unauthorized NO_x.
9. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the VOC MAER of 19.28 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through October 2017 for Fugitives, EPN FUG, resulting in 5.86 tons of unauthorized VOC.
10. Failed to comply with the MAERs, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the VOC MAER of 0.02 tpy and the carbon monoxide ("CO") MAER of 0.10 tpy based on 12-month rolling periods for the 12-month periods ending from October 2016 through October 2017 for the Liquefied Petroleum Gas ("LPG") Flare, EPN FLARE₁, resulting in 1.05 tons of unauthorized VOC and 0.90 ton of unauthorized CO.
11. Failed to comply with the MAERs, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the CO MAER of 0.79 tpy and the SO₂ MAER of 0.08 tpy based on 12-month rolling periods for the 12-month periods ending from October 2016 through October 2017 for the Flare, EPN FLARE, resulting in 2.67 tons of unauthorized CO and 2.58 tons of unauthorized SO₂.

12. Failed to comply with the MAERs, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the NO_x MAER of 0.23 tpy, the SO₂ MAER of 0.03 tpy, and the particulate matter ("PM"), the PM equal to or less than 10 microns in diameter ("PM₁₀"), and the PM equal to or less than 2.5 microns in diameter ("PM_{2.5}") MAERs of less than 0.01 tpy based on 12-month rolling periods for the 12-month periods ending from October 2016 through July 2017 and the CO MAER of 1.01 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through February 2017 for Maintenance, Startup, and Shutdown Combustion, EPN MSS-TEMP, resulting in 0.01 ton of unauthorized NO_x, 0.03 ton of unauthorized SO₂, 0.01 ton of unauthorized PM, PM₁₀, and PM_{2.5}, and 0.66 ton of unauthorized CO.
13. Failed to comply with the MAERs, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the NO_x MAER of 0.01 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through October 2017 and the CO MAER of 0.01 tpy based on a 12-month rolling period for the 12-month periods ending from June 2017 through October 2017 for the Control Building Emergency Generator, EPN EMRGEN2b, resulting in 0.07 ton of unauthorized NO_x and 0.01 ton of unauthorized CO.
14. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the NO_x MAER of 0.09 tpy based on a 12-month rolling period for the 12-month periods ending from December 2016 through October 2017 for Back-Up Generator, EPN EMRGEN3a, resulting in 0.20 ton of unauthorized NO_x.
15. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the NO_x MAER of 0.09 tpy based on a 12-month rolling period for the 12-month periods ending from December 2016 through October 2017 for Back-Up Generator, EPN EMRGEN3b, resulting in 0.02 ton of unauthorized NO_x.
16. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the NO_x MAER of 0.09 tpy based on a 12-month rolling period for the 12-month periods ending from December 2016 through October 2017 for Back-Up Generator, EPN EMRGEN3c, resulting in 0.04 ton of unauthorized NO_x.
17. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP

No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the NOx MAER of 0.11 tpy based on a 12-month rolling period for the 12-month periods ending from April 2017 through October 2017 for the Splitter Emergency Engine, EPN EMRGEN4, resulting in 0.03 ton of unauthorized NOx.

18. Failed to comply with the MAERs, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the NOx MAER of 0.08 tpy and the CO MAER of 0.03 tpy based on 12-month rolling periods for the 12-month periods ending from October 2016 through October 2017 for Firewater Pump, EPN FWP2, resulting in 0.07 ton of unauthorized NOx and 0.01 ton of unauthorized CO.
19. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the NOx MAER of 0.08 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through October 2017 for Firewater Pump, EPN FWP3, resulting in 2.52 tons of unauthorized NOx.
20. Failed to comply with the MAERs, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 109923, GC Nos. 8 and 14 and SC No. 1, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the NOx MAER of 0.03 tpy based on a 12-month rolling period for the 12-month periods ending from October 2016 through October 2017 and the CO MAER of 0.01 tpy based on a 12-month period for the 12-month periods ending from December 2016 through July 2017 for Firewater Pump, EPN FWP4, resulting in 0.03 ton of unauthorized NOx and 0.01 ton of unauthorized CO.
21. Failed to operate the flare with no visible emissions except for periods not to exceed a total of five minutes during any two consecutive hours as ensured by the use of steam assist to the flare, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(b) and (c), and 122.143(4), 40 CFR § 60.18(c)(1), NSR Permit No. 109923, GC Nos. 1 and 14 and SC Nos. 3.A and 15.C, FOP No. O3869, GTC and STC Nos. 1 and 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the LPG Flare is an emergency flare that was operated from November 10, 2015 through December 24, 2015, April 21, 2016 through May 30, 2017, and March 3, 2018 through May 9, 2018 without being steam-assisted and was designed to smoke.
22. Failed to comply with the representations with regard to construction plans and operation procedures in a permit application, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(G), 116.116(a)(1), and 122.143(4), NSR Permit No. 109923, GC Nos. 1 and 9, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent represented in the application for NSR Permit No. 109923 that Heater #1 and Heater #2 would be equipped with SCR systems to reduce NOx emissions, but the SCR systems did not become operational until February 29, 2016 for Heater #1 and March 1, 2016 for Heater #2.

23. Failed to include a high-high level alarm for the fill level of the aqueous NH₃ storage tanks, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2) and (c) and 122.143(4), NSR Permit No. 109923, GC No. 14 and SC No. 13, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the aqueous NH₃ storage tanks were equipped with a high level alarm but the high-high level alarm was disabled from December 2017 through May 2018.
24. Failed to comply with the total VOC loading limit, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2) and (c) and 122.143(4), NSR Permit No. 109923, GC No. 14 and SC No. 26, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the 2.4 pounds per hour ("lbs/hr") total VOC loading limit for the desalter wastewater stream on 38 occasions during the October 5, 2016 through April 4, 2017 reporting period and on 17 occasions during the April 5, 2017 through October 4, 2017 reporting period.
25. Failed to prevent the loss of valid data from a CEMS due to periods of monitor break down, out-of-control operations, repair, maintenance, or calibration that exceeds 5.0 percent ("%") of the time (in minutes) that the heater operated over the previous rolling 12-month period, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2) and (c) and 122.143(4), NSR Permit No. 109923, GC No. 14 and SC No. 14.G, FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the CEMS downtime exceeded 5.0% of the operational time (in minutes) for the NH₃ CEMS for EPN HEATER1 for the 12-month periods ending from February 2017 through July 2017 and on October 2017; for the CO CEMS for EPN HEATER2 for the 12-month periods ending from December 2016 through October 2017; and for the NH₃, NO_x, and oxygen ("O₂") CEMS for EPN HEATER2 for the 12-month periods ending from October 2016 through October 2017.
26. Failed to submit a 40 CFR Part 60 Subpart QQQ certification within 60 days after startup, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(b)(2)(H) and (c), and 122.143(4), 40 CFR § 60.698(b)(1), NSR Permit No. 109923, GC No. 10 and SC No. 3.G, FOP No. O3869, GTC and STC Nos. 8 and 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the certification required by 40 CFR Part 60 Subpart QQQ was due by November 21, 2015, but was not submitted until January 30, 2018.
27. Failed to comply with the VOC breakthrough definition and failed to calibrate the instrument measuring the VOC concentration, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(b)(2) and (c), and 122.143(4), 40 CFR § 60.695(a) and (a)(3)(ii), NSR Permit No. 109923, GC No. 14 and SC Nos. 3.G, 32.(A)(i), and 39.A(4), FOP No. O3869, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the breakthrough definition of the highest measured VOC concentration at or above 100 parts per million by volume ("ppmv") above background by 400 ppmv from October 5, 2016 through May 1, 2017, resulting in the waste gas flow not being switched to the second canister when the condition of breakthrough of VOC from the initial saturation canister occurred. Also, the Respondent did not calibrate the instrument measuring the VOC concentration within 24 hours of use from June 7, 2017 through June 28, 2017.

28. Failed to immediately direct process wastewater to a covered system, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(b)(2) and (c), and 122.143(4), 40 CFR § 60.692-2(c)(1), NSR Permit No. 109923, GC No. 14 and SC Nos. 3.G and 24, FOP No. 03869, GTC and STC Nos. 1 and 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the process wastewater from the V101, V013, and V105 water boots in the 100 and 200 splitter units was routed to the catch basins under the unit, to a grate-covered trench, and then into the sewer.
29. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. 03869, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the October 5, 2016 through April 4, 2017 reporting period did not include the deviations for failing to comply with the VOC annual MAER for EPN WW, the SO₂ annual MAERs for EPNs BOILER₁ and HEATER₂, the NO_x annual MAERs for EPNs HEATER₁, HEATER₂, and EMRGEN₄, the total VOC loading limit for the desalter wastewater stream, and the VOC breakthrough definition, failing to prevent the loss of valid data from a CEMS, failing to submit a 40 CFR Part 60 Subpart QQQ certification, and failing to immediately direct process wastewater to a covered system; and the deviation report for the April 5, 2017 through October 4, 2017 reporting period did not include the deviations for failing to comply with the VOC annual MAER for EPN WWCC, the NO_x annual MAERs for EPNs HEATER₁, HEATER₂, and EMRGEN₄, and the total VOC loading limit for the desalter wastewater stream.

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: Buckeye Texas Processing LLC, Docket No. 2018-1310-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 \$303,808 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. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application within 30 days after the date of such requests, or by any other deadline specified in writing;
 - b. Within 30 days after the effective date of this Order:
 - i. Implement measures and/or procedures designed to comply with the VOC annual MAER for EPN CT₁;
 - ii. Implement measures and/or procedures designed to comply with the VOC annual MAER for EPN WWCC;
 - iii. Implement measures and/or procedures designed to comply with the SO₂ annual MAER for EPN BOILER₁;
 - iv. Implement measures and/or procedures designed to comply with the NO_x and SO₂ annual MAERs for EPN HEATER₁;
 - v. Implement measures and/or procedures designed to comply with the SO₂ and NO_x annual MAERs for EPN HEATER₂;
 - vi. Implement measures and/or procedures designed to comply with the VOC and CO annual MAERs for EPN FLARE₁;
 - vii. Implement measures and/or procedures designed to comply with the CO and SO₂ annual MAERs for EPN FLARE;
 - viii. Implement measures and/or procedures designed to comply with the NO_x, SO₂, CO, PM, PM₁₀, and PM_{2.5} MAERs for EPN MSS-TEMP;
 - ix. Implement measures and/or procedures designed to comply with the NO_x and CO annual MAERs for EPN EMRGEN_{2b};
 - x. Implement measures and/or procedures designed to comply with the NO_x annual MAER for EPN EMRGEN_{3a};
 - xi. Implement measures and/or procedures designed to comply with the NO_x annual MAER for EPN EMRGEN_{3b};
 - xii. Implement measures and/or procedures designed to comply with the NO_x annual MAER for EPN EMRGEN_{3c};
 - xiii. Implement measures and/or procedures designed to comply with the NO_x annual MAER for EPN EMRGEN₄;

- xiv. Implement measures and/or procedures designed to comply with the NOx and CO annual MAERs for EPN FWP₂;
 - xv. Implement measures and/or procedures designed to comply with the NOx annual MAER for EPN FWP₃;
 - xvi. Implement measures and/or procedures designed to comply with the NOx and CO annual MAERs for EPN FWP₄;
 - xvii. Implement measures and/or procedures designed to ensure that the valid data from the CEMS for EPNs HEATER₁ and HEATER₂ is prevented from being lost due to periods of monitor breakdown, out-of-control operations, repair, maintenance, or calibration that exceeds 5.0% of the time (in minutes) that the heater operated over the previous rolling 12-month period;
 - xviii. Implement measures and/or procedures designed to comply with the VOC breakthrough definition in order to ensure that the waste gas flow is switched to the second canister when the condition of breakthrough of VOC from the initial saturation canister occurs;
 - xix. Submit a revised deviation report for the October 5, 2016 through April 4, 2017 reporting period to report the deviations for failing to comply with the VOC annual MAER for EPN WW, the SO₂ annual MAERs for EPNs BOILER₁ and HEATER₂, the NOx annual MAERs for EPNs HEATER₁, HEATER₂, and EMRG_{EN4}, and the total VOC loading limit for the desalter wastewater stream;
 - xx. Submit a revised deviation report for the April 5, 2017 through October 4, 2017 reporting period to report the deviations for failing to comply with the VOC annual MAER for EPN WWCC, the NOx annual MAERs for EPNs HEATER₁, HEATER₂, and EMRG_{EN4}, and the total VOC loading limit for the desalter wastewater stream; and
 - xxi. Implement measures and/or procedures designed to ensure that the instrument measuring the VOC concentration is calibrated within 24 hours of use.
- c. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision No. 3.b, as described in Ordering Provision No. 3.d; and
- d. Within 180 days after the effective date of this Order, submit written certification that either the amendment for NSR Permit No. 109923 has been obtained or that operation has ceased until such time that appropriate authorization is obtained and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. 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
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5839

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.

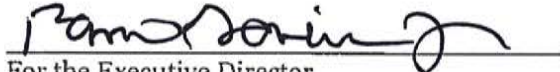
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic 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



2/10/2027
Date


For the Executive Director

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

1/2/2020
Date

Kevin D. Burke

Name (Printed or typed)
Authorized Representative of
Buckeye Texas Processing LLC

Sr Director - GM South Texas
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: 2018-1310-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Buckeye Texas Processing LLC
Payable Penalty Amount:	\$607,617
SEP Offset Amount:	\$303,808
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Texas Association of Resource Conservation & Development Areas, Inc.
Project Name:	Public Water System Assistance Project
Location of SEP:	Nueces County - Nueces River Basin, Gulf Coast Aquifer

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 **Texas Association of Resource Conservation and Development Areas, Inc. (RC&D)** for the *Public Water System Assistance* project. The contribution will be used in accordance with the Supplemental Environmental Project between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to repair or replace failing public water systems (PWSs) throughout Texas. The Third-Party Administrator shall coordinate with local governments, public and private entities, water supply corporations, and non-profit organizations to expend SEP Funds to repair or replace failing PWSs. 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

Safe, reliable drinking water is needed for human health and household sanitation. PWSs that are noncompliant with TCEQ drinking water rules run the risk of failing to provide continuous water to consumers or providing untreated water to consumers. Untreated water may harbor bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). Consuming untreated water can cause disease ranging in severity from mild gastroenteritis to life-threatening ailments. Continuous and properly treated water is vital for household sanitation including, bathing, brushing teeth, cooking, washing, and flushing toilets.

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 **Texas Association RC&D** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D
Attention: Executive Director
P.O. Box 2533
Victoria, Texas 77902

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.