

Executive Summary – Enforcement Matter – Case No. 59442
Chevron Phillips Chemical Company LP
RN103919817
Docket No. 2020-0796-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Chevron Phillips Chemical Cedar Bayou Plant, 9500 IH-10 East, Baytown, Harris County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2020-1111-AIR-E, 2020-0997-AIR-E, 2019-1527-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 22, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$142,500

Amount Deferred for Expedited Settlement: \$28,500

Total Paid to General Revenue: \$57,000

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset A: \$28,500

Name of SEP: Houston Regional Monitoring Corporation (Third-Party Pre-Approved)

SEP Conditional Offset B: \$28,500

Name of SEP: Anahuac Independent School District (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

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Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 23, 2020 through April 16, 2020

Date(s) of NOE(s): May 29, 2020

Violation Information

1. Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, during a stack test conducted on August 20, 2019 and August 21, 2019, the Respondent exceeded the particulate matter ("PM") MAER of 3.73 pounds per hour ("lbs/hr") by 0.97 lb/hr for Cracking Furnace H-101, Emissions Point Numbers ("EPNs") H-101, resulting in approximately 6,867.6 pounds of unauthorized PM [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), New Source Review ("NSR") Permit Nos. 1504A, PSDTX748M1, and N148, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O2113, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 18, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to comply with the MAER. Specifically, during a stack test conducted on August 26, 2019 and August 27, 2019, the Respondent exceeded the PM MAER of 3.73 lbs/hr by 1.77 lbs/hr for Cracking Furnace H-107, EPN H-107, resulting in approximately 12,276.72 pounds of unauthorized PM [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 1504A, PSDTX748M1, and N148, SC No. 1, FOP No. O2113, GTC and STC No. 18, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to comply with the MAER. Specifically, during a stack test conducted on August 22, 2019 and August 23, 2019, the Respondent exceeded the PM MAER of 3.73 lbs/hr by 2.57 lbs/hr for Cracking Furnace H-104, EPN H-104, resulting in approximately 18,072.24 pounds of unauthorized PM [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 1504A, PSDTX748M1, and N148, SC No. 1, FOP No. O2113, GTC and STC No. 18, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

From June 23, 2020 through June 25, 2020, the Respondent conducted stack sampling demonstrating compliance with the PM hourly MAERs for the Cracking Furnaces H-101, H-104, and H-107, EPNs H-101, H-104, and H-107, respectively.

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Technical Requirements:

The Order will require the Respondent to implement and complete two SEPs (see SEP Attachments A and B).

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Yuliya Dunaway, Enforcement Division, Enforcement Team 5, MC R-13, (210) 403-4077; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

SEP A Third-Party Administrator: Houston Regional Monitoring Corporation, Amandes PLLC, 1414 West Clay Street, Houston, Texas 77019

SEP B Third-Party Administrator: Anahuac Independent School District, P.O. Box 638, Anahuac, Texas 77514

Respondent: Gary Piana, Plant Manager, Chevron Phillips Chemical Company LP, 9500 IH-10 East, Baytown, Texas 77521

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES Assigned **2-Jun-2020**
PCW **2-Sep-2020** Screening **11-Jun-2020** EPA Due **25-Nov-2020**

RESPONDENT/FACILITY INFORMATION

Respondent **Chevron Phillips Chemical Company LP**
Reg. Ent. Ref. No. **RN103919817**
Facility/Site Region **12-Houston** Major/Minor Source **Major**

CASE INFORMATION

Enf./Case ID No. **59442** No. of Violations **3**
Docket No. **2020-0796-AIR-E** Order Type **1660**
Media Program(s) **Air** Government/Non-Profit **No**
Multi-Media Enf. Coordinator **Yuliya Dunaway**
EC's Team **Enforcement Team 5**
Admin. Penalty \$ Limit Minimum **\$0** Maximum **\$25,000**

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$75,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **100.0%** Adjustment Subtotals 2, 3, & 7 **\$75,000**

Notes Enhancement for two NOVs with same/similar violations, four NOVs with dissimilar violations, six orders containing a denial of liability, and two orders without a denial of liability. Reduction for four notices of intent to conduct an audit and one disclosure of violations.

Culpability **No** **0.0%** Enhancement Subtotal 4 **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 **-\$7,500**

Economic Benefit **0.0%** Enhancement* Subtotal 6 **\$0**

Total EB Amounts **\$1,007**
Estimated Cost of Compliance **\$24,000**
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal **\$142,500**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$142,500**

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty **\$142,500**

DEFERRAL **20.0%** Reduction Adjustment **-\$28,500**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$114,000**

Screening Date 11-Jun-2020

Docket No. 2020-0796-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 4 (April 2014)

Case ID No. 59442

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103919817

Media Air

Enf. Coordinator Yuliya Dunaway

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	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	6	120%
	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	2	50%
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>)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 182%

>> 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, four NOVs with dissimilar violations, six orders containing a denial of liability, and two orders without a denial of liability. Reduction for four notices of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 182%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 11-Jun-2020

Docket No. 2020-0796-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 4 (April 2014)

Case ID No. 59442

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103919817

Media Air

Enf. Coordinator Yuliya Dunaway

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), New Source Review ("NSR") Permit Nos. 1504A, PSDTX748M1, and N148, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O2113, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 18, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, during a stack test conducted on August 20, 2019 and August 21, 2019, the Respondent exceeded the particulate matter ("PM") MAER of 3.73 pounds per hour ("lbs/hr") by 0.97 lb/hr for Cracking Furnace H-101, Emissions Point Number ("EPN") H-101, resulting in approximately 6,867.6 pounds of unauthorized PM.

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

295 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Four quarterly events are recommended from the August 20, 2019 stack test date to the June 11, 2020 screening date.

Good Faith Efforts to Comply

10.0%

Reduction \$1,500

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

Notes

The Respondent achieved compliance on June 25, 2020, after to the Notice of Enforcement ("NOE") dated May 29, 2020.

Violation Subtotal \$13,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$339

Violation Final Penalty Total \$28,500

This violation Final Assessed Penalty (adjusted for limits) \$28,500

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
Case ID No. 59442
Reg. Ent. Reference No. RN103919817
Media Air
Violation No. 1

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)	\$8,000	21-Aug-2019	25-Jun-2020	0.85	\$339	n/a	\$339

Notes for DELAYED costs

Estimated costs to conduct a stack test demonstrating compliance with the PM hourly MAER for Cracking Furnace H-101, EPN H-101. The Date Required is the date of non-compliance. 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

\$8,000

TOTAL

\$339

Screening Date 11-Jun-2020

Docket No. 2020-0796-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 4 (April 2014)

Case ID No. 59442

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103919817

Media Air

Enf. Coordinator Yuliya Dunaway

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 1504A, PSDTX748M1, and N148, SC No. 1, FOP No. O2113, GTC and STC No. 18, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed-to-comply with the MAER. Specifically, during a stack test conducted on August 26, 2019 and August 27, 2019, the Respondent exceeded the PM MAER of 3.73 lbs/hr by 1.77 lbs/hr for Cracking Furnace H-107, EPN H-107, resulting in approximately 12,276.72 pounds of unauthorized PM.

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 4

289 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$30,000

Four quarterly events are recommended from the August 27, 2019 stack test date to the June 11, 2020 screening date.

Good Faith Efforts to Comply

10.0%

Reduction \$3,000

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

Notes

The Respondent achieved compliance on June 25, 2020, after to the NOE dated May 29, 2020.

Violation Subtotal \$27,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$332

Violation Final Penalty Total \$57,000

This violation Final Assessed Penalty (adjusted for limits) \$57,000

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
Case ID No. 59442
Reg. Ent. Reference No. RN103919817
Media Air
Violation No. 2

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)	\$8,000	27-Aug-2019	25-Jun-2020	0.83	\$332	n/a	\$332

Notes for DELAYED costs

Estimated costs to conduct a stack test demonstrating compliance with the PM hourly MAER for Cracking Furnace H-107, EPN H-107. The Date Required is the date of non-compliance. 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

\$8,000

TOTAL

\$332

Screening Date 11-Jun-2020

Docket No. 2020-0796-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 4 (April 2014)

Case ID No. 59442

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103919817

Media Air

Enf. Coordinator Yuliya Dunaway

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 1504A, PSDTX748M1, and N148, SC No. 1, FOP No. O2113, GTC and STC No. 18, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the MAER. Specifically, during a stack test conducted on August 22, 2019 and August 23, 2019, the Respondent exceeded the PM MAER of 3.73 lbs/hr by 2.57 lbs/hr for Cracking Furnace H-104, EPN H-104, resulting in approximately 18,072.24 pounds of unauthorized PM.

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 4

293 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$30,000

Four quarterly events are recommended from the August 23, 2019 stack test date to the June 11, 2020 screening date.

Good Faith Efforts to Comply

10.0%

Reduction \$3,000

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

Extraordinary	
Ordinary	x
N/A	

Notes

The Respondent achieved compliance on June 25, 2020, after to the NOE dated May 29, 2020.

Violation Subtotal \$27,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$336

Violation Final Penalty Total \$57,000

This violation Final Assessed Penalty (adjusted for limits) \$57,000

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
Case ID No. 59442
Reg. Ent. Reference No. RN103919817
Media Air
Violation No. 3

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)	\$8,000	23-Aug-2019	25-Jun-2020	0.84	\$336	n/a	\$336

Notes for DELAYED costs

Estimated costs to conduct a stack test demonstrating compliance with the PM hourly MAER for Cracking Furnace H-104, EPN H-104. The Date Required is the date of non-compliance. 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

\$8,000

TOTAL

\$336



Compliance History Report

Compliance History Report for CN600303614, RN103919817, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator:	CN600303614, Chevron Phillips Chemical Company LP	Classification:	SATISFACTORY	Rating:	3.39
Regulated Entity:	RN103919817, CHEVRON PHILLIPS CHEMICAL CEDAR BAYOU PLANT	Classification:	SATISFACTORY	Rating:	7.08
Complexity Points:	45	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	9500 INTERSTATE 10 E, BAYTOWN, HARRIS COUNTY, TX				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD003913381

WASTEWATER PERMIT WQ0001006000

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1012335

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30091

WASTEWATER EPA ID TX0003948

AIR OPERATING PERMITS ACCOUNT NUMBER HG0310V

AIR OPERATING PERMITS PERMIT 2113
AIR OPERATING PERMITS PERMIT 2115
AIR OPERATING PERMITS PERMIT 3247
AIR NEW SOURCE PERMITS REGISTRATION 75577
AIR NEW SOURCE PERMITS AFS NUM 4820100018
AIR NEW SOURCE PERMITS PERMIT 6517A
AIR NEW SOURCE PERMITS PERMIT 2462C
AIR NEW SOURCE PERMITS REGISTRATION 24093
AIR NEW SOURCE PERMITS PERMIT 37063
AIR NEW SOURCE PERMITS REGISTRATION 40534
AIR NEW SOURCE PERMITS REGISTRATION 44005
AIR NEW SOURCE PERMITS PERMIT 46305
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX748
AIR NEW SOURCE PERMITS REGISTRATION 50757
AIR NEW SOURCE PERMITS REGISTRATION 50370
AIR NEW SOURCE PERMITS REGISTRATION 95539
AIR NEW SOURCE PERMITS EPA PERMIT N148
AIR NEW SOURCE PERMITS REGISTRATION 140351
AIR NEW SOURCE PERMITS REGISTRATION 136473
AIR NEW SOURCE PERMITS REGISTRATION 120563
AIR NEW SOURCE PERMITS REGISTRATION 139886
AIR NEW SOURCE PERMITS REGISTRATION 118637
AIR NEW SOURCE PERMITS REGISTRATION 139762
AIR NEW SOURCE PERMITS REGISTRATION 134693
AIR NEW SOURCE PERMITS REGISTRATION 123965
AIR NEW SOURCE PERMITS REGISTRATION 111071
AIR NEW SOURCE PERMITS REGISTRATION 135701
AIR NEW SOURCE PERMITS REGISTRATION 132981
AIR NEW SOURCE PERMITS REGISTRATION 111072
AIR NEW SOURCE PERMITS REGISTRATION 116896
AIR NEW SOURCE PERMITS REGISTRATION 122707
AIR NEW SOURCE PERMITS REGISTRATION 151993
AIR NEW SOURCE PERMITS PERMIT AMOC32
AIR NEW SOURCE PERMITS REGISTRATION 153141
AIR NEW SOURCE PERMITS PERMIT AMOC84
AIR NEW SOURCE PERMITS PERMIT AMOC100
AIR NEW SOURCE PERMITS PERMIT AMOC87

AIR OPERATING PERMITS PERMIT 2114
AIR OPERATING PERMITS PERMIT 2370
WATER LICENSING LICENSE 1012335
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0310V
AIR NEW SOURCE PERMITS PERMIT 1504A
AIR NEW SOURCE PERMITS REGISTRATION 7403A
AIR NEW SOURCE PERMITS PERMIT 19027
AIR NEW SOURCE PERMITS REGISTRATION 32866
AIR NEW SOURCE PERMITS REGISTRATION 38590
AIR NEW SOURCE PERMITS REGISTRATION 41691
AIR NEW SOURCE PERMITS REGISTRATION 44759
AIR NEW SOURCE PERMITS REGISTRATION 49322
AIR NEW SOURCE PERMITS REGISTRATION 71530
AIR NEW SOURCE PERMITS REGISTRATION 50758
AIR NEW SOURCE PERMITS PERMIT 83791
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX748M1
AIR NEW SOURCE PERMITS REGISTRATION 111073
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX9
AIR NEW SOURCE PERMITS REGISTRATION 110925
AIR NEW SOURCE PERMITS REGISTRATION 139001
AIR NEW SOURCE PERMITS REGISTRATION 131535
AIR NEW SOURCE PERMITS REGISTRATION 139753
AIR NEW SOURCE PERMITS PERMIT 135086
AIR NEW SOURCE PERMITS REGISTRATION 136457
AIR NEW SOURCE PERMITS REGISTRATION 111069
AIR NEW SOURCE PERMITS REGISTRATION 131650
AIR NEW SOURCE PERMITS EPA PERMIT N178
AIR NEW SOURCE PERMITS REGISTRATION 131542
AIR NEW SOURCE PERMITS REGISTRATION 114897
AIR NEW SOURCE PERMITS REGISTRATION 131970
AIR NEW SOURCE PERMITS EPA PERMIT N224
AIR NEW SOURCE PERMITS REGISTRATION 154368
AIR NEW SOURCE PERMITS PERMIT AMOC10
AIR NEW SOURCE PERMITS REGISTRATION 153749
AIR NEW SOURCE PERMITS REGISTRATION 149583
AIR NEW SOURCE PERMITS REGISTRATION 146135
AIR NEW SOURCE PERMITS REGISTRATION 151216

AIR NEW SOURCE PERMITS REGISTRATION 150060
AIR NEW SOURCE PERMITS REGISTRATION 147744
AIR NEW SOURCE PERMITS REGISTRATION 160762
AIR NEW SOURCE PERMITS REGISTRATION 158288
AIR NEW SOURCE PERMITS REGISTRATION 159932
AIR NEW SOURCE PERMITS REGISTRATION 157396
AIR NEW SOURCE PERMITS PERMIT AMOC143
AIR NEW SOURCE PERMITS REGISTRATION 152085
AIR NEW SOURCE PERMITS REGISTRATION 154060
STORMWATER PERMIT TXR05Q341

POLLUTION PREVENTION PLANNING ID NUMBER P00134

TAX RELIEF ID NUMBER 18796
TAX RELIEF ID NUMBER 19928
TAX RELIEF ID NUMBER 19925
TAX RELIEF ID NUMBER 17668
TAX RELIEF ID NUMBER 16767
TAX RELIEF ID NUMBER 19931
TAX RELIEF ID NUMBER 19927
TAX RELIEF ID NUMBER 20828
TAX RELIEF ID NUMBER 19515
TAX RELIEF ID NUMBER 19519
TAX RELIEF ID NUMBER 20184
TAX RELIEF ID NUMBER 19705
TAX RELIEF ID NUMBER 17669
TAX RELIEF ID NUMBER 20825
TAX RELIEF ID NUMBER 22313
TAX RELIEF ID NUMBER 22314

AIR NEW SOURCE PERMITS REGISTRATION 143865
AIR NEW SOURCE PERMITS EPA PERMIT N178M1
AIR NEW SOURCE PERMITS REGISTRATION 156170
AIR NEW SOURCE PERMITS REGISTRATION 155920
AIR NEW SOURCE PERMITS EPA PERMIT N148M1
AIR NEW SOURCE PERMITS EPA PERMIT N178M2
AIR NEW SOURCE PERMITS REGISTRATION 152516
AIR NEW SOURCE PERMITS EPA PERMIT N294
AIR NEW SOURCE PERMITS REGISTRATION 160298
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0310V

MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER
HOU00074

TAX RELIEF ID NUMBER 19706
TAX RELIEF ID NUMBER 16769
TAX RELIEF ID NUMBER 19933
TAX RELIEF ID NUMBER 19926
TAX RELIEF ID NUMBER 19930
TAX RELIEF ID NUMBER 16766
TAX RELIEF ID NUMBER 20824
TAX RELIEF ID NUMBER 19932
TAX RELIEF ID NUMBER 19517
TAX RELIEF ID NUMBER 18791
TAX RELIEF ID NUMBER 19707
TAX RELIEF ID NUMBER 20833
TAX RELIEF ID NUMBER 20822
TAX RELIEF ID NUMBER 22307
TAX RELIEF ID NUMBER 22310

Compliance History Period: September 01, 2014 to August 31, 2019 Rating Year: 2019 Rating Date: 09/01/2019

Date Compliance History Report Prepared: June 10, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 10, 2015 to June 10, 2020

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

Name: Yuliya Dunaway

Phone: (210) 403-4077

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: 12/05/2015 ADMINORDER 2015-0640-AIR-E (1660 Order-Agreed Order With Denial)

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)

Rqmt Prov: FOP No. 02115, STC No. 16 OP

SC-1 PERMIT

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 2,506 pounds of ethylene from pressure safety valve PSV-109A and rupture disc pressure safety element PSE-105 on High Pressure Separator V-125 during an emissions event (Incident No. 208034) that occurred on January 3, 2015 and lasted one minute. The event occurred during startup of the Line 1 Reactor when the impulse line on High Pressure Separator V-125 became plugged with polymer and caused the pressure transmit

2 Effective Date: 08/09/2016 ADMINORDER 2015-1664-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Compliance History Report for CN600303614, RN103919817, Rating Year 2019 which includes Compliance History (CH) components from June 10, 2015, through June 10, 2020.

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

Rqmt Prov: Special Condition 1 PERMIT
Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions. The Respondent released 6,765 lbs of ethylene and 0.56 lb of NOx from EPN F-130 and 136, respectively, during an emissions event (Incident No. 215154) that occurred on June 2, 2015 and lasted 42 minutes. The emissions event occurred at the 1797 Normal Alpha Olefins Unit due to a significant gas leak when an improper gasket was installed in the sight glass assembly for the D-120-A Knockout Drum.

3 Effective Date: 10/18/2016 ADMINORDER 2016-0289-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 906.37 pounds ("lbs") of ethylene, 2,402.74 lbs of carbon monoxide, 332.83 lbs of nitrogen oxides, 42.46 lbs of butene, and 7.12 lbs of propylene, and 59.82 lbs of other volatile organic compounds from the Z-1101 Flare, Emission Point No. 1798-22, during an avoidable emissions event (Incident No. 221567) that occurred on October 13, 2015, and lasted 17 hours and 35 minutes. The emissions event occurred due to low air

4 Effective Date: 09/26/2018 ADMINORDER 2017-0855-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions and to maintain no more than 1,200 lbs of HRVOC during a one-hour block. This emissions event was determined to be an excessive emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions and to maintain no more than 1,200 lbs of HRVOC during a one-hour block. This emissions event was determined to be an excessive emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Since this emissions event could have been avoided by better maintenance and/or operating practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

5 Effective Date: 09/26/2018 ADMINORDER 2017-1328-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Failed to comply with the representations with regard to construction plans and operation procedures in an application for a permit. Specifically, on June 10, 2014, unauthorized melt loading into drums of the polymer solids stream, tetrafluoroethylene ("TFE") bottoms was initially conducted due to an inconsistency in the polymer solids stream, resulting in 4.345 tons per year of unauthorized volatile organic compounds. [Category B19g1]

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.310(c)(1)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP ST&C 16 OP

NSR SC 1 PERMIT

Description: Failure to limit carbon monoxide emissions from the Hot Oil Heater (EPN 26, Unit ID. H-602) to not more than 1.80 lbs/hr. (Category A12.i.(6))

- 6 Effective Date: 05/23/2019 ADMINORDER 2017-1562-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GT&Cs and ST&Cs No. 16 OP
Special Condition 1 PERMIT
Description: The Respondent failed to prevent unauthorized emissions and failed to limit HRVOC emissions to 1,200 lbs per one-hour block period.
- 7 Effective Date: 09/03/2019 ADMINORDER 2018-1424-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 115, SubChapter H 115.725(d)(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 13D PERMIT
Special Term and Condition 1A and 18 OP
Description: Failure to operate each monitoring system at least 95 percent ("%") of the time when the flare is operational, averaged over a calendar year. Specifically, Flare CB-701, Emissions Point Number 1592-16, operated continuously during calendar year 2016, but the flow meter had 3,408 downtime hours from April 14, 2016 through September 3, 2016, resulting in the flare being monitored only 61.1% of the time in calendar year 2016
- 8 Effective Date: 05/12/2020 ADMINORDER 2019-0112-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition No. 1 PERMIT
Special Condition No. 2 PERMIT
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. (Category A12.i.(6))

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	June 19, 2015	(1246736)
Item 2	July 16, 2015	(1276908)
Item 3	August 19, 2015	(1283085)
Item 4	October 14, 2015	(1281597)
Item 5	November 06, 2015	(1287781)
Item 6	November 16, 2015	(1275882)
Item 7	November 18, 2015	(1301881)
Item 8	November 20, 2015	(1280901)
Item 9	November 23, 2015	(1280882)
Item 10	January 20, 2016	(1315593)
Item 11	January 29, 2016	(1300007)

Compliance History Report for CN600303614, RN103919817, Rating Year 2019 which includes Compliance History (CH) components from June 10, 2015, through June 10, 2020.

Item 12	March 10, 2016	(1331714)
Item 13	April 13, 2016	(1315463)
Item 14	April 15, 2016	(1338877)
Item 15	June 20, 2016	(1352118)
Item 16	August 15, 2016	(1365517)
Item 17	September 07, 2016	(1342903)
Item 18	September 16, 2016	(1372218)
Item 19	September 23, 2016	(1355992)
Item 20	October 14, 2016	(1378395)
Item 21	November 17, 2016	(1384354)
Item 22	December 12, 2016	(1390491)
Item 23	January 20, 2017	(1397108)
Item 24	February 17, 2017	(1403992)
Item 25	March 20, 2017	(1387609)
Item 26	April 13, 2017	(1417596)
Item 27	May 16, 2017	(1425185)
Item 28	June 04, 2017	(1408289)
Item 29	June 15, 2017	(1431188)
Item 30	July 18, 2017	(1439797)
Item 31	July 31, 2017	(1417488)
Item 32	August 18, 2017	(1443485)
Item 33	September 18, 2017	(1450112)
Item 34	October 18, 2017	(1455932)
Item 35	November 01, 2017	(1421326)
Item 36	December 20, 2017	(1467792)
Item 37	February 16, 2018	(1486723)
Item 38	March 09, 2018	(1465643)
Item 39	March 16, 2018	(1490400)
Item 40	April 13, 2018	(1493637)
Item 41	May 17, 2018	(1500555)
Item 42	June 14, 2018	(1507672)
Item 43	July 12, 2018	(1513989)
Item 44	July 24, 2018	(1500315)
Item 45	August 15, 2018	(1520051)
Item 46	September 17, 2018	(1511137)
Item 47	September 19, 2018	(1527216)
Item 48	October 16, 2018	(1533574)
Item 49	November 05, 2018	(1525860)
Item 50	November 15, 2018	(1541409)
Item 51	December 13, 2018	(1545193)
Item 52	January 17, 2019	(1559554)
Item 53	April 08, 2019	(1553437)
Item 54	April 11, 2019	(1571790)
Item 55	April 14, 2019	(1553529)
Item 56	April 23, 2019	(1552327)
Item 57	May 14, 2019	(1553575)
Item 58	May 17, 2019	(1583189)
Item 59	June 17, 2019	(1575871)
Item 60	June 18, 2019	(1583190)
Item 61	August 05, 2019	(1582023)
Item 62	August 07, 2019	(1539569)
Item 63	August 16, 2019	(1599449)
Item 64	August 20, 2019	(1582037)
Item 65	August 22, 2019	(1582844)
Item 66	September 12, 2019	(1606354)
Item 67	September 27, 2019	(1590260)
Item 68	October 17, 2019	(1581224)
Item 69	November 08, 2019	(1606092)
Item 70	November 20, 2019	(1619014)
Item 71	December 16, 2019	(1612946)

Compliance History Report for CN600303614, RN103919817, Rating Year 2019 which includes Compliance History (CH) components from June 10, 2015, through June 10, 2020.

Item 72	January 15, 2020	(1634007)
Item 73	February 18, 2020	(1640626)
Item 74	March 18, 2020	(1647146)

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:	06/30/2019	(1593103)
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:	07/10/2019	(1439332)
Self Report?	NO	Classification: Major
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) Special Condition 1 PERMIT	
Description:	Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event (Category B14).	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H) 5C THSC Chapter 382 382.085(b)	
Description:	Failure to comply with the emissions events reporting requirements (Category C3).	

- 3

Date:	08/21/2019	(1517636)
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) STC 3A OP	
Description:	Failure to conduct daily flare observations on flare (Unit ID: FS-9004). (Category C3)	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2) 5C THSC Chapter 382 382.085(b) SC 8 B PERMIT STC 11 OP	
Description:	Failure to record flare (Unit ID: FS-9004) pilot flame presence. (Category C3	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.725(d)(3) 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) STC 1A OP	
Description:	Failure to prevent greater than 5% downtime of the flare (Unit ID: FS-9004) Highly Reactive Volatile Organic Compounds (HRVOC) analyzer. (Category (B)(18)(g)(1))	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.725(d)(4) 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) STC 1A OP	
Description:	Failure to capture a sample of flare waste gas after the Highly Reactive Volatile Organic Compounds (HRVOC) analyzer was down for more than 8 hours. (Category (B)(18)(g)(1))	

- 4

Date:	11/30/2019	(1626366)
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:	01/06/2020	(1592264)
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.722(d)	

30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term and Condition 10 OP
 FOP Special Term and Condition 11 OP
 FOP Special Term and Condition 1A OP
 NSR Special Condition 8B PA
 Description: Failure to prevent loss of flare pilot flame (Unit ID FS-9004) (Category C4)

6 Date: 03/31/2020 (1653482)
 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

F. Environmental audits:

Notice of Intent Date: 05/14/2015 (1254215)

Disclosure Date: 11/17/2015

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(B)

Description: Failed to fully implement the NOx, CO, and O2 continuous monitoring requirements for Boilers BF-801A/B/C.

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.142(b)

30 TAC Chapter 122, SubChapter B 122.142(c)

Description: Failed to include all of the applicable regulatory requirements for NAO-KOLOAD and NAO-FRACLOAD in the Federal Operating Permit (O2114).

Viol. Classification: Major

Citation: 30 TAC Chapter 106, SubChapter K 106.261

30 TAC Chapter 106, SubChapter K 106.262

30 TAC Chapter 116, SubChapter B 116.110(a)

30 TAC Chapter 116, SubChapter B 116.111

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT NSR Permit No. 37063, SC 1

Description: Failed to properly authorize unit operations for NAO-KOLOAD and NAO-FACLOAD.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10

30 TAC Chapter 106, SubChapter Q 106.393

30 TAC Chapter 116, SubChapter B 116.111

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT NSR Permit No. 19027, SC 1

Description: Failed to properly authorize emission sources 1796-19A/B (BL-442-1, BL-442-2, FI-442-1, and FI-442-2). Specifically, test information obtained for these sources differed from permit representations. Additionally, the test information was not utilized in the emission calculation submitted for previous Emissions Inventory submittals.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT NSR Permit 46305, SC 1

Description: Failed to limit particulate matter emissions from Cooling Tower / 1799-15 (E-9001) to the annual allowable permitted limit.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.10(a)

30 TAC Chapter 116, SubChapter B 116.111

Description: Failed to submit emissions activity for CPC-TKTEMP under the proper FIn and EPN in the annual Emissions Inventory submittal.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10(a)

30 TAC Chapter 115, SubChapter B 115.125

30 TAC Chapter 115, SubChapter H 115.725

30 TAC Chapter 116, SubChapter B 116.111

Rqmt Prov: OP SOP O2115, STC 2

Description: Failed to maintain documentation to demonstrate compliance with monitoring and testing requirements applicable to catalyst head tanks, filter receiver bins, and slurry mix tanks. Additionally, emissions for these sources were not include in previous Emissions Inventory submittals.

Notice of Intent Date: 07/22/2019 (1582503)

No DOV Associated

Notice of Intent Date: 09/04/2019 (1597928)

No DOV Associated

Notice of Intent Date: 02/11/2020 (1632787)

No DOV Associated

Notice of Intent Date: 03/27/2020 (1645403)

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CHEVRON PHILLIPS CHEMICAL
COMPANY LP
RN103919817

§
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§
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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2020-0796-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 Chevron Phillips Chemical Company LP (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 9500 Interstate 10 East in Baytown, Harris 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 \$142,500 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$57,000 of the penalty and \$28,500 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$57,000 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of the Supplemental

Environmental Projects ("SEPs") as defined in the attached SEP Agreements ("Attachment A" and "Attachment B", 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 Agreements, 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 from June 23, 2020 through June 25, 2020, the Respondent conducted stack sampling demonstrating compliance with the particulate matter ("PM") hourly maximum allowable emissions rates ("MAERs") for the Cracking Furnaces H-101, H-104, and H-107, Emissions Point Numbers ("EPNs") H-101, H-104, and H-107, respectively.

II. ALLEGATIONS

During a record review conducted on March 23, 2020 through April 16, 2020, an investigator documented that the Respondent:

1. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), New Source Review ("NSR") Permit Nos. 1504A, PSDTX748M1, and N148, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. 02113, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 18, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during a stack test conducted on August 20, 2019 and August 21, 2019, the Respondent exceeded the PM MAER of 3.73 pounds per hour ("lbs/hr") by 0.97 lb/hr for Cracking Furnace H-101, EPN H-101, resulting in approximately 6,867.6 pounds of unauthorized PM.
2. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 1504A, PSDTX748M1, and N148, SC No. 1, FOP No. 02113, GTC and STC No. 18, and TEX. HEALTH & SAFETY CODE

§ 382.085(b). Specifically, during a stack test conducted on August 26, 2019 and August 27, 2019, the Respondent exceeded the PM MAER of 3.73 lbs/hr by 1.77 lbs/hr for Cracking Furnace H-107, EPN H-107, resulting in approximately 12,276.72 pounds of unauthorized PM.

3. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 1504A, PSDTX748M1, and N148, SC No. 1, FOP No. O2113, GTC and STC No. 18, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during a stack test conducted on August 22, 2019 and August 23, 2019, the Respondent exceeded the PM MAER of 3.73 lbs/hr by 2.57 lbs/hr for Cracking Furnace H-104, EPN H-104, resulting in approximately 18,072.24 pounds of unauthorized PM.

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: Chevron Phillips Chemical Company LP, Docket No. 2020-0796-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 the SEPs as set forth in Section I, Paragraph No. 4. The amount of \$57,000 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEPs pursuant to the terms of the SEP Agreements, as defined in Attachment A and Attachment B. Penalty payments for any portion of the SEPs deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. All relief not expressly granted in this Order is denied.
4. 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.

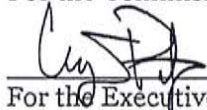
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall 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.
6. 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.
7. 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.
8. 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.
9. 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



05/24/2021

For the Executive Director

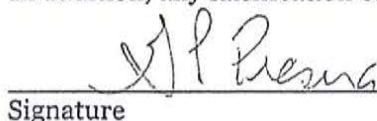
Date

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

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

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

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



Signature

12/10/2020

Date

G L PIANA

PLANT MANAGER

Name (Printed or typed)

Title

Authorized Representative of

Chevron Phillips Chemical Company LP

☐ 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: 2020-0796-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Chevron Phillips Chemical Company LP
Payable Penalty Amount:	\$114,000
SEP Offset Amount:	\$28,500
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston Regional Monitoring Corporation
Project Name:	<i>Houston Area Air Monitoring Project</i>
Location of SEP:	Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset 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 **Houston Regional Monitoring Corporation** for the *Houston Area Air Monitoring Project* SEP. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to operate a network of ambient air monitoring stations that continuously measure and record concentrations of ambient air pollutants. This network includes the Houston Regional Monitor ("HRM") 617 Wallisville Road site, the HRM 615 Lynchburg Ferry site, and the HRM 3 Haden Road site. The Third-Party Administrator shall use the SEP Offset Amount to report data from these three existing sites in the Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston-Galveston Air Quality Control Region No. 216. The SEP will be performed 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.

Chevron Phillips Chemical Company LP
Agreed Order - Attachment A

The Respondent's signature affixed to this Agreed Order certifies that it 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 in any manner from this SEP.

b. Environmental Benefit

This SEP will provide TCEQ with near real-time access to high quality, short time resolution volatile organic compound, nitrogen oxide, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, conduct source attribution studies, and to assess potential ambient community exposure to a limited number of hazardous air pollutants. Data from the monitors can be used with data from other monitors to provide critical information that can be used to evaluate the effectiveness of current and proposed emission control strategies aimed at achieving compliance with the 8-hour ozone National Ambient Air Quality Standards. It also provides a key source of information that is essential to furthering our overall understanding of those emission sources that contribute to ambient community exposure to toxic air contaminants. Because the information is available in near real-time, it can be used to provide both agency staff and industry personnel with time critical information to investigate emission events in a timely fashion. Another key benefit is the ability to measure the change in the ambient air concentration of the individual target species and quantify control measure effectiveness. Data from these monitors will be publicly accessible through the TCEQ's website and will be used in evaluating air quality in the area, in ozone forecasts, and ozone warnings. Thus, the public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness.

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 contribution payable to **Houston Regional Monitoring Corporation SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston Regional Monitoring Corporation
Christopher B. Amandes
Amandes PLLC
1414 West Clay Street
Houston, Texas 77019

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due 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 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 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.

Attachment B
Docket Number: 2020-0796-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Chevron Phillips Chemical Company LP
Payable Penalty Amount:	\$114,000
SEP Offset Amount:	\$28,500
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Anahuac Independent School District
Project Name:	<i>Clean School Bus Project</i>
Location of SEP:	Texas Air Quality Control Region 216, Houston - Galveston

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 B.

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 **Anahuac Independent School District** for the *Clean School Bus Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to purchase a lower-emission school bus that is model year 2010 or newer ("Replacement Bus") to replace a bus that is model year 1995 ("Older Bus"), thus removing the Older Bus from the roads. The Third-Party Administrator shall ensure that the Replacement Bus has an engine that meets 2010 EPA Standards. The Third-Party Administrator certifies that the Older Bus is currently in use, driven on a regular route on a weekly basis for at least the past two years. The Third-Party Administrator shall own and operate the Replacement Bus for at least five years following the date of purchase. 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.

Chevron Phillips Chemical Company LP
Agreed Order - Attachment B

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

The SEP will benefit air quality by reducing harmful exhaust emissions from an older school bus. Older school bus engines emit larger amounts of nitrogen oxides and particulate matter, as well as other harmful pollutants such as volatile organic compounds and carbon monoxide than new buses. These pollutants contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma, especially in children. The Project will reduce these emissions by replacing a model year 1995 school bus with a new, lower-emission bus.

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 **Anahuac Independent School District SEP** and shall mail the contribution with a copy of the Agreed Order to:

Anahuac Independent School District
Attention: Business Manager
P.O. Box 638
Anahuac, Texas 77514

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 B, 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 B and in the 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.