

Executive Summary – Enforcement Matter – Case No. 58304

Covestro LLC

RN100209931

Docket No. 2019-1310-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three repeated enforcement actions (or two orders with nuisance violations) over the prior five year period for the same violation(s).

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Covestro Industrial Park Baytown Plant, 8500 West Bay Road, Baytown, Chambers County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 11, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$210,565

Total Paid to General Revenue: \$105,283

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$105,282

Name of SEP: Houston Regional Monitoring Corporation (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 and January 2021

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Docket No. 2019-1310-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: February 20, 2018 through February 21, 2018, October 9, 2018, May 5, 2020 through July 1, 2020, December 15, 2020 through March 8, 2021, March 24, 2021 through May 7, 2021, and May 10, 2021 through May 17, 2021

Date(s) of NOE(s): August 28, 2019, August 29, 2019, August 5, 2020, March 15, 2021, May 17, 2021, and July 7, 2021

Violation Information

1. Failed to comply with the maximum allowable emissions rate ("MAER") and throughput limit [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review ("NSR") Permit No. 2005, Special Conditions ("SC") Nos. 1 and 9, Federal Operating Permit ("FOP") No. O2101, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to comply with the throughput limit [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 2005, SC No. 7.A., FOP No. O2101, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to comply with the throughput limit [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 2005, SC No. 7.A., FOP No. O2101, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to comply with the MAER and throughput limit [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 32770, SC Nos. 1 and 11, FOP No. O3674, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
5. Failed to submit a compliance schedule certified progress report at least every six months with the deviation report [30 TEX. ADMIN. CODE §§ 122.132(d)(4)(C)(iv) [formerly 122.132(e)(4)(C)], 122.142(d)(2) [formerly 122.142(e)(2)], and 122.143(4), FOP No. O3674, GTC and STC No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
6. Failed to report all instances of deviations [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O3674, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
7. Failed to submit a permit compliance certification ("PCC") within 30 days of any certification period [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), FOP No. O2101, GTC and STC No. 18, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
8. Failed to report all instances of deviations [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2101, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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9. Failed to comply with the throughput limit [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 2005, SC No. 7.A., FOP No. O2101, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

10. Failed to prevent unauthorized emissions [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 22197, SC No. 1, FOP No. O2102, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

11. Failed to comply with the throughput limit [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 2035A, SC No. 5, FOP No. O2100, GTC and STC No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

12. Failed to report all instances of deviations [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2100, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

13. Failed to comply with the MAERs [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 32835, SC No. 1, FOP No. O2102, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

a. By September 29, 2017, obtained Permit by Rule ("PBR") Registration No. 148116 that certified the increase in the particulate matter ("PM") hourly MAER and retrained the staff on the rolling throughput monitoring review process for Irganox in order to comply with the PM hourly MAER and throughput limit for the CD Reactor, Emissions Point Number ("EPN") FV09509900;

b. On November 1, 2017, claimed the PBR that authorized the increase in the storage tank throughput limit for Storage Tank 090 548;

c. By November 1, 2017, claimed the PBR that authorized the change of service of the ammonia Dump Tank to a level control vessel for wastewater in order to comply with the throughput limit for the MDA II Vent Scrubber (Storage Tanks 081-045, 081-076, and 081-159);

d. On November 2, 2017, claimed the PBR that authorized the increase in the VOC annual MAER and storage tank throughput limit for the Crude Nitrobenzene Tank, EPN TK-2102;

e. On April 30, 2018, submitted the deviation report for the October 1, 2017 through March 31, 2018 reporting period that included the deviations for errors in calculating the PM hourly emissions and failing to comply with the storage tank throughput limits;

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f. On October 26, 2018, submitted the compliance schedule certified progress reports for the April 1, 2015 through September 30, 2015, October 1, 2015 through March 31, 2016, April 1, 2016 through September 30, 2016, October 1, 2016 through March 31, 2017, and April 1, 2017 through September 30, 2017 reporting periods;

g. On October 26, 2018, submitted the deviation report for the April 1, 2018 through September 30, 2018 reporting period that included the deviation for failing to submit the compliance schedule certified progress reports for Unit ID No. FL612L2006 with the deviation reports submitted on October 30, 2015, April 29, 2016, October 31, 2016, and April 28, 2017;

h. On October 29, 2018, submitted the deviation report for the April 1, 2018 through September 30, 2018 reporting period that included the deviations for failing to comply with the throughput limits for the MDA2 Acid Drain Tank, failing to maintain the water flow for the MR3 Maintenance Decomp Tower, and failing to report two maintenance activities;

i. On November 7, 2018, submitted the PCC for the October 1, 2017 through September 30, 2018 certification period;

j. On April 25, 2019, submitted the deviation report for the October 1, 2018 through March 31, 2019 reporting period that included the deviation for failing to report the non-reportable emissions event that occurred on May 26, 2018;

k. By January 27, 2020, demonstrated that Storage Tank 091 010 is used for non-air contaminant service and obtained an amendment for NSR Permit No. 2005 that removed the throughput representations for Storage Tank 091 010;

l. By January 6, 2021, obtained an amendment for NSR Permit No. 2035A that authorized the increase in the Multranol throughput limit for the Line 6 Extruder Melt Pot;

m. By April 30, 2021, submitted the deviation report for the October 1, 2019 through March 31, 2020 reporting period that included the deviation for failing to comply with the Multranol 12-month rolling average throughput limit for the Line 6 Extruder Melt Pot;

n. On March 9, 2022, conducted a stack test demonstrating compliance with the NOx hourly MAER for the Vapor Combustor No. 1, EPN FF87826211;

o. On October 21, 2022, obtained Permit by Rule Registration No. 170594 that increased the hydrochloric acid hourly MAER for the Vapor Combustor No. 1, EPN FF87826211; and

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p. By April 13, 2024, implemented and maintained an Environmental Management System in order to ensure that all instances of deviations are reported in a timely manner and the PCCs are submitted in a timely manner.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

2. The Order will also require the Respondent to:

a. Within 30 days, implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 347184; and

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Amanda Diaz, Enforcement Division, Enforcement Team 2, MC R-12, (713) 722-8912; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

SEP Third-Party Administrator: Houston Regional Monitoring Corporation, Amandes PLLC, 1800 Post Oak Boulevard, Suite 400, Houston, Texas 77056

Respondent: Jeffrey Bolton, Vice President of Operations, Covestro LLC, 8500 West Bay Road, Baytown, Texas 77523

Respondent's Attorney: Madeleine Boyer, Principal, Beveridge & Diamond PC, 400 West 15th Street, Suite 1410, Austin, Texas 78701



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	3-Sep-2019	Screening	11-Apr-2024	EPA Due	
	PCW	19-Aug-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	Covestro LLC				
Reg. Ent. Ref. No.	RN100209931 (PCW No. 1 of 2)				
Facility/Site Region	12-Houston	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	58304	No. of Violations	11
Docket No.	2019-1310-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Amanda Diaz
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$123,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **30.0%** Adjustment **Subtotals 2, 3, & 7** **\$37,050**

Notes: Enhancement for four NOV's with same/similar violations and one agreed order containing a denial of liability. Reduction for environmental management systems in place.

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** **-\$29,060**

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

Total EB Amounts	\$5,938	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$34,850	

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$131,490**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$131,490**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$131,490**

DEFERRAL **0.0%** Reduction Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$131,490**

Screening Date 11-Apr-2024

Docket No. 2019-1310-AIR-E

PCW

Respondent Covestro LLC

Policy Revision 4 (April 2014)

Case ID No. 58304

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100209931 (PCW No. 1 of 2)

Media Air

Enf. Coordinator Amanda Diaz

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>)	4	20%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	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>)	0	0%
	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>)	0	0%
Other	Environmental management systems in place for one year or more	Yes	-10%
	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) 30%

>> 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 four NOVs with same/similar violations and one agreed order containing a denial of liability. Reduction for environmental management systems in place.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 30%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 30%

Screening Date 11-Apr-2024

Docket No. 2019-1310-AIR-E

PCW

Respondent Covestro LLC

Policy Revision 4 (April 2014)

Case ID No. 58304

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100209931 (PCW No. 1 of 2)

Media Air

Enf. Coordinator Amanda Diaz

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review ("NSR") Permit No. 2005, Special Conditions ("SC") Nos. 1 and 9, Federal Operating Permit ("FOP") No. O2101, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 15, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the maximum allowable emissions rate ("MAER") and throughput limit. Specifically, the Respondent exceeded the particulate matter ("PM") hourly MAER of 0.01 pound per hour ("lb/hr") by 0.01 lb/hr from June 11, 2014 through September 29, 2017 and the Respondent exceeded the Irganox throughput limit represented in Appendix C of the amendment application dated July 26, 2012 for NSR Permit No. 2005 from July 30, 2015 through September 29, 2017 for the CD Reactor, Emissions Point Number ("EPN") FV09509900, resulting in approximately 289.44 pounds ("lbs") of unauthorized PM emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (15.0%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0.0%).

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that did 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 1206 Number of violation days

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event) and Count (x for semiannual).

Violation Base Penalty \$26,250

Seven semiannual events are recommended for the period of non-compliance from June 11, 2014 through September 29, 2017.

Good Faith Efforts to Comply

25.0%

Reduction \$6,562

Table with columns: Effort Type (Extraordinary, Ordinary, N/A) and Timing (Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer). Includes 'x' for Ordinary.

Notes The Respondent completed the corrective measures by September 29, 2017, prior to the Notice of Enforcement ("NOE") dated August 28, 2019.

Violation Subtotal \$19,688

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$322

Violation Final Penalty Total \$27,563

This violation Final Assessed Penalty (adjusted for limits) \$27,563

Economic Benefit Worksheet

Respondent Covestro LLC
Case ID No. 58304
Reg. Ent. Reference No. RN100209931 (PCW No. 1 of 2)
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	11-Jun-2014	29-Sep-2017	3.30	\$248	n/a	\$248
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$450	11-Jun-2014	29-Sep-2017	3.30	\$74	n/a	\$74
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Actual cost to obtain Permit by Rule ("PBR") Registration No. 148116 that certified the increase in the PM hourly MAER (\$450) and estimated cost to retrain the staff on the rolling throughput monitoring review process for Irganox (\$1,500) in order to comply with the PM hourly MAER and throughput limit for the CD Reactor, EPN FV09509900. The Dates Required is the first date of non-compliance and the Final Dates are the dates of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,950

TOTAL

\$322

Screening Date 11-Apr-2024

Docket No. 2019-1310-AIR-E

PCW

Respondent Covestro LLC

Policy Revision 4 (April 2014)

Case ID No. 58304

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100209931 (PCW No. 1 of 2)

Media Air

Enf. Coordinator Amanda Diaz

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 2005, SC No. 7.A., FOP No. O2101, GTC and STC No. 15, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the throughput limit. Specifically, the Respondent exceeded the storage tank throughput limit represented in Appendix C of the amendment application dated July 26, 2012 for NSR Permit No. 2005 by 11,132,861 gallons from June 11, 2014 through September 30, 2017 for Storage Tank 090 548, resulting in less than 20.00 lbs of unauthorized volatile organic compounds ("VOC") emissions.

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 did 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 1207 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty \$26,250

Seven semiannual events are recommended for the period of non-compliance from June 11, 2014 through September 30, 2017.

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 completed the corrective measures on November 1, 2017, prior to the NOE dated August 28, 2019.

Violation Subtotal \$19,688

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$849

Violation Final Penalty Total \$27,563

This violation Final Assessed Penalty (adjusted for limits) \$27,563

Economic Benefit Worksheet

Respondent Covestro LLC
Case ID No. 58304
Reg. Ent. Reference No. RN100209931 (PCW No. 1 of 2)
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
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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	\$5,000	11-Jun-2014	1-Nov-2017	3.39	\$849	n/a	\$849
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to claim the PBR under 30 Tex. Admin. Code § 106.472 that authorized the increase in the storage tank throughput limit for Storage Tank 090 548. The Date Required is the first date of non-compliance 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

\$849

Screening Date 11-Apr-2024
Respondent Covestro LLC
Case ID No. 58304
Reg. Ent. Reference No. RN100209931 (PCW No. 1 of 2)
Media Air
Enf. Coordinator Amanda Diaz

Docket No. 2019-1310-AIR-E

PCW

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

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 2005, SC No. 7.A., FOP No. O2101, GTC and STC No. 15, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the throughput limit. Specifically, the Respondent exceeded the storage tank throughput limit represented in Appendix C of the amendment application dated July 26, 2012 for NSR Permit No. 2005 by 4,383,931 gallons from April 1, 2014 through September 30, 2017 for the MDA II Vent Scrubber (Storage Tanks 081-045, 081-076, and 081-159), resulting in less than 20.00 lbs of unauthorized ammonia ("NH3") emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%

Human health or the environment has been exposed to insignificant amounts of pollutants that did 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 1278 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty \$26,250

Seven semiannual events are recommended for the period of non-compliance from April 1, 2014 through September 30, 2017.

Good Faith Efforts to Comply

25.0%

Reduction \$6,562

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent completed the corrective measures by November 1, 2017, prior to the NOE dated August 28, 2019.

Violation Subtotal \$19,688

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$897

Violation Final Penalty Total \$27,563

This violation Final Assessed Penalty (adjusted for limits) \$27,563

Economic Benefit Worksheet

Respondent Covestro LLC
Case ID No. 58304
Reg. Ent. Reference No. RN100209931 (PCW No. 1 of 2)
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	\$5,000	1-Apr-2014	1-Nov-2017	3.59	\$897	n/a	\$897
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to claim the PBR under 30 Tex. Admin. Code § 106.472 that authorized the change of service of the NH3 Dump Tank to a level control vessel for wastewater in order to comply with the throughput limit for the MDA II Vent Scrubber (Storage Tanks 081-045, 081-076, and 081-159). The Date Required is the first date of non-compliance 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

\$897

Screening Date 11-Apr-2024

Docket No. 2019-1310-AIR-E

PCW

Respondent Covestro LLC

Policy Revision 4 (April 2014)

Case ID No. 58304

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100209931 (PCW No. 1 of 2)

Media Air

Enf. Coordinator Amanda Diaz

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 32770, SC Nos. 1 and 11, FOP No. 03674, GTC and STC No. 15, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the MAER and throughput limit. Specifically, the Respondent exceeded the VOC MAER of 0.33 ton per year based on a 12-month rolling period and the storage tank throughput limit represented in Appendix F dated December 14, 2015 for the 12-month periods ending from October 2016 through October 2017 for the Crude Nitrobenzene Tank, EPN TK-2102, resulting in 0.38 ton of unauthorized VOC emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Human health or the environment has been exposed to insignificant amounts of pollutants that did 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 from October 1, 2016 through October 30, 2017.

Good Faith Efforts to Comply

25.0%

Reduction \$2,812

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

Extraordinary		
Ordinary	x	
N/A		

The Respondent completed the corrective measures on November 2, 2017, prior to the NOE dated August 29, 2019.

Violation Subtotal \$8,438

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$272

Violation Final Penalty Total \$11,813

This violation Final Assessed Penalty (adjusted for limits) \$11,813

Economic Benefit Worksheet

Respondent Covestro LLC
Case ID No. 58304
Reg. Ent. Reference No. RN100209931 (PCW No. 1 of 2)
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
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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	\$5,000	1-Oct-2016	2-Nov-2017	1.09	\$272	n/a	\$272
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to claim the PBR under 30 Tex. Admin. Code § 106.472 that authorized the increase in the VOC annual MAER and storage tank throughput limit for the Crude Nitrobenzene Tank, EPN TK-2102. The Date Required is the first date of non-compliance 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

\$272

Screening Date 11-Apr-2024
Respondent Covestro LLC
Case ID No. 58304
Reg. Ent. Reference No. RN100209931 (PCW No. 1 of 2)
Media Air
Enf. Coordinator Amanda Diaz

Docket No. 2019-1310-AIR-E

PCW

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

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 122.132(d)(4)(C)(iv) [formerly 122.132(e)(4)(C)],
 122.142(d)(2) [formerly 122.142(e)(2)], and 122.143(4), FOP No. O3674, GTC and
 STC No. 19, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit a compliance schedule certified progress report at least every six months with the deviation report. Specifically, the Respondent did not submit the compliance schedule certified progress reports with the deviation reports submitted on October 30, 2015, April 29, 2016, October 31, 2016, April 28, 2017, and October 30, 2017 to report the progress on the corrective action plan for Unit ID No. FL612L2006.

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	Harm			Percent
		Major	Moderate	Minor	
		x			15.0%

100% of the requirements were not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 5 1092 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$18,750

Five single events are recommended (one event for each missed progress report).

Good Faith Efforts to Comply

25.0%

Reduction \$4,687

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

Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent completed the corrective measures on October 26, 2018, prior to the NOE dated August 29, 2019.

Violation Subtotal \$14,063

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$187

Violation Final Penalty Total \$19,688

This violation Final Assessed Penalty (adjusted for limits) \$19,688

Economic Benefit Worksheet

Respondent Covestro LLC
Case ID No. 58304
Reg. Ent. Reference No. RN100209931 (PCW No. 1 of 2)
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)	\$1,250	30-Oct-2015	26-Oct-2018	2.99	\$187	n/a	\$187

Notes for DELAYED costs

Estimated cost to submit the compliance schedule certified progress reports for the April 1, 2015 through September 30, 2015, October 1, 2015 through March 31, 2016, April 1, 2016 through September 30, 2016, October 1, 2016 through March 31, 2017, and April 1, 2017 through September 30, 2017 reporting periods (\$250/report x five reports). The Date Required is the date the first report was due and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,250

TOTAL

\$187

Screening Date 11-Apr-2024
Respondent Covestro LLC
Case ID No. 58304
Reg. Ent. Reference No. RN100209931 (PCW No. 1 of 2)
Media Air
Enf. Coordinator Amanda Diaz

Docket No. 2019-1310-AIR-E

PCW

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

Violation Number 6

Rule Cite(s)
30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. O3674, 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 1, 2015 through March 31, 2016 reporting period did not include the deviation for failing to submit the compliance schedule certified progress report for Unit ID No. FL612L2006 with the deviation report submitted on October 30, 2015.

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	Major	Moderate	Minor	Percent

Between 30% and 70% of the requirements were not met.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1 909 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,750

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$1,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$628 **Violation Final Penalty Total** \$2,275

This violation Final Assessed Penalty (adjusted for limits) \$2,275

Economic Benefit Worksheet

Respondent Covestro LLC
Case ID No. 58304
Reg. Ent. Reference No. RN100209931 (PCW No. 1 of 2)
Media Air
Violation No. 6

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	\$1,500	30-Apr-2016	13-Apr-2024	7.96	\$597	n/a	\$597
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	30-Apr-2016	26-Oct-2018	2.49	\$31	n/a	\$31

Notes for DELAYED costs

Estimated costs to submit the deviation report for the April 1, 2018 through September 30, 2018 reporting period that included the deviation for failing to submit the compliance schedule certified progress reports for Unit ID No. FL612L2006 with the deviation reports submitted on October 30, 2015, April 29, 2016, October 31, 2016, and April 28, 2017 (\$250) and to implement and maintain an Environmental Management System in order to ensure that all instances of deviations are reported in a timely manner (\$1,500). The Dates Required is the date the first deviation report was due and the Final Dates are the dates of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,750

TOTAL

\$628

Screening Date 11-Apr-2024
Respondent Covestro LLC
Case ID No. 58304
Reg. Ent. Reference No. RN100209931 (PCW No. 1 of 2)
Media Air
Enf. Coordinator Amanda Diaz

Docket No. 2019-1310-AIR-E

PCW

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

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. O3674, GTC, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to report all instances of deviations. Specifically, the deviation reports for the April 1, 2016 through September 30, 2016, October 1, 2016 through March 31, 2017, and April 1, 2017 through September 30, 2017 reporting periods did not include the deviation for failing to submit the compliance schedule certified progress report for Unit ID No. FL612L2006 with the deviation reports submitted on April 29, 2016, October 31, 2016, and April 28, 2017, respectively.

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	Major	Moderate	Minor	Percent

Less than 30% of the requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 3 726 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$750

Three single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$975

This violation Final Assessed Penalty (adjusted for limits) \$975

Economic Benefit Worksheet

Respondent Covestro LLC
Case ID No. 58304
Reg. Ent. Reference No. RN100209931 (PCW No. 1 of 2)
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
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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 the Economic Benefit in Violation No. 6.

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 11-Apr-2024

Docket No. 2019-1310-AIR-E

PCW

Respondent Covestro LLC

Policy Revision 4 (April 2014)

Case ID No. 58304

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100209931 (PCW No. 1 of 2)

Media Air

Enf. Coordinator Amanda Diaz

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.146(2), FOP No. O2101, GTC and STC No. 18, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit a permit compliance certification ("PCC") within 30 days of any certification period. Specifically, the PCC for the October 1, 2017 through September 30, 2018 certification period was due by October 30, 2018, but was not submitted until November 7, 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 1.0%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

8 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

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 \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$409

Violation Final Penalty Total \$325

This violation Final Assessed Penalty (adjusted for limits) \$325

Economic Benefit Worksheet

Respondent Covestro LLC
Case ID No. 58304
Reg. Ent. Reference No. RN100209931 (PCW No. 1 of 2)
Media Air
Violation No. 8

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	\$1,500	30-Oct-2018	13-Apr-2024	5.46	\$409	n/a	\$409
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	30-Oct-2018	7-Nov-2018	0.02	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to submit the PCC for the October 1, 2017 through September 30, 2018 certification period (\$250) and to implement and maintain an Environmental Management System in order to ensure that the PCCs are submitted in a timely manner (\$1,500). The Dates Required is the date the PCC was due and the Final Dates are the date the PCC was submitted and 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

\$1,750

TOTAL

\$409

Screening Date 11-Apr-2024
Respondent Covestro LLC
Case ID No. 58304
Reg. Ent. Reference No. RN100209931 (PCW No. 1 of 2)
Media Air
Enf. Coordinator Amanda Diaz

Docket No. 2019-1310-AIR-E

PCW

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

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. O2101, GTC, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to report all instances of deviations. Specifically, the deviation report for the April 1, 2017 through September 30, 2017 reporting period did not include the deviations for errors in calculating the PM hourly emissions and failing to comply with the storage tank throughput limits; the deviation report for the October 1, 2017 through March 31, 2018 reporting period did not include the deviations for failing to comply with the throughput limits for the MDA2 Acid Drain Tank, failing to maintain the water flow for the MR3 Maintenance Decomp Tower, and failing to report two maintenance activities; and the deviation report for the April 1, 2018 through September 30, 2018 reporting period did not include the deviation for failing to report the non-reportable emissions event that occurred on May 26, 2018.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				x	1.0%

Matrix Notes

Less than 30% of the requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 3 1024 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$750

Three single events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary		
Ordinary		
N/A	x	

Notes

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

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$56

Violation Final Penalty Total \$975

This violation Final Assessed Penalty (adjusted for limits) \$975

Economic Benefit Worksheet

Respondent Covestro LLC
Case ID No. 58304
Reg. Ent. Reference No. RN100209931 (PCW No. 1 of 2)
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
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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)	\$750	30-Oct-2017	25-Apr-2019	1.48	\$56	n/a	\$56

Notes for DELAYED costs

Estimated costs to submit the deviation report for the October 1, 2017 through March 31, 2018 reporting period that included the deviations for errors in calculating the PM hourly emissions and failing to comply with the storage tank throughput limits; submit the deviation report for the April 1, 2018 through September 30, 2018 reporting period that included the deviations for failing to comply with the throughput limits for the MDA2 Acid Drain Tank, failing to maintain the water flow for the MR3 Maintenance Decomp Tower, and failing to report two maintenance activities; and submit the deviation report for the October 1, 2018 through March 31, 2019 reporting period that included the deviation for failing to report the non-reportable emissions event that occurred on May 26, 2018. The Date Required is the date the first deviation report was due and the Final Date is the date of compliance.

See the Economic Benefit in Violation No. 6 of PCW No. 1 of 2 for implementing and maintaining an Environmental Management System in order to ensure that all instances of deviations are reported in a timely manner.

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

\$56

Screening Date 11-Apr-2024
Respondent Covestro LLC
Case ID No. 58304
Reg. Ent. Reference No. RN100209931 (PCW No. 1 of 2)
Media Air
Enf. Coordinator Amanda Diaz

Docket No. 2019-1310-AIR-E

PCW

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

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 2005, SC No. 7.A., FOP No. O2101, GTC and STC No. 15, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the throughput limit. Specifically, the Respondent exceeded the storage tank throughput limit represented in the amendment application dated July 26, 2012 for NSR Permit No. 2005 by 548,755 gallons from October 1, 2018 through September 30, 2019 for Storage Tank 091 010.

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 did 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 2 365 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 from October 1, 2018 through September 30, 2019.

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

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

Extraordinary	
Ordinary	x
N/A	

Notes The Respondent completed the corrective measures by January 27, 2020, prior to the NOE dated August 5, 2020.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$159

Violation Final Penalty Total \$7,875

This violation Final Assessed Penalty (adjusted for limits) \$7,875

Economic Benefit Worksheet

Respondent Covestro LLC
Case ID No. 58304
Reg. Ent. Reference No. RN100209931 (PCW No. 1 of 2)
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
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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	\$900	1-Oct-2018	27-Jan-2020	1.32	\$60	n/a	\$60
Other (as needed)	\$1,500	1-Oct-2018	27-Jan-2020	1.32	\$99	n/a	\$99

Notes for DELAYED costs

Estimated cost to demonstrate that Storage Tank 091 010 is used for non-air contaminant service (\$1,500) and actual cost to obtain an amendment for NSR Permit No. 2005 that removed the throughput representations for Storage Tank 091 010 (\$900). The Dates Required is the first date of non-compliance and the Final Dates are 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

\$2,400

TOTAL

\$159

Screening Date 11-Apr-2024

Docket No. 2019-1310-AIR-E

PCW

Respondent Covestro LLC

Policy Revision 4 (April 2014)

Case ID No. 58304

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100209931 (PCW No. 1 of 2)

Media Air

Enf. Coordinator Amanda Diaz

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 22197, SC No. 1, FOP No. O2102, GTC and STC No. 15, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 239.00 lbs of anhydrous NH3 as fugitive emissions, during an emissions event (Incident No. 347184) that occurred on December 7, 2020 and lasted five minutes.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Human health or the environment has been exposed to insignificant amounts of pollutants that did 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 Number of violation days 1

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,159

Violation Final Penalty Total \$4,875

This violation Final Assessed Penalty (adjusted for limits) \$4,875

Economic Benefit Worksheet

Respondent Covestro LLC
Case ID No. 58304
Reg. Ent. Reference No. RN100209931 (PCW No. 1 of 2)
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)	\$10,000	7-Dec-2020	1-Apr-2025	4.32	\$2,159	n/a	\$2,159

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 347184. The Date Required is the date the emissions event occurred and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$10,000

TOTAL \$2,159



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	24-May-2021	Screening	10-Jun-2021	EPA Due	13-Nov-2021
	PCW	19-Aug-2024				

RESPONDENT/FACILITY INFORMATION	
Respondent	Covestro LLC
Reg. Ent. Ref. No.	RN100209931 (PCW No. 2 of 2)
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	58304	No. of Violations	3
Docket No.	2019-1310-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Amanda Diaz
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$75,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	30.0%	Adjustment	Subtotals 2, 3, & 7	\$22,575
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Notes: Enhancement for four NOVs with same/similar violations and one agreed order containing a denial of liability. Reduction for environmental management systems in place.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$18,750
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$1,117
 Estimated Cost of Compliance: \$13,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$79,075
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$79,075
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$79,075
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$79,075
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Screening Date 10-Jun-2021

Docket No. 2019-1310-AIR-E

PCW

Respondent Covestro LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 58304

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100209931 (PCW No. 2 of 2)

Media Air

Enf. Coordinator Amanda Diaz

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>)	4	20%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	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>)	0	0%
	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>)	0	0%
Other	Environmental management systems in place for one year or more	Yes	-10%
	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) 30%

>> 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 four NOVs with same/similar violations and one agreed order containing a denial of liability. Reduction for environmental management systems in place.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 30%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 30%

Screening Date 10-Jun-2021 **Docket No.** 2019-1310-AIR-E **PCW**
Respondent Covestro LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 58304 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100209931 (PCW No. 2 of 2)
Media Air

Enf. Coordinator Amanda Diaz

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 2035A, Special Conditions ("SC") No. 5, Federal Operating Permit ("FOP") No. O2100, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 10, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the throughput limit. Specifically, the Respondent exceeded the Multranol 12-month rolling average throughput limit represented in Appendix A of the permit renewal and amendment application dated April 24, 2009 by 6,059 gallons from October 1, 2019 through August 31, 2020 for the Line 6 Extruder Melt Pot.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	30.0%
	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 did 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 4 335 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$30,000

Four quarterly events are recommended for the period of non-compliance from October 1, 2019 through August 31, 2020.

Good Faith Efforts to Comply

25.0%

Reduction \$7,500

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

Extraordinary		
Ordinary	X	
N/A		

Notes The Respondent completed the corrective measures by January 6, 2021, prior to the Notice of Enforcement ("NOE") dated May 17, 2021.

Violation Subtotal \$22,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$273

Violation Final Penalty Total \$31,500

This violation Final Assessed Penalty (adjusted for limits) \$31,500

Economic Benefit Worksheet

Respondent Covestro LLC
Case ID No. 58304
Reg. Ent. Reference No. RN100209931 (PCW No. 2 of 2)
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	\$4,300	1-Oct-2019	6-Jan-2021	1.27	\$273	n/a	\$273
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Actual cost to obtain an amendment for NSR Permit No. 2035A that authorized the increase in the Multiranol throughput limit for the Line 6 Extruder Melt Pot. The Date Required is the first date of non-compliance 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

\$4,300

TOTAL

\$273

Screening Date 10-Jun-2021 **Docket No.** 2019-1310-AIR-E **PCW**
Respondent Covestro LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 58304 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100209931 (PCW No. 2 of 2)
Media Air
Enf. Coordinator Amanda Diaz

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. O2100, 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 1, 2019 through March 31, 2020 reporting period did not include the deviation for failing to comply with the Multranol 12-month rolling average throughput limit for the Line 6 Extruder Melt Pot.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
				x	
Less than 30% of the requirements were not met.					

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 406 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$13 **Violation Final Penalty Total** \$325

This violation Final Assessed Penalty (adjusted for limits) \$325

Economic Benefit Worksheet

Respondent Covestro LLC
Case ID No. 58304
Reg. Ent. Reference No. RN100209931 (PCW No. 2 of 2)
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)	\$250	30-Apr-2020	30-Apr-2021	1.00	\$13	n/a	\$13

Notes for DELAYED costs

Estimated cost to submit the deviation report for the October 1, 2019 through March 31, 2020 reporting period that included the deviation for failing to comply with the Multranol 12-month rolling average throughput limit for the Line 6 Extruder Melt Pot. The Date Required is the date the deviation report was due and the Final Date is the date of compliance.

See the Economic Benefit in Violation No. 6 of PCW No. 1 of 2 for implementing and maintaining an Environmental Management System in order to ensure that all instances of deviations are reported in a timely manner.

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

\$13

Screening Date	10-Jun-2021	Docket No.	2019-1310-AIR-E	PCW
Respondent	Covestro LLC			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	58304			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN100209931 (PCW No. 2 of 2)			
Media	Air			
Enf. Coordinator	Amanda Diaz			

Violation Number	3
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 32835, SC No. 1, FOP No. O2102, GTC and STC No. 15, and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failed to comply with the maximum allowable emissions rates ("MAERs"). Specifically, during a stack test completed on April 2, 2020, the Respondent exceeded the nitrogen oxides ("NOx") MAER of 11.41 pounds/hour ("lbs/hr") by 3.21 lbs/hr and the hydrochloric acid ("HCl") MAER of 0.04 lb/hr by 0.78 lb/hr for the Vapor Combustor No. 1, Emissions Point Number ("EPN") FF87826211, resulting in approximately 61.87 pounds ("lbs") of unauthorized NOx and 58.73 lbs of unauthorized HCl emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Release	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 insignificant amounts of pollutants that did 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 6 468 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$45,000

Six quarterly events are recommended from the April 2, 2020 stack test date to the July 14, 2021 screening date.

Good Faith Efforts to Comply 25.0% Reduction \$11,250

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

Notes The Respondent completed the corrective measures on October 21, 2022, after the NOE dated July 7, 2021.

Violation Subtotal \$33,750

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$831 **Violation Final Penalty Total** \$47,250

This violation Final Assessed Penalty (adjusted for limits) \$47,250

Economic Benefit Worksheet

Respondent Covestro LLC
Case ID No. 58304
Reg. Ent. Reference No. RN100209931 (PCW No. 2 of 2)
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	\$450	2-Apr-2020	21-Oct-2022	2.55	\$57	n/a	\$57
Other (as needed)	\$8,000	2-Apr-2020	9-Mar-2022	1.93	\$774	n/a	\$774

Notes for DELAYED costs

Estimated cost to conduct a stack test demonstrating compliance with the NOx hourly MAER for the Vapor Combustor No. 1, EPN FF87826211, (\$8,000) and to obtain Permit by Rule Registration No. 170594 that increased the HCl hourly MAER for the Vapor Combustor No. 1, EPN FF87826211, (\$450). The Dates Required is the initial date of non-compliance and the Final Dates are the dates of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$8,450

TOTAL

\$831



Compliance History Report

Compliance History Report for CN601544042, RN100209931, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN601544042, Covestro LLC

Classification: SATISFACTORY

Rating: 2.88

Regulated Entity: RN100209931, COVESTRO INDUSTRIAL PARK BAYTOWN PLANT

Classification: SATISFACTORY

Rating: 3.29

Complexity Points: 45

Repeat Violator: NO

CH Group: 05 - Chemical Manufacturing

Location: 8500 WEST BAY ROAD IN BAYTOWN, CHAMBERS COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER CI0016S

AIR OPERATING PERMITS PERMIT 2100

AIR OPERATING PERMITS PERMIT 2102

AIR OPERATING PERMITS PERMIT 2104

AIR OPERATING PERMITS PERMIT 3674

AIR NEW SOURCE PERMITS REGISTRATION 32017

AIR NEW SOURCE PERMITS PERMIT 33665

AIR NEW SOURCE PERMITS PERMIT 35148

AIR NEW SOURCE PERMITS REGISTRATION 36361

AIR NEW SOURCE PERMITS PERMIT 39943

AIR NEW SOURCE PERMITS REGISTRATION 39221

AIR NEW SOURCE PERMITS REGISTRATION 40214

AIR NEW SOURCE PERMITS REGISTRATION 42933

AIR NEW SOURCE PERMITS REGISTRATION 44256

AIR NEW SOURCE PERMITS REGISTRATION 46087

AIR NEW SOURCE PERMITS REGISTRATION 47933

AIR NEW SOURCE PERMITS REGISTRATION 49695

AIR NEW SOURCE PERMITS REGISTRATION 15373

AIR NEW SOURCE PERMITS PERMIT 2005

AIR NEW SOURCE PERMITS REGISTRATION 2006B

AIR NEW SOURCE PERMITS PERMIT 2035A

AIR NEW SOURCE PERMITS REGISTRATION 7503

AIR NEW SOURCE PERMITS REGISTRATION 7997

AIR NEW SOURCE PERMITS REGISTRATION 10813

AIR NEW SOURCE PERMITS REGISTRATION 11635

AIR NEW SOURCE PERMITS REGISTRATION 13917

AIR NEW SOURCE PERMITS REGISTRATION 14776

AIR NEW SOURCE PERMITS REGISTRATION 17110

AIR NEW SOURCE PERMITS PERMIT 22197

AIR NEW SOURCE PERMITS REGISTRATION 52342

AIR NEW SOURCE PERMITS REGISTRATION 52109

AIR NEW SOURCE PERMITS REGISTRATION 54702

AIR NEW SOURCE PERMITS REGISTRATION 70871

AIR NEW SOURCE PERMITS REGISTRATION 54700

AIR NEW SOURCE PERMITS REGISTRATION 90373

AIR NEW SOURCE PERMITS REGISTRATION 88112

AIR NEW SOURCE PERMITS REGISTRATION 93940

AIR NEW SOURCE PERMITS REGISTRATION 94889

AIR NEW SOURCE PERMITS REGISTRATION 102772

AIR NEW SOURCE PERMITS REGISTRATION 102770

AIR NEW SOURCE PERMITS REGISTRATION 101928

AIR OPERATING PERMITS PERMIT 1390

AIR OPERATING PERMITS PERMIT 2101

AIR OPERATING PERMITS PERMIT 2103

AIR OPERATING PERMITS PERMIT 2529

AIR NEW SOURCE PERMITS PERMIT 32835

AIR NEW SOURCE PERMITS REGISTRATION 32469

AIR NEW SOURCE PERMITS PERMIT 34017

AIR NEW SOURCE PERMITS REGISTRATION 35748

AIR NEW SOURCE PERMITS REGISTRATION 36819

AIR NEW SOURCE PERMITS REGISTRATION 39205

AIR NEW SOURCE PERMITS REGISTRATION 39305

AIR NEW SOURCE PERMITS REGISTRATION 41110

AIR NEW SOURCE PERMITS REGISTRATION 43879

AIR NEW SOURCE PERMITS REGISTRATION 44965

AIR NEW SOURCE PERMITS REGISTRATION 46547

AIR NEW SOURCE PERMITS REGISTRATION 47877

AIR NEW SOURCE PERMITS ACCOUNT NUMBER CI0016S

AIR NEW SOURCE PERMITS REGISTRATION 1978A

AIR NEW SOURCE PERMITS PERMIT 2006A

AIR NEW SOURCE PERMITS REGISTRATION 2033E

AIR NEW SOURCE PERMITS PERMIT 2141

AIR NEW SOURCE PERMITS PERMIT 7870

AIR NEW SOURCE PERMITS REGISTRATION 10789

AIR NEW SOURCE PERMITS REGISTRATION 11261

AIR NEW SOURCE PERMITS REGISTRATION 13916

AIR NEW SOURCE PERMITS REGISTRATION 14068

AIR NEW SOURCE PERMITS REGISTRATION 15808

AIR NEW SOURCE PERMITS REGISTRATION 7877A

AIR NEW SOURCE PERMITS REGISTRATION 25130

AIR NEW SOURCE PERMITS REGISTRATION 53004

AIR NEW SOURCE PERMITS REGISTRATION 55162

AIR NEW SOURCE PERMITS AFS NUM 4807100009

AIR NEW SOURCE PERMITS REGISTRATION 54695

AIR NEW SOURCE PERMITS REGISTRATION 79855

AIR NEW SOURCE PERMITS REGISTRATION 84249

AIR NEW SOURCE PERMITS REGISTRATION 92444

AIR NEW SOURCE PERMITS REGISTRATION 93699

AIR NEW SOURCE PERMITS REGISTRATION 99904

AIR NEW SOURCE PERMITS REGISTRATION 102179

AIR NEW SOURCE PERMITS REGISTRATION 102766

AIR NEW SOURCE PERMITS REGISTRATION 102735

AIR NEW SOURCE PERMITS REGISTRATION 101915
AIR NEW SOURCE PERMITS REGISTRATION 101923
AIR NEW SOURCE PERMITS REGISTRATION 101929
AIR NEW SOURCE PERMITS REGISTRATION 102157
AIR NEW SOURCE PERMITS REGISTRATION 101922
AIR NEW SOURCE PERMITS REGISTRATION 102754
AIR NEW SOURCE PERMITS REGISTRATION 102732
AIR NEW SOURCE PERMITS REGISTRATION 102777
AIR NEW SOURCE PERMITS REGISTRATION 102178
AIR NEW SOURCE PERMITS REGISTRATION 101925
AIR NEW SOURCE PERMITS REGISTRATION 102155
AIR NEW SOURCE PERMITS REGISTRATION 102734
AIR NEW SOURCE PERMITS REGISTRATION 102769
AIR NEW SOURCE PERMITS REGISTRATION 102745
AIR NEW SOURCE PERMITS REGISTRATION 102181
AIR NEW SOURCE PERMITS REGISTRATION 102180
AIR NEW SOURCE PERMITS REGISTRATION 102733
AIR NEW SOURCE PERMITS REGISTRATION 118069
AIR NEW SOURCE PERMITS REGISTRATION 116084
AIR NEW SOURCE PERMITS REGISTRATION 119859
AIR NEW SOURCE PERMITS REGISTRATION 120435
AIR NEW SOURCE PERMITS REGISTRATION 105392
AIR NEW SOURCE PERMITS REGISTRATION 117486
AIR NEW SOURCE PERMITS PERMIT 32770
AIR NEW SOURCE PERMITS PERMIT AMOC125
AIR NEW SOURCE PERMITS REGISTRATION 150287
AIR NEW SOURCE PERMITS REGISTRATION 162020
AIR NEW SOURCE PERMITS REGISTRATION 166484
AIR NEW SOURCE PERMITS PERMIT AMOC179
AIR NEW SOURCE PERMITS PERMIT AMOC190
AIR NEW SOURCE PERMITS REGISTRATION 169942
AIR NEW SOURCE PERMITS REGISTRATION 169298
AIR NEW SOURCE PERMITS REGISTRATION 164465
AIR NEW SOURCE PERMITS REGISTRATION 166337
AIR NEW SOURCE PERMITS REGISTRATION 142909
AIR NEW SOURCE PERMITS REGISTRATION 156997
AIR NEW SOURCE PERMITS REGISTRATION 161089
AIR NEW SOURCE PERMITS REGISTRATION 153120
AIR NEW SOURCE PERMITS REGISTRATION 172989
AIR NEW SOURCE PERMITS REGISTRATION 169808
AIR NEW SOURCE PERMITS REGISTRATION 175662
AIR NEW SOURCE PERMITS REGISTRATION 169867
AIR NEW SOURCE PERMITS REGISTRATION 170594
AIR NEW SOURCE PERMITS REGISTRATION 169947
AIR NEW SOURCE PERMITS REGISTRATION 169955
AIR NEW SOURCE PERMITS REGISTRATION 167659

IHW CORRECTIVE ACTION SOLID WASTE
REGISTRATION # (SWR) 30603
WASTEWATER EPA ID TX0002798

POLLUTION PREVENTION PLANNING ID NUMBER
P00427

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30603

Compliance History Period: September 01, 2018 to August 31, 2023

Date Compliance History Report Prepared: April 02, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 02, 2019 to April 02, 2024

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

Name: Amanda Diaz

AIR NEW SOURCE PERMITS REGISTRATION 101921
AIR NEW SOURCE PERMITS REGISTRATION 102156
AIR NEW SOURCE PERMITS REGISTRATION 102764
AIR NEW SOURCE PERMITS REGISTRATION 102780
AIR NEW SOURCE PERMITS REGISTRATION 102743
AIR NEW SOURCE PERMITS REGISTRATION 102176
AIR NEW SOURCE PERMITS REGISTRATION 102174
AIR NEW SOURCE PERMITS REGISTRATION 101924
AIR NEW SOURCE PERMITS REGISTRATION 101920
AIR NEW SOURCE PERMITS REGISTRATION 102768
AIR NEW SOURCE PERMITS REGISTRATION 102158
AIR NEW SOURCE PERMITS REGISTRATION 102736
AIR NEW SOURCE PERMITS REGISTRATION 102737
AIR NEW SOURCE PERMITS REGISTRATION 102162
AIR NEW SOURCE PERMITS REGISTRATION 102153
AIR NEW SOURCE PERMITS REGISTRATION 102767
AIR NEW SOURCE PERMITS REGISTRATION 108482
AIR NEW SOURCE PERMITS REGISTRATION 140721
AIR NEW SOURCE PERMITS REGISTRATION 113582
AIR NEW SOURCE PERMITS REGISTRATION 140775
AIR NEW SOURCE PERMITS REGISTRATION 135780
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX879
AIR NEW SOURCE PERMITS REGISTRATION 134864
AIR NEW SOURCE PERMITS REGISTRATION 104837
AIR NEW SOURCE PERMITS REGISTRATION 152009
AIR NEW SOURCE PERMITS REGISTRATION 162021
AIR NEW SOURCE PERMITS PERMIT AMOC206
AIR NEW SOURCE PERMITS REGISTRATION 168448
AIR NEW SOURCE PERMITS REGISTRATION 167754
AIR NEW SOURCE PERMITS REGISTRATION 162350
AIR NEW SOURCE PERMITS REGISTRATION 169948
AIR NEW SOURCE PERMITS REGISTRATION 169953
AIR NEW SOURCE PERMITS REGISTRATION 167177
AIR NEW SOURCE PERMITS REGISTRATION 142440
AIR NEW SOURCE PERMITS REGISTRATION 151632
AIR NEW SOURCE PERMITS PERMIT AMOC164
AIR NEW SOURCE PERMITS REGISTRATION 157819
AIR NEW SOURCE PERMITS REGISTRATION 170009
AIR NEW SOURCE PERMITS REGISTRATION 168458
AIR NEW SOURCE PERMITS REGISTRATION 173261
AIR NEW SOURCE PERMITS REGISTRATION 168011
AIR NEW SOURCE PERMITS REGISTRATION 170893
AIR NEW SOURCE PERMITS REGISTRATION 170030
AIR NEW SOURCE PERMITS REGISTRATION 168075
AIR NEW SOURCE PERMITS REGISTRATION 174162
PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 75002
WASTEWATER PERMIT WQ0001499000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER
CI0016S

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50173

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD058260977

Rating Year: 2023

Rating Date: 09/01/2023

Phone: (512) 239-2922

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

1 Effective Date: 06/20/2023 ADMINORDER 2022-1626-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: General Terms & Conditions OP
 Description: Failure to report all instances of deviations. Specifically, the deviation report for the April 1, 2018 through September 30, 2018 reporting period did not include the deviations for failing to perform weekly calibrations for the NSCR CEMS, failing to maintain records for the quarterly visible emissions observations for the Soda Ash Solution Tank and Soda Ash Scrubber, and failing to maintain records for the quarterly visible emissions observations for the Residue Storage Silo and Residue Loadin

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	April 16, 2019	(1571764)
Item 2	May 17, 2019	(1583137)
Item 3	June 19, 2019	(1583138)
Item 4	July 19, 2019	(1593076)
Item 5	September 10, 2019	(1606328)
Item 6	October 15, 2019	(1613174)
Item 7	November 08, 2019	(1618988)
Item 8	December 11, 2019	(1626340)
Item 9	March 09, 2020	(1597014)
Item 10	March 18, 2020	(1647120)
Item 11	April 16, 2020	(1653456)
Item 12	April 29, 2020	(1631845)
Item 13	May 08, 2020	(1631854)
Item 14	May 15, 2020	(1660042)
Item 15	June 16, 2020	(1666545)
Item 16	July 16, 2020	(1673503)
Item 17	August 10, 2020	(1680277)
Item 18	October 20, 2020	(1693194)
Item 19	October 21, 2020	(1678202)
Item 20	November 11, 2020	(1712274)
Item 21	December 14, 2020	(1712275)
Item 22	January 12, 2021	(1712276)
Item 23	February 17, 2021	(1725330)
Item 24	March 15, 2021	(1725331)
Item 25	April 13, 2021	(1703075)
Item 26	April 19, 2021	(1725332)
Item 27	May 18, 2021	(1739982)
Item 28	May 20, 2021	(1722693)
Item 29	June 17, 2021	(1747538)
Item 30	July 12, 2021	(1751644)
Item 31	October 08, 2021	(1776590)
Item 32	December 10, 2021	(1790581)
Item 33	January 12, 2022	(1798378)
Item 34	February 10, 2022	(1806255)
Item 35	March 21, 2022	(1813316)

Item 36	April 14, 2022	(1819890)
Item 37	May 19, 2022	(1828733)
Item 38	June 20, 2022	(1835017)
Item 39	July 20, 2022	(1842226)
Item 40	August 12, 2022	(1848362)
Item 41	October 19, 2022	(1862514)
Item 42	November 18, 2022	(1869430)
Item 43	December 19, 2022	(1875274)
Item 44	January 19, 2023	(1882098)
Item 45	February 16, 2023	(1889916)
Item 46	March 16, 2023	(1898471)
Item 47	April 11, 2023	(1886622)
Item 48	April 18, 2023	(1905261)
Item 49	May 18, 2023	(1912447)
Item 50	June 16, 2023	(1919045)
Item 51	July 03, 2023	(1926011)
Item 52	August 15, 2023	(1932977)
Item 53	September 15, 2023	(1939111)
Item 54	September 19, 2023	(1945963)
Item 55	November 13, 2023	(1951655)
Item 56	December 15, 2023	(1961412)
Item 57	January 16, 2024	(1968012)

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: 04/04/2023 (1866178)
 - Self Report? NO Classification: Minor
 - Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(c)
5C THSC Chapter 382 382.085(b)
FOP 3674 Special Term and Condition 1A OP
FOP 3674 Special Term and Condition 7 OP
 - Description: Failure to submit the Annual Benzene Waste Operations NESHAP (BWON) report. Category B3
 - Self Report? NO Classification: Minor
 - Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP 3674 Special Term and Condition 17 OP
NSR 32770 Special Condition 16 PERMIT
 - Description: Failure to maintain a minimum scrubber water flow of 2 gallons per minute (gpm) for EPN: FS612C2007 (Category C4).
 - Self Report? NO Classification: Minor
 - Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP 3674 Special Term and Condition 17 OP
NSR 32770 Special Condition 15D PERMIT
 - Description: Failure to conduct weekly cooling tower sample for total dissolved solids (TDS) for EPN: FC612C2001. (Category C1)
 - Self Report? NO Classification: Minor
 - Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP 3674 Special Term and Condition 17 OP
NSR 32770 Special Condition 15B PERMIT
 - Description: Failure to conduct the annual aniline cooling tower drift eliminator inspection for EPN: FC612C2001. (Category C1)
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
FOP 3674 Special Term and Conditions 1A OP
 - Description: Failure to report all instances of deviations for the reporting period of April 1, 2021 through September 30, 2021. (Category B3)
 - 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)
FOP 3674 Special Term and Condition 17 OP
NSR 32770 Special Condition 7 PERMIT

Description: Failure to route emissions from tanks to control device for EPNs: FT612T2006, FT612T2101, FT612T4001 and FT612T4002. (Category B13)

2 Date: 02/28/2024 (1956272)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O2100 ST&C 10 OP
NSR 2035A SC 14E PERMIT

Description: Failure to prevent open-ended lines (OEL). (Category C10)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP 2100 ST&C 1A OP
FOP 2100 ST&C 3(A)(iv)(3) OP

Description: Failure to keep records of the quarterly visible emissions inspection for EPN: FV16258800. (Category B1)
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)
FOP 2100 ST&C 10 OP
NSR 2035A SC 32E(1) PERMIT
Description: Failure to prevent exceedance of annual maintenance startup and shutdown (MSS) hours for BPA Unit flare (FF41080100). (Category C4)

3 Date: 02/28/2024 (1956277)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP 2104 ST&C 9 OP
NSR 2006A SC 8F PERMIT

Description: Failure to prevent open-ended lines (OEL). (Category C10)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2455(a)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to control volatile organic compound (VOC) and hazardous air pollutant (HAP) emissions from process vents (FV13612500 and FV13502800) (Category C4).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.112(e)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-2104 ST&C 1A OP
Description: Failure to control volatile organic compound (VOC) emissions from tanks (FT13501000, FT13501500, FT13603100, and FT13606600) (Category C4).

4 Date: 02/29/2024 (1956317)
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)
FOP, Special Terms & Conditions 1 and 9 OP
NSR, Special Condition 1 PERMIT

Description: Failure to prevent exceedance of the maximum allowable emission rate (MAER) for incinerator 115 [EPN: FV11514600]. (Category B13)
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)
FOP, Special Terms & Conditions 1 and 9 OP
NSR, Special Condition 1 PERMIT

Description: Failure to prevent exceedance of the maximum allowable emission rate

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

1	ENVIRONMENTAL MANAGEMENT SYSTEM	30 TAC CERTIFIED
2	ENVIRONMENTAL MANAGEMENT SYSTEM	30 TAC CERTIFIED

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

General Terms & Conditions OP
 Special Term & Condition 18 OP
 Description: Failure to submit the Permit Compliance Certification within 30 days of the end of the compliance period. (Category B3)
 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 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 10E PERMIT
 Special Condition 17 PERMIT
 Special Condition 24 PERMIT
 Special Terms & Conditions 1A and 15 OP
 Description: Failure to prevent open-ended lines. (Category C10)
 Self Report? NO Classification: Minor
 Citation:
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Term & Condition 15 OP
 Description: Failure to prevent the exceedance of the hourly NOx emission limit. (Category C4)
 Self Report? NO Classification: Minor
 Citation:
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Term & Condition 15 OP
 Description: Failure to prevent the exceedance of the hourly NOx emission limit. (Category C4)
 Self Report? NO Classification: Moderate
 Citation:
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 General Terms & Conditions OP
 Description: Failure to report a deviation. (Category B3)

6

Date: 08/28/2019 (1437550)
 Self Report? NO Classification: Minor
 Citation:
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(2)
 5C THSC Chapter 382 382.085(b)
 General Terms & Conditions OP
 Description: Failure to submit the Permit Compliance Certification (PCC) dated October 30, 2017, within the required timeframe. (CATEGORY B3 Violation)
 Self Report? NO Classification: Minor
 Citation:
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 5C THSC Chapter 382 382.085(b)
 General Terms & Conditions OP
 Description: Failure to submit the Deviation Report (DR) dated October 30, 2017, within the required timeframe. (CATEGORY B3 Violation)
 Self Report? NO Classification: Minor
 Citation:
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 13E PERMIT
 Special Term & Condition 15 OP
 Special Term & Condition 1A OP
 Description: Failure to prevent open-ended lines in volatile organic compound (VOC) and hazardous air pollutant (HAP) service (Unit ID: FUG-MDI). (CATEGORY C10)

	Violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 10 PERMIT Special Term & Condition 15 OP		
Description:	Failure to replace the primary Carbon Absorption System (CAS) canister (Unit ID: FC09501000) within required timeframe. (CATEGORY C4 Violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(2)(ii)(A)(1) 5C THSC Chapter 382 382.085(b) Special Term & Condition 1A OP		
Description:	Failure to maintain operating parameters (Unit ID: PRO-TDZ). (CATEGORY C4 Violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 11C PERMIT Special Term & Condition 1A OP		
Description:	Failure to replace carbon canisters after breakthrough for the MDA 3 vent scrubber (Unit ID: FS08211000) within required timeframe. (CATEGORY C4 Violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 63, Subpart G 63.120(d)(5) 5C THSC Chapter 382 382.085(b) Special Term & Condition 1A OP		
Description:	Failure to maintain flow rates for the Formaldehyde Scrubber (Unit ID: FS08011300). (CATEGORY C4 Violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 6A PERMIT Special Term & Condition 15 OP		
Description:	Failure to conduct annual drift eliminator inspections for Cooling Tower (Unit ID: FC830WK010). (CATEGORY B1 Violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 2 PERMIT Special Term & Condition 15 OP		
Description:	Failure to maintain non-fugitive emissions from relief device (Unit ID: FT08000400). (CATEGORY C4 Violation)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b) General Terms & Conditions OP		
Description:	Failure to report all instances of deviations for the deviation report (DR) dated October 30, 2014. (CATEGORY B3 Violation)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to report all instances of deviations for the deviation report (DR) dated April 30, 2015. (CATEGORY B3 Violation)		
Self Report?	NO	Classification:	Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP

Description: Failure to report all instances of deviations for the deviation report (DR) dated October 30, 2015. (CATEGORY B3 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP

Description: Failure to report all instances of deviations for the deviation report (DR) dated April 29, 2016. (CATEGORY B3 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP

Description: Failure to report all instances of deviations for the deviation report (DR) dated October 31, 2016.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP

Description: Failure to report all instances of deviations for the deviation report (DR) dated April 28, 2017. (CATEGORY B3 Violation)

7

Date: 08/28/2019 (1540599)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 3A PERMIT
Special Term and Condition 7 OP

Description: Failure to prevent exceedance of permitted carbon monoxide concentration. (Category C4)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 3B PERMIT
Special Term and Condition 7 OP

Description: Failure to prevent exceedance of permitted nitrous oxide (NOx) emission limit. (Category C4)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Term and Condition 10 OP

Description: Failure to submit the Permit Compliance Certification within 30 days of the end of the certification period. (Category C7)

8

Date: 08/29/2019 (1517787)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7510(e)
5C THSC Chapter 382 382.085(b)
FOP Special Term and Condition (ST&C) 1A OP

Description: Failure to perform initial tune-up for heater (EPN: FV612F2001) by the compliance date. (Category C1)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7510(e)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term and Condition (ST&C) 1A OP

Description: Failure to perform initial tune-up for heater (EPN: FV612F3001) by the compliance date. (Category C1)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132(g)(1)(ii)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term and Conditions 11A OP

Description: Failure to submit an initial notification of ongoing transfer of Group 1 waste water stream to off-site operator. (Category B3)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP General Terms and Conditions OP

Description: Failure to maintain tank (EPN: FT612T2106) temperature below permit limit. (Category C4)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.114(d)(2)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term and Condition (ST&C) 1A OP

Description: Failure to conduct monthly inspection of car-seal. (Category B1)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 FOP General Terms and Conditions OP

Description: Failure to include all deviations in the appropriate time frame. (Category B3)
 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)
 FOP Special Term and Conditions 15 OP
 NSR Special Condition (SC) 13 PERMIT

Description: Failure to operate within the permitted loading limit of 70,000 gallon/rolling 12-month for EPN FL612L2105. (Category B17)
 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)
 FOP Special Term and Condition (ST&C) 15 OP
 NSR Special Condition (SC) 11 PERMIT

Description: Failure to maintain Crude MNB tank (EPN: FT612T2102) throughput within the gallons per year permit limits. (Category B17)

9 Date: 08/29/2019 (1544701)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 SPECIAL CONDITION 12E PERMIT

SPECIAL CONDITION 13 PERMIT
SPECIAL CONDITION 17 PERMIT
SPECIAL CONDITION 7E PERMIT
SPECIAL CONDITION 8E PERMIT
SPECIAL TERM AND CONDITION 1A OP
SPECIAL TERM AND CONDITION 9 OP

Description: Failure to seal open ended lines or valves (OELs). (Category C10)
Self Report? NO Classification: Moderate
Citation:

30 TAC Chapter 122, SubChapter B 122.146(2)
GENERAL TERMS AND CONDITIONS OP
SPECIAL TERM AND CONDITION 12 OP

Description: Failure to submit Permit Compliance Certification (PCC) within 30 days after the end of the compliance period. (Category B3)

10 Date: 12/31/2019 (1633981)

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

11 Date: 01/31/2020 (1640600)

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

12 Date: 02/14/2020 (1612425)

Self Report? NO Classification: Minor
Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP

Description: Failure to submit the Permit Compliance Certification (PCC) within the required timeframe (Category B3).

Self Report? NO Classification: Minor
Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 6(A) PERMIT
Special Term & Condition 15 OP

Description: Failure to conduct audio, visual, and olfactory (AVO) inspections (Category B1).

Self Report? NO Classification: Moderate
Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132(g)(1)(ii)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to submit the Group 1 wastewater notification (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)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Term & Condition 15 OP

Description: Failure to prevent exceedance of the maximum allowable emission rate (MAER) for the Aniline WIP Tank (EPN: TK-2002) (Category B12).

13 Date: 04/14/2020 (1625927)

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)
 Special Condition 27.I. PERMIT
 Special Terms and Conditions 13 OP
 Description: Failure to conduct weekly visual inspections for carbon build-up at the stack.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 10 PERMIT
 Special Terms and Conditions 13 OP
 Description: Failure to operate without visible liquid leaks during unloading.

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)
 Special Condition 8 PERMIT
 Special Terms and Conditions 13 OP
 Description: Failure to operate TDI Tank Number 3 (Emission Point Number [EPN] FT71000510) at its permitted maximum temperature.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failure to report deviations.

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)
 Special Condition 8 PERMIT
 Special Terms and Conditions 13 OP
 Description: Failure to maintain TDA Tank (Emission Point Number [EPN] FT75002700) at its maximum temperature limit.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 15 PERMIT
 Special Terms and Conditions 13 OP
 Description: Failure to maintain records for the Department of Transportation (DOT) leak-tight tests for tank trucks.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 16.A. PERMIT
 Special Terms and Conditions 13 OP
 Description: Failure to maintain records for the Department of Transportation (DOT) pressure tests for rail cars.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 27.E.(1) PERMIT
 Special Terms and Conditions 13 OP
 Description: Failure to properly perform Carbon Adsorption System (CAS) sampling.

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 115, SubChapter D 115.354(3)
30 TAC Chapter 115, SubChapter D 115.356(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 28.E. PERMIT
Special Terms and Conditions 13 OP

Description: Failure to maintain weekly physical inspection records for connectors in volatile organic compounds (VOC) service.

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 117, SubChapter B 117.310(f)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Terms and Conditions 1.A. OP

Description: Failure to maintain emergency generator, EPN FG74000100, run time records that demonstrate operation outside the hours of 0600 to 1200.

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 27.G. PERMIT
Special Terms and Conditions 13 OP

Description: Failure to provide corrective actions in the weekly visible inspections for carbon build-up.

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 33.D.(2) PERMIT
Special Terms and Conditions 13 OP

Description: Failure to conduct volatile organic compound (VOC) sampling prior to opening pumps for maintenance.

14 Date: 06/02/2020 (1631842)

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)
5C THSC Chapter 382 382.085(b)
Special Condition 8(F) PERMIT
Special Terms & Conditions 1A & 9 OP

Description: Failure to prevent open ended lines (OELs) (Category C10).

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 8(E) PERMIT
Special Term & Condition 9 OP

Description: Failure to perform hydraulic testing on a component (Category C1).

15 Date: 06/03/2020 (1631840)

Self Report? NO Classification: Minor

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

Special Condition 19(A) PERMIT
Special Term & Condition 10 OP
Description: Failure to maintain the minimum temperature in the die ovens (EPNs: DIEOVEN1-4) (Category B18(g)(1)).

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP

Description: Failure to report all instances of deviation (Category C3).

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart A 60.18(c)(4)(i)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to prevent exceedance of the exit velocity (Category C4).

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)
Special Condition 1 PERMIT
Special Term & Condition 10 OP

Description: Failure to prevent exceedance of the maximum allowable emission rate for the Decomposition System Flare (EPN: FF16027000) (Category B12)

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 9(C) PERMIT
Special Term & Condition 10 OP

Description: Failure to maintain the minimum pH in the recycled scrubber liquor for the Incinerator/Scrubber (EPN: F116452900) (Category C4).

16 Date: 06/26/2020 (1631835)

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)
5C THSC Chapter 382 382.085(b)

Special Condition 10(E) PERMIT
Special Terms & Conditions 1A & 15 OP

Description: Failure to prevent open ended lines (OELs) (Category C10).

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 23 PERMIT
Special Term & Condition 15 OP

Description: Failure to perform MSS activities without a VOC measurement (Category C4).

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.144(1)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP
Special Term & Condition 3(A)(iv)(3) OP

Description: Failure to maintain records of quarterly visible emission observations (VEOs) (Category B3).

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.103(c)

5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to maintain records of quarterly TOC sample (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)
5C THSC Chapter 382 382.085(b)
Special Condition 13(B)(2) PERMIT
Special Term & Condition 15 OP

Description: Failure to perform weekly CEMS calibration (Category C3).
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)
Special Condition 9(A)(1) PERMIT
Special Term & Condition 15 OP

Description: Failure to maintain the minimum temperature on Vapor Combustor No. 1
(EPN: FF87826211) (Category C4).

17

Date: 08/05/2020 (1631832)

Self Report? NO Classification: Minor
Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 5 PERMIT
Special Term & Condition 15 OP

Description: Failure to prevent exceedance of the maximum temperature for the MDA III
Scrubber (EPN: FS08211000) (Category B1).
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)
Special Condition 19 PERMIT
Special Term & Condition 15 OP

Description: Failure to document MSS instrument calibration/functionality tests (Category
B3).
Self Report? NO Classification: Minor
Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 6(A) PERMIT
Special Term & Condition 15 OP

Description: Failure to perform annual visual inspection of the MDA Cooling Tower (EPN:
FC830WK010) drift eliminators (Category B1).
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)
Special Condition 6(C) PERMIT
Special Term & Condition 15 OP

Description: Failure to perform weekly sampling of the MDA Cooling Tower (EPN:
FC830WK010) (Category C1).
Self Report? NO Classification: Minor
Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 19(A)(3) PERMIT
Special Term & Condition 15 OP

Description: Failure to perform maintenance, startup, and shutdown (MSS) activities
without proper equipment (Category B18(g)(1)).
Self Report? NO Classification: Minor
Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.148(b)(1)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP
 Description: Failure to perform AVO inspections (Category B1).
 Self Report? NO Classification: Minor
 Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(2)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP
 Description: Failure to prevent TDZ parameter excursions (Category B18(g)(1)).
 Self Report? NO Classification: Minor
 Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 7(A) PERMIT
 Special Term & Condition 15 OP
 Description: Failure to prevent throughput exceedance of Tank 081 159 (EPN: FT08115900) (Category C4).
 Self Report? NO Classification: Moderate
 Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Term & Condition 15 OP
 Description: Failure to prevent exceedance of the maximum allowable emission rate (MAER) for the Irganox Hopper (EPN: FV09520800) (Category B13).
 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)
 Special Condition 1 PERMIT
 Special Term & Condition 15 OP
 Description: Failure to prevent exceedance of the maximum allowable emission rate (MAER) for the Hopper (EPN: FV09520400) (Category B13).
 Self Report? NO Classification: Minor
 Citation:

30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)
 5C THSC Chapter 382 382.085(b)
 Special Condition 13(E) PERMIT
 Special Terms & Conditions 1A & 15 OP
 Description: Failure to prevent open ended lines (OELs) (Category C10).

18 Date: 08/31/2020 (1686848)
 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

19 Date: 05/17/2021 (1704689)
 Self Report? NO Classification: Moderate
 Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 5 PERMIT
 Special Term and Condition 10 OP
 Description: Failure to prevent an exceedance of the permitted throughput limit for the TBP Tank (EPN: FT16021100) (Category B18(g)(1)).

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)
Description: Failure to maintain the permitted temperature limit for Die Ovens 1, 2, 3, and 4 (EPN: DIEOVEN 1-4) (Category B18(g)(1)).

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)
Special Condition 9C PERMIT
Special Term and Condition 10 OP
Description: Failure to maintain the permitted power of hydrogen (pH) limit for the Incinerator/Scrubber (EPN: FI16452900) (Category B18(g)(1)).

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 Part 60, Subpart A 60.18(c)(4)(i)
5C THSC Chapter 382 382.085(b)
Special Condition 7A PERMIT
Special Term and Condition 10 OP
Special Term and Condition 1A OP
Description: Failure to maintain the permitted exit velocity for the Decomposition System Flare (EPN: FF16027000) (Category C4).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 9A PERMIT
Special Term and Condition 10 OP
Description: Failure to maintain the permitted temperature limit for the Incinerator/Scrubber (EPN: FI16452900) (Category C4).

20 Date: 05/18/2021 (1705079)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)
5C THSC Chapter 382 382.085(b)
SC 8 PERMIT
STC 11 OP
STC 8 OP
Description: Failure to prevent an Open-Ended Lines (OEL). (Category C10)

21 Date: 05/19/2021 (1704547)

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)
Special Condition 13C(2) PERMIT
Special Term and Condition 7 OP
Description: Failure to conduct weekly total dissolved solids (TDS) sampling of the Cooling Tower (EPN FC81000005). (Category C1)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 13B PERMIT
Special Term and Condition 7 OP
Description: Failure to prevent an exceedance of the total dissolved solids (TDS) limit of

the Cooling Tower (EPN FC81000005). (Category C7)
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)
Special Condition 12A PERMIT
Special Term and Condition 7 OP
Description: Failure to prevent an exceedance of the rolling 12-month throughput limit of the hydrogen chloride (HCl) Storage Tank (FIN FT80500500). (Category B18g(1))

22 Date: 05/24/2021 (1705024)
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)
ST&C 15 OP
ST&C 2F OP
Description: Failure to prevent the rolling 12-month throughput exceedances for Unit ID FT612T2101 and FT612T2006 (Category B13)
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)
ST&C 15 OP
Description: Failure to meet the minimum liquid flow of 2 GPM for scrubber (Unit ID: FT612T2208) (Category C4)
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)
ST&C 15 OP
Description: Failure to conduct the annual calibration for the flow meter (Unit ID: FS612C2007) (Category B1)

23 Date: 05/26/2021 (1705039)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
Special Conditions (SC) 10E PERMIT
Special Conditions (SC) 17 PERMIT
Special Conditions (SC) 24 PERMIT
Special Terms and Condition (ST&C) 14 OP
Special Terms and Condition (ST&C) 1A OP
Description: Failure to prevent Open Ended Lines (OELs) in Heavy Liquid/HAP and HL/HAP/VOC service (Category C10)
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)
Special Conditions (SC) 30E(4) PERMIT
Special Terms and Condition (ST&C) 14 OP
Description: Failure to prevent Phosgene leak from TDI II Heat Exchange System [EPN: PRO-TDI2] during MSS activity (Category C7)
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)

Special Conditions (SC) 30A(6) PERMIT
 Special Terms and Condition (ST&C) 14 OP
 Description: Failure to prevent exceedance of minimum potential saturation time of 30% for Carbon Adsorption System (CAS) canister for TDI Heat Exchange System [EPN: PRO-TDI] during MSS activity (Category C4)

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)
 Special Conditions (SC) 4 PERMIT
 Special Terms and Condition (ST&C) 14 OP

Description: Failure to maintain temperature limit of 910 °C for Central Thermal Oxidizer (CTO) [EPN: FV87820115] (Category C7)

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)
 Special Conditions (SC) 1 PERMIT
 Special Terms and Condition (ST&C) 14 OP

Description: Failure to prevent exceedance of permitted limit of 4.43 lb/hr for nitrogen oxide (NOx) for Central Thermal Oxidizer (CTO) [EPN: FV87820115] (Category C7)

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)
 Special Conditions (SC) 13E PERMIT
 Special Terms and Condition (ST&C) 14 OP

Description: Failure to prevent exceedance of the 5 % loss of valid CEMS data time for Central Thermal Oxidizer (CTO) [EPN: FV87820115] (Category B18g.(1))

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)
 Special Conditions (SC) 9A(1) PERMIT
 Special Terms and Condition (ST&C) 14 OP

Description: Failure to maintain temperature limit of 924 °C for Vapor Combustor #1 (VC1) [EPN: FF87826211] (Category B18g.(1))

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)
 Special Conditions (SC) 9A(1) PERMIT
 Special Terms and Condition (ST&C) 14 OP

Description: Failure to maintain temperature limit of 924°C for Vapor Combustor #2 (VC2) [EPN: FF87826303] (Category C7)

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)
 Special Conditions (SC) 1 PERMIT
 Special Terms and Condition (ST&C) 14 OP

Description: Failure to maintain temperature limit of 460 °C for Non-Selective Catalyst Reduction (NSCR) [EPN: FV87826152] (Category C7)

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)
 Special Conditions (SC) 9B(1) PERMIT
 Special Terms and Condition (ST&C) 14 OP

Description: Failure to prevent exceedance of permitted limit of 2.18 lb/hr for Non-Selective Catalyst Reduction (NSCR) [EPN: FV87826152] (Category C7)

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)
 Special Conditions (SC) 1 PERMIT
 Special Terms and Condition (ST&C) 14 OP
Description: Failure to prevent exceedance of throughput for Vapor Combustor #2 (VC2) [EPN: FF87826303] (Category B18g.(1))
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)
 Special Conditions (SC) 4 PERMIT
 Special Terms and Condition (ST&C) 1A OP
Description: Failure to maintain temperature limit of 940 °C for Central Thermal Oxidizer (CTO) [EPN: FV87820115] (Category B18g.(1))
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)
 Special Conditions (SC) 9A(1) PERMIT
 Special Terms and Condition (ST&C) 14 OP
Description: Failure to maintain temperature limit of 935 °C for Vapor Combustor #1 (VC1) [EPN: FF87826211] (Category C7)
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)
 Special Conditions (SC) 9A(1) PERMIT
 Special Terms and Condition (ST&C) 14 OP
Description: Failure to maintain temperature limit of 945 °C for Vapor Combustor #2 (VC2) [EPN: FF87826303] (Category C7)
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)
 Special Conditions (SC) 1 PERMIT
 Special Terms and Condition (ST&C) 14 OP
Description: Failure to prevent exceedance of permitted limit of 11.41 lb/hr for nitrogen oxide (NOx) for Vapor Combustor #1 (VC1) [EPN: FF87826211] (Category B17)
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)
 Special Conditions (SC) 1 PERMIT
 Special Terms and Condition (ST&C) 14 OP
Description: Failure to prevent exceedance of permitted limit of 0.04 lb/hr for hydrochloric acid (HCl) for Vapor Combustor #1 (VC1) [EPN: FF87826211] (Category B17)
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)
 Special Conditions (SC) 1 PERMIT
 Special Terms and Condition (ST&C) 14 OP
Description: Failure to prevent exceedance of permitted limit of 0.01 lb/hr for toluene diamine (TDA) for Vent [Unit ID: FV055ST001] (Category C7)
Self Report? NO **Classification:** Moderate
Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132(g)(2)
 5C THSC Chapter 382 382.085(b)
 Special Terms and Condition (ST&C) 1A OP
Description: Failure to submit prior notification of Group 1 wastewater stream treatment (Category B3)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report all instances of deviations (Category C3)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(2)
5C THSC Chapter 382 382.085(b)
Special Terms and Condition (ST&C) 1A OP

Description: Failure to comply with required process vent provisions for DNT/SAC [EPN: FV022ST005] (Category B18g(1))

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(2)
5C THSC Chapter 382 382.085(b)
Special Terms and Condition (ST&C) 1A OP

Description: Failure to comply with required process vent provisions for SAC [EPN: FV045ST004] (Category B18g(1))

24 Date: 06/11/2021 (1704724)

Self Report? NO Classification: Moderate

Citation: 2103 Special term & Condition 9 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
34017 Special Condition 7G PERMIT
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain exhaust temperature for Unit ID FV11514600. (Category C4)

25 Date: 06/18/2021 (1705060)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)
5C THSC Chapter 382 382.085(b)
SC 29 E PERMIT
SC 30 E PERMIT
STC 14 OP

Description: Failure to prevent an Open-Ended Lines (OEL). (Category C10)

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)
SC 9 PERMIT
STC 14 OP

Description: Failure to preform annual temperature calibrations. (Category B18(g)(1))

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 16 PERMIT
STC 14 OP

Description: Failure to maintain tank truck leak test data. (Category C3)

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)

SC 17 PERMIT
 STC 14 OP
 Description: Failure to maintain rail car leak test data. (Category B18(g)(1))
 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)
 SC 29 E PERMIT
 SC 30 F PERMIT
 STC 14 OP
 Description: Failure to maintain records of Audio, Visual, and Olfactory (AVO) monitoring records. (Category B18(g)(1))
 Self Report? NO Classification: Minor
 Citation:
 30 TAC Chapter 117, SubChapter B 117.310(f)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 STC 1 OP
 Description: Failure to operate an emergency engine within the permitted timeframe. (Category C4)
 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)
 SC 28 I PERMIT
 STC 14 OP
 Description: Failure to complete weekly Carbon Absorption System (CAS) inspections. (Category B18(g)(1))
 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)
 SC 28 C PERMIT
 STC 14 OP
 Description: Failure to conduct quarterly monitoring on the Carbon Absorption System (CAS). (Category B18(g)(1))
 Self Report? NO Classification: Moderate
 Citation:
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(B)
 5C THSC Chapter 382 382.085(b)
 STC 17 OP
 Description: Failure to report all instances of deviations. (Category B18(g)(1))
 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)
 SC 28 D PERMIT
 STC 14 OP
 Description: Failure to conduct sampling during operating condtions. (Category B18(g)(1))

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Date: 07/02/2021 (1704940)
 Self Report? NO Classification: Moderate
 Citation:
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(2)(ii)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A OP
 Description: Failure to prevent TDZ parameter excursions (Category C4)
 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)

SC 1 & SC 7 PERMIT
ST&C 15 OP

Description: Failure to prevent the annual throughput exceedance for Unit ID FT09522200 (Category C4).

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)
SC 1 PERMIT
ST&C 15 OP

Description: Failure to prevent excess emissions for Unit ID FT09008800 and FT09308800 (Category B13)

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Description: Failure to report all instances of deviations (Category B3)

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)
SC 24E(2) PERMIT
ST&C 15 OP

Description: Failure to maintain the minimum water flow rate of 9 gallons per minute (gpm) or above for Unit ID FS08106600 (Category C4)

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)
SC 1 PERMIT
STC 15 OP

Description: Failure to prevent exceedances for Unit ID MDI (Category B13)

27 Date: 07/31/2021 (1757110)

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

28 Date: 08/31/2021 (1766070)

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

29 Date: 10/31/2021 (1783561)

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

30 Date: 02/18/2022 (1775972)

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 16 PERMIT

Special Term and Condition 17 OP
Description: Failure to maintain minimum hourly flow rate for the Water Scrubber (EPN: FS612C2007). (Category C4)

31 Date: 04/01/2022 (1775985)
Self Report? YES Classification: Moderate
Citation:
30 TAC Chapter 117, SubChapter B 117.310(f)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP
Description: Failure to comply with engine operating restrictions for Unit ID: FG89000000.
(Category C4)

32 Date: 04/07/2022 (1775545)
Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 4 PERMIT
Special Term & Condition 15 OP
Description: Failure to maintain the minimum temperature of the Central Thermal Oxidizer
(CTO) (EPN: FV87820115) (Category B18(g)(1)).

Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 9(A)(1) PERMIT
Special Term & Condition 15 OP

Description: Failure to maintain the minimum temperature of Vapor Combustor No. 1
(EPN: FF87826211) (Category B18(g)(1)).

Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 9(A)(1) PERMIT
Special Term & Condition 15 OP

Description: Failure to maintain the minimum temperature of Vapor Combustor No. 2
(EPN: FF87826303) (Category B18(g)(1)).

Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 13(E) PERMIT
Special Term & Condition 15 OP

Description: Failure to prevent CTO (EPN: FV87820115) monitor downtime (Category C1).

Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 5 PERMIT
Special Term & Condition 15 OP

Description: Failure to maintain the CTO (EPN: FV87820115) circulation rate (Category
C4).

Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 12 PERMIT
Special Term & Condition 15 OP

Description: Failure to monitor the ammonium hydroxide injection rate for to the CTO
(EPN: FV87820115) (Category C4).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP
Description: Failure to report all instances of deviation for the period of April 1, 2020 through September 30, 2020 (Category B3).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Description: Special Terms & Conditions 15 OP
Failure to prevent exceedance of the maximum allowable emission rate (MAER) for Vapor Combustor No. 1 (EPN: FF87826211) (Category B12).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 9(B)(1) PERMIT
Special Term & Condition 15 OP
Description: Failure to maintain the minimum temperature of the NSCR (EPN: FV87826152) (Category C4).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Term & Condition 15 OP
Description: Failure to prevent exceedance of the maximum allowable emission rate (MAER) for Emergency Engine (EPN: FG830705HP) (Category B12).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP
Description: Failure to report all instances of deviation for the period of October 1, 2020 through April 30, 2021 (Category B3).

33 Date: 04/27/2022 (1776011)

Self Report? YES Classification: Moderate
Citation: 2104 OP
30 TAC Chapter 115, SubChapter B 115.121(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2455(a)
5C THSC Chapter 382 382.085(b)
Description: Failure to control volatile organic compound (VOC) and hazardous air pollutant (HAP) emissions from process vents (FV13612500 and FV13502800). (Category B13)

Self Report? YES Classification: Moderate
Citation: 2006A PERMIT
2104 OP
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)
Description: Failure to conduct pressure testing on a flange (FUG-1) prior to being placed back into service (Category B1)

Self Report? YES Classification: Moderate
Citation: 2104 OP
30 TAC Chapter 115, SubChapter B 115.112(e)(1)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Description: Failure to control volatile organic compound (VOC) emissions from tanks
(FT13501000, FT13501500, FT13603100, and FT13606600) (Category B13)

34 Date: 05/05/2022 (1776012)
Self Report? YES Classification: Moderate
Citation:
2529 OP
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
39943 PERMIT
5C THSC Chapter 382 382.085(b)
Description: Failure to calibrate tank temperature instrumentation (Category C4)
Self Report? YES Classification: Moderate
Citation:
2529 OP
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
39943 PERMIT
5C THSC Chapter 382 382.085(b)
Description: Failure to conduct weekly audible, visible, olfactory (AVO) inspections
(Category C1)
Self Report? YES Classification: Moderate
Citation:
2529 OP
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
39943 PERMIT
5C THSC Chapter 382 382.085(b)
Description: Failure to operate without leaks or spills (Category C4)

35 Date: 05/11/2022 (1811324)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 305, SubChapter F 305.125
40 CFR Chapter 264, SubChapter I, PT 264, SubPT E 264.75
Provision II.B.7. PERMIT
Provision X.A.2. PERMIT
Description: The facility failed to complete and submit EPA Form 8700-13 A/B to the
Regional Administrator by March 1 of the following even numbered year and
must cover activities during the previous year.
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)
30 TAC Chapter 335, SubChapter E 335.112(a)(8)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.174
Description: The facility failed to perform weekly inspections of container storage areas
(CSA).
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 335, SubChapter C 335.69(a)(4)
30 TAC Chapter 335, SubChapter E 335.112(a)(3)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT D 264.53(b)
Provision II.C.2.c. PERMIT
Description: The facility failed to submit a copy of the contingency plan to the local
emergency responders.

36 Date: 05/26/2022 (1775983)
Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 115, SubChapter B 115.118(a)(4)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.123(f)(1)

5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 16 OP
FOP Special Term & Condition 1A OP
NSR Special Condition 4C PERMIT

Description: Failure to maintain and record inlet water flow rate data (Unit ID: FT08510000). (CATEGORY C3 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)(A)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to authorize a change in control of emissions for storage tanks (Unit IDs: FT09008800 and FT09308800). (CATEGORY B3 Violation)

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Date: 06/02/2022 (1775973)

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)
FOP Special Term & Condition 9 OP
NSR Special Condition 7A PERMIT

Description: Failure to maintain control device Incinerator 115 (Unit ID: FV11514600). (CATEGORY C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 9 OP
NSR Special Condition 7A PERMIT

Description: Failure to maintain control device Incinerator 116 (Unit ID: FV11621600). (CATEGORY C4 Violation)

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)
FOP, Special Term & Condition 9 OP
NSR, Special Condition 7D PERMIT

Description: Failure to maintain Incinerator 116 (Unit ID: FV11621600) Temperatures. (CATEGORY C4 Violation)

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)
FOP, Special Term & Condition 9 OP
NSR, Special Condition 7D PERMIT

Description: Failure to maintain Incinerator 115 (Unit ID: FV11514600) Temperatures. (CATEGORY C4 Violation)

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)
FOP, Special Term & Condition 9 OP
NSR, Special Condition 7G PERMIT

Description: Failure to maintain Incinerator Absorber 115 (Unit ID: FV11514600) Temperatures. (CATEGORY C4 Violation)

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)
FOP, Special Term & Condition 9 OP
NSR, Special Condition 7G PERMIT

Description: Failure to maintain Incinerator Absorber 116 (Unit ID: FV11621600) Temperatures. (CATEGORY C4 Violation)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term & Condition 1A OP

Description: Failure to operate Emergency Generator (Unit ID: FG11609400) during permitted hours. (CATEGORY C4 Violation)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term & Condition 9 OP
 NSR, Special Condition 11 PERMIT

Description: Failure to maintain Cl2 concentration for Absorber (Unit ID: FV32500900). (CATEGORY C4 Violation)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term & Condition 9 OP
 NSR, Special Condition 11 PERMIT

Description: Failure to maintain caustic concentration for Absorber (Unit ID: FV32500900). (CATEGORY C4 Violation)

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Date: 08/22/2022 (1775969)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term & Condition 10 OP
 FOP, Special Term & Condition 1A OP
 NSR, Special Condition 14E PERMIT

Description: Failure to prevent open-ended lines (OEL). (CATEGORY C10 Violation)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term & Condition 10 OP
 NSR, Special Condition 19 PERMIT

Description: Failure to maintain Die Oven (Unit ID: DIEOVEN1) temperature within permitted limit. (CATEGORY C4 Violation)

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)(4)(i)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term & Condition 10 OP
 FOP, Special Term & Condition 1A OP
 NSR, Special Condition 11A PERMIT
 NSR, Special Condition 7 PERMIT

Description: Failure to maintain exit velocity for Flare (Unit ID: FF16027000) within permitted limit. (CATEGORY C4 Violation)

Self Report? NO Classification: Minor
 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)
 FOP, Special Term & Condition 10 OP
 FOP, Special Term & Condition 1A OP
 NSR, Special Condition 13C PERMIT

Description: Failure to maintain daily visible emission observation records. (CATEGORY B3 Violation)
Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 3(A)(iv)(1) OP

Description: Failure to conduct quarterly visible emission observations for Polycarbonate Silo Vents (Unit ID: FV16258800). (CATEGORY B1 Violation)
Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, Special Term & Condition 10 OP
FOP, Special Term & Condition 8 OP
NSR, Special Condition 11A PERMIT
NSR, Special Condition 8A(1) PERMIT

Description: Failure to conduct sampling on the Carbon Adsorption System (CAS) (Unit ID: FCMACAS00). (CATEGORY C1 Violation)
Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, Special Condition 10 OP
NSR, Special Condition 7C PERMIT

Description: Failure to maintain the pH within the permitted limit for the Scrubber (Unit ID: F116452900). (CATEGORY C4 Violation)
Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
FOP, General Terms & Conditions OP

Description: Failure to report all instances of deviations in the deviation report (DR) dated April 30, 2020. (CATEGORY B3 Violation)
Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
FOP, General Terms & Conditions OP

Description: Failure to report all instances of deviations in the deviation report (DR) dated October 30, 2020. (CATEGORY B3 Violation)
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)
FOP, General Terms & Conditions OP

Description: Failure to report all instances of deviations in the deviation report (DR) dated April 27, 2021. (CATEGORY B3 Violation)
Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(1)
5C THSC Chapter 382 382.085(b)
FOP, Special Term & Condition 10 OP
FOP, Special Term & Condition 1A OP
NSR, Special Condition 14I PERMIT

Description: Failure to repair fugitive components within the required timeframe. (CATEGORY C1 Violation)
Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 115, SubChapter D 115.354(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Failure to monitor emissions from relief valves within 24 hours after release to atmosphere. (CATEGORY C1 Violation)

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)
 FOP, Special Term & Condition 10 OP
 NSR, Special Condition 1 PERMIT

Description: Failure to operate within the permitted HCl and NOx emissions limit for Flare (Unit ID: FF16027000). (CATEGORY B13 Violation)

Self Report? NO Classification: Minor

Citation:
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(A)
 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)
 FOP, Special Term & Condition 10 OP
 NSR, General Condition 3 PERMIT

Description: Failure to submit a construction notification (Unit ID: FV16100500) within the required timeframe. (CATEGORY B3 Violation)

Self Report? NO Classification: Minor

Citation:
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(A)
 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)
 FOP, Special Condition 10 OP
 NSR, General Condition 4 PERMIT

Description: Failure to submit a startup notification (Unit ID: FV16100500) within the required timeframe. (CATEGORY B3 Violation)

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)
 FOP, Special Term & Condition 10 OP
 NSR, Special Condition 1 PERMIT

Description: Failure to operate within the permitted CO and NOx emissions limit for Flare (Unit ID: FF41080100). (CATEGORY B13 Violation)

Self Report? NO Classification: Minor

Citation:
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term & Condition 10 OP
 NSR, Special Condition 10 PERMIT

Description: Failure to maintain waste gas flow records for Flare (Unit ID: FF41080100). (CATEGORY C3 Violation)

Self Report? NO Classification: Minor

Citation:
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term & Condition 10 OP
 NSR, Special Condition 19 PERMIT

Description: Failure to maintain Die Oven (Unit ID: DIEOVEN2) temperature within permitted limit. (CATEGORY B18(g)(1) Violation)

Self Report? NO Classification: Minor

Citation:
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term & Condition 10 OP
 NSR, Special Condition 19 PERMIT

Description: Failure to maintain Die Oven (Unit ID: DIEOVEN3) temperature within permitted limit. (CATEGORY B18(g)(1) Violation)

Self Report? NO Classification: Minor
 Citation:
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term & Condition 10 OP
 NSR, Special Condition 19 PERMIT
 Description: Failure to maintain Die Oven (Unit ID: DIEOVEN4) temperature within permitted limit. (CATEGORY B18(g)(1) Violation)

39 Date: 08/31/2022 (1856154)
 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

40* Date: 02/24/2023 (1854096)
 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)
 Special Condition 5(A) PERMIT
 Special Terms and Conditions (9) OP
 Description: Failure to maintain Carbon Monoxide (CO) concentrations within permitted limits for Steam Boiler 5 (EPN: FV80051500) on December 22, 2021. (Category B13)

41* Date: 02/24/2023 (1866191)
 Self Report? NO Classification: Moderate
 Citation:
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(c)
 5C THSC Chapter 382 382.085(b)
 O2529 OP
 Description: Failure to submit Benzene Waste Operations NESHAP (BWON) Report within required timeframe (Category B3)

Self Report? NO Classification: Moderate
 Citation:
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 39943 PERMIT
 5C THSC Chapter 382 382.085(b)
 O2529 OP

Description: Failure to maintain temperature limit of 140°F for Tank [EPN: FT71000510] (Category C7)

Self Report? NO Classification: Moderate
 Citation:
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 39943 PERMIT
 5C THSC Chapter 382 382.085(b)
 O2529 OP

Description: Failure to perform weekly visual inspections on Carbon Adsorption System (CAS) canister [EPN: FC71007600] (Category C1)

Self Report? NO Classification: Moderate
 Citation:
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 39943 PERMIT
 5C THSC Chapter 382 382.085(b)
 O2529 OP

Description: Failure to perform weekly visual inspections on Carbon Adsorption System (CAS) canister [EPN: FC72059800] (Category C1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
39943 PERMIT
5C THSC Chapter 382 382.085(b)
O2529 OP

Description: Failure to prevent permit exceedances for Emergency Generator [Unit ID/FIN/EPN: FG74000100] (Category B13)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
39943 PERMIT
5C THSC Chapter 382 382.085(b)
O2529 OP

Description: Failure to adhere to appropriate operation requirements during loading operations for Loading Station [EPN: FL72005800] (Category B13)

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Date: 02/27/2023 (1866192)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
32835 PERMIT
5C THSC Chapter 382 382.085(b)
O2102 OP

Description: Failure to maintain temperature limit of 940 °C for Central Thermal Oxidizer (CTO) [EPN: FV87820115] (Category C4)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
32835 PERMIT
5C THSC Chapter 382 382.085(b)
O2102 OP

Description: Failure to maintain temperature limit of 935 °C for Vapor Combustor #1 (VC1) [EPN: FF87826211] (Category C4)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
32835 PERMIT
5C THSC Chapter 382 382.085(b)
O2102 OP

Description: Failure to maintain temperature limit of 945 °C for Vapor Combustor #2 (VC2) [EPN: FF87826303] (Category C7)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
32835 PERMIT
5C THSC Chapter 382 382.085(b)
O2102 OP

Description: Failure to prevent exceedance of permitted limit of 0.04 lbs/hr for hydrochloric acid (HCl) for Vapor Combustor #1 (VC1) [EPN: FF87826211] (Category C7)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
32835 PERMIT
5C THSC Chapter 382 382.085(b)
O2102 OP

Description: Failure to prevent exceedance of permitted limit of 4.43 lbs/hr for nitrogen oxide (NOx) for Central Thermal Oxidizer (CTO) [EPN: FV87820115] (Category C7)

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
32835 PERMIT
5C THSC Chapter 382 382.085(b)
O2102 OP

Description: Failure to prevent exceedances of VOC (in lbs/hr) and CO (in lbs/hr) for Non-Selective Catalyst Reduction (NSCR) [EPN: FV87826152] (Category C4)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(2)
5C THSC Chapter 382 382.085(b)
O2102 OP

Description: Failure to comply with required process vent provisions for DNT/SAC [EPN: FV022ST005] (Category C7)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(2)
5C THSC Chapter 382 382.085(b)
O2102 OP

Description: Failure to comply with required process vent provisions for SAC [EPN: FV045ST004] (Category C7)

Self Report? NO Classification: Moderate

Citation: 22197 PERMIT
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)
O2102 OP

Description: Failure to discharge emissions to Central Thermal Oxidizer (CTO) (Category C4)

Self Report? NO Classification: Moderate

Citation: 22197 PERMIT
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)
O2102 OP

Description: Failure to prevent permit limit exceedances for Diesel Emergency Engine [Unit ID: FG83070500; EPN: FG830705HP] (Category B13)

43* Date: 02/28/2023 (1866183)

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(f)(2)
5C THSC Chapter 382 382.085(b)
FOP 2100 Special term and condition 1A OP
FOP ST&C 10 OP
NSR 2035A SPECIAL CONDITION 9C PERMIT

Description: Failure to maintain pilot flame on BPA Flare EPN: FF41080100 due to high wind speed. (Category B17)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP 2100 SPECIAL TERM AND CONDITION 10 OP
NSR 2035A SPECIAL CONDITION 10 PERMIT

Description: Failure to monitor waste gas flow on BPA Flare EPN: FF41080100. 835181 (Category C3).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
5C THSC Chapter 382 382.085(b)

FOP 2100 Special term and condition 1A OP
FOP 2100 SPECIAL TERM AND CONDITION 10 OP
NSR 2035A Special Condition 11B PERMIT
Description: Failure to maintain pilot flame of EPN: FF16027000. (Category C4)
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)
FOP 2100 SPECIAL TERM AND CONDITION 10 OP
NSR 2035A Special Condition 1 PERMIT

Description: Failure to maintain emissions of carbon monoxide (CO) within the allowable emission rate at emission point (EPN: FF41080100). (Category B13)
Self Report? NO Classification: Minor
Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, ST&C 3A(iv)(1) OP

Description: Failure to conduct the quarterly visible emission inspections for Polycarbonate Silo vents that are part of EPN: FV16258800

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)
FOP 2100 SPECIAL TERM AND CONDITION 1A OP
FOP 2100 SPECIAL TERM AND CONDITON 10 OP
NSR 2035A 14F PERMIT

Description: Failure to monitor delay of repair (DOR) pump in regulated time frame for Unit ID Fugitive. (Category B1).

Self Report? NO Classification: Minor
Citation:

30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Description: Failure to report all instances of deviations for the reporting period of October 1, 2021 through March 31, 2022. (Category B3)

44* Date: 02/28/2023 (1866176)

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 63, SubChapter C, PT 63, SubPT G 63.114(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(1)
5C THSC Chapter 382 382.085(b)
FOP ST&C 16 OP
NSR 2005 SC 14 D PERMIT
NSR 2005 SC 4C PERMIT
ST&C 1A OP

Description: Failure to obtain continuous monitoring records for scrubber and Carbon Adsorption System control devices with EPNs: FV082110HD; FS08211000. (Category C3)

Self Report? NO Classification: Minor
Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.114(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.123(f)(1)

40 CFR Part 63, Subpart G 63.120(d)(5)
5C THSC Chapter 382 382.085(b)
FOP 2100 SPECIAL TERM AND CONDITION 1A OP

Description: Failure to maintain and record continuous water flow data due to malfunction in the flow meter for EPN: FT08510000. (Category C3)

45* Date: 03/01/2023 (1866177)

Self Report? NO Classification: Minor
Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, ST&C 1A OP
FOP, ST&C 9 OP
NSR 2006A SC 8F PERMIT

Description: Failure to prevent open-ended lines (OEL) for EPN: FUG 1. (Category C4)
Self Report? NO Classification: Moderate
Citation:

30 TAC Chapter 115, SubChapter B 115.121(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2455(a)
5C THSC Chapter 382 382.085(b)
FOP 2104 SPECIAL TERM AND CONDITION 1A OP

Description: Failure to control venting of volatile organic compounds (VOC) and hazardous air pollutants (HAP) from process vents for EPNs: FV13502800 & FV13612500. (Category B13).
Self Report? NO Classification: Moderate
Citation:

30 TAC Chapter 115, SubChapter B 115.112(e)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, ST&C 1A OP

Description: Failure to control VOC emissions from tanks with EPNs: FT13501000, FT13501500, FT13603100, and FT13606600. (Category B13)
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 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THSC Chapter 382 382.085(b)
FOP 2104 SPECIAL TERM AND CONDITION 1A OP
FOP 2104 SPECIAL TERM AND CONDITION 9 OP
NSR 2006A SC 18B PERMIT

Description: Failure to maintain pilot flame on flare for EPN: FF14004300.
Self Report? NO Classification: Moderate
Citation:

30 TAC Chapter 115, SubChapter B 115.122(a)(1)(B)
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)
FOP 2104 SPECIAL TERM AND CONDITION 1A OP

Description: Failure to maintain pilot flame on flare for EPN: FV140FLHDR. (Category C4)
Self Report? NO Classification: Moderate
Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THSC Chapter 382 382.085(b)
FOP 2104 SPECIAL TERM AND CONDITION 1A OP

Description: Failure to maintain pilot flame on flares with EPNs FV14600100, FV14600200, FV14605000. (Category C4)

46* Date: 03/02/2023 (1866165)

Self Report? NO Classification: Minor
Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP ST&C 1 OP
FOP ST&C 15 OP
NSR Special Condition 11 PERMIT

Description: Failure to maintain caustic concentration for Absorber (Unit ID: FV32500900). (CATEGORY C4 Violation)
Self Report? NO Classification: Minor
Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP ST&C 1 OP
FOP ST&C 9 OP
NSR Special Condition 1 PERMIT

NSR Special Condition 7 PERMIT
 Description: Failure to prevent exceedance of the maximum allowable emission rate (MAER) for 116 incinerator (EPN: FV11621600) (Category B12).
 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)
 FOP ST&C 1 OP
 FOP ST&C 9 OP
 NSR Special Condition 1 PERMIT
 Description: Failure to prevent permit exceedances for Emergency Generator (EPN: FG12509310) (Category B13)
 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)
 FOP ST&C 1 OP
 FOP ST&C 9, OP
 NSR Special Condition 1 PERMIT
 Description: Failure to prevent permit exceedances for Emergency Generator (EPN: FG11609500) (Category B13)
 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)
 FOP ST&C 1 OP
 FOP ST&C 9 OP
 NSR Special Condition 1 PERMIT
 Description: Failure to prevent permit exceedances for Emergency Generator (EPN: FG11609400) (Category B13)

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Date: 04/04/2023 (1866178)
 Self Report? NO Classification: Minor
 Citation:
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(c)
 5C THSC Chapter 382 382.085(b)
 FOP 3674 Special Term and Condition 1A OP
 FOP 3674 Special Term and Condition 7 OP
 Description: Failure to submit the Annual Benzene Waste Operations NESHAP (BWON) report. Category B3
 Self Report? NO Classification: Minor
 Citation:
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP 3674 Special Term and Condition 17 OP
 NSR 32770 Special Condition 16 PERMIT
 Description: Failure to maintain a minimum scrubber water flow of 2 gallons per minute (gpm) for EPN: FS612C2007 (Category C4).
 Self Report? NO Classification: Minor
 Citation:
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP 3674 Special Term and Condition 17 OP
 NSR 32770 Special Condition 15D PERMIT
 Description: Failure to conduct weekly cooling tower sample for total dissolved solids (TDS) for EPN: FC612C2001. (Category C1)
 Self Report? NO Classification: Minor
 Citation:
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP 3674 Special Term and Condition 17 OP
 NSR 32770 Special Condition 15B PERMIT

Description: Failure to conduct the annual aniline cooling tower drift eliminator inspection for EPN: FC612C2001. (Category C1)

Self Report? NO Classification: Moderate

Citation:
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 FOP 3674 Special Term and Conditons 1A OP

Description: Failure to report all instances of deviations for the reporting period of April 1, 2021 through September 30, 2021. (Category B3)

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)
 FOP 3674 Special Term and Condition 17 OP
 NSR 32770 Special Condition 7 PERMIT

Description: Failure to route emissions from tanks to control device for EPNs: FT612T2006, FT612T2101, FT612T4001 and FT612T4002. (Category B13)

48 Date: 02/28/2024 (1956272)

Self Report? NO Classification: Minor

Citation:
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O2100 ST&C 10 OP
 NSR 2035A SC 14E PERMIT

Description: Failure to prevent open-ended lines (OEL). (Category C10)

Self Report? NO Classification: Minor

Citation:
 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP 2100 ST&C 1A OP
 FOP 2100 ST&C 3(A)(iv)(3) OP

Description: Failure to keep records of the quarterly visible emissions inspection for EPN: FV16258800. (Category B1)

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)
 FOP 2100 ST&C 10 OP
 NSR 2035A SC 32E(1) PERMIT

Description: Failure to prevent exceedance of annual maintenance startup and shutdown (MSS) hours for BPA Unit flare (FF41080100). (Category C4)

49 Date: 02/28/2024 (1956277)

Self Report? NO Classification: Minor

Citation:
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP 2104 ST&C 9 OP
 NSR 2006A SC 8F PERMIT

Description: Failure to prevent open-ended lines (OEL). (Category C10)

Self Report? NO Classification: Moderate

Citation:
 30 TAC Chapter 115, SubChapter B 115.121(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2455(a)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A OP

Description: Failure to control volatile organic compound (VOC) and hazardous air pollutant (HAP) emissions from process vents (FV13612500 and FV13502800) (Category C4).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(e)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-2104 ST&C 1A OP

Description: Failure to control volatile organic compound (VOC) emissions from tanks (FT13501000, FT13501500, FT13603100, and FT13606600) (Category C4).

50 Date: 02/29/2024 (1956317)

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)
 FOP, Special Terms & Conditions 1 and 9 OP
 NSR, Special Condition 1 PERMIT

Description: Failure to prevent exceedance of the maximum allowable emission rate (MAER) for incinerator 115 [EPN: FV11514600]. (Category B13)

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)
 FOP, Special Terms & Conditions 1 and 9 OP
 NSR, Special Condition 1 PERMIT

Description: Failure to prevent exceedance of the maximum allowable emission rate (MAER) for incinerator 116 [EPN: FV11621600]. (Category B13 Violation)

* NOVs applicable for the Compliance History rating period 9/1/2018 to 8/31/2023

Appendix B
All Investigations Conducted During Component Period April 02, 2019 and April 02, 2024

Item 1*	April 16, 2019**	(1571764)
Item 2*	May 17, 2019**	(1583137)
Item 3*	June 19, 2019**	(1583138)
Item 4*	July 19, 2019**	(1593076)
Item 5	July 25, 2019**	(1580279)
Item 6	July 31, 2019**	(1540587)
Item 7	August 13, 2019**	(1599423)
Item 8	August 14, 2019**	(1540548)
Item 9	August 20, 2019**	(1530997)
Item 10	August 28, 2019**	(1437550)
Item 11	August 29, 2019**	(1517787)
Item 12	September 06, 2019**	(1591483)
Item 13*	September 10, 2019**	(1606328)
Item 14*	October 15, 2019**	(1613174)
Item 15*	November 08, 2019**	(1618988)
Item 16*	December 11, 2019**	(1626340)
Item 17	January 15, 2020**	(1633981)
Item 18	February 13, 2020**	(1612425)
Item 19	February 17, 2020**	(1640600)
Item 20*	March 09, 2020**	(1597014)
Item 21*	March 18, 2020**	(1647120)
Item 22	April 07, 2020**	(1625927)
Item 23*	April 16, 2020**	(1653456)
Item 24*	April 29, 2020**	(1631845)
Item 25*	May 08, 2020**	(1631854)

Item 26*	May 15, 2020**	(1660042)
Item 27	June 01, 2020**	(1631842)
Item 28	June 02, 2020**	(1631840)
Item 29*	June 16, 2020**	(1666545)
Item 30	June 26, 2020**	(1631835)
Item 31	July 10, 2020**	(1658566)
Item 32*	July 16, 2020**	(1673503)
Item 33	August 05, 2020**	(1631832)
Item 34*	August 10, 2020**	(1680277)
Item 35	September 02, 2020**	(1686848)
Item 36*	October 20, 2020**	(1693194)
Item 37*	October 21, 2020**	(1678202)
Item 38*	November 11, 2020**	(1712274)
Item 39*	December 14, 2020**	(1712275)
Item 40*	January 12, 2021**	(1712276)
Item 41*	February 17, 2021**	(1725330)
Item 42	March 15, 2021**	(1704079)
Item 43*	April 13, 2021**	(1703075)
Item 44*	April 19, 2021**	(1725332)
Item 45	May 17, 2021**	(1704689)
Item 46	May 18, 2021**	(1705079)
Item 47	May 19, 2021**	(1704547)
Item 48*	May 20, 2021**	(1722693)
Item 49	May 24, 2021**	(1705024)
Item 50	May 26, 2021**	(1705039)
Item 51	June 11, 2021**	(1704724)
Item 52*	June 17, 2021**	(1747538)
Item 53	June 18, 2021**	(1705060)
Item 54	July 02, 2021**	(1704940)
Item 55	July 07, 2021**	(1701909)
Item 56*	July 12, 2021**	(1751644)
Item 57	August 17, 2021**	(1757110)
Item 58	September 17, 2021**	(1766070)
Item 59*	October 08, 2021**	(1776590)
Item 60	November 16, 2021**	(1783561)
Item 61*	December 10, 2021**	(1790581)
Item 62*	January 12, 2022**	(1798378)
Item 63*	February 10, 2022**	(1806255)
Item 64	February 18, 2022**	(1775972)
Item 65*	March 21, 2022**	(1813316)
Item 66	April 01, 2022**	(1775985)
Item 67	April 07, 2022**	(1775545)
Item 68*	April 14, 2022**	(1819890)
Item 69	April 27, 2022**	(1776011)
Item 70	May 04, 2022**	(1776012)
Item 71	May 11, 2022**	(1811324)
Item 72*	May 19, 2022**	(1828733)
Item 73	May 26, 2022**	(1775983)

Item 74	June 02, 2022**	(1775973)
Item 75*	June 20, 2022**	(1835017)
Item 76*	July 20, 2022**	(1842226)
Item 77*	August 12, 2022**	(1848362)
Item 78	August 22, 2022**	(1775969)
Item 79	September 15, 2022**	(1856154)
Item 80*	October 19, 2022**	(1862514)
Item 81*	November 18, 2022**	(1869430)
Item 82*	December 19, 2022**	(1875274)
Item 83*	January 19, 2023**	(1882098)
Item 84	February 09, 2023**	(1848068)
Item 85*	February 16, 2023**	(1889916)
Item 86	February 24, 2023**	(1854096)
Item 87	February 27, 2023**	(1866176)
Item 88	February 28, 2023**	(1866165)
Item 89*	March 16, 2023**	(1898471)
Item 90	April 03, 2023**	(1866178)
Item 91*	April 11, 2023**	(1886622)
Item 92*	April 18, 2023**	(1905261)
Item 93*	May 18, 2023**	(1912447)
Item 94*	June 16, 2023**	(1919045)
Item 95	June 30, 2023**	(1902343)
Item 96*	July 03, 2023**	(1926011)
Item 97*	August 15, 2023**	(1932977)
Item 98*	September 15, 2023	(1939111)
Item 99*	September 19, 2023	(1945963)
Item 100*	November 13, 2023	(1951655)
Item 101*	December 15, 2023	(1961412)
Item 102*	January 16, 2024	(1968012)
Item 103	January 24, 2024	(1930042)
Item 104	February 28, 2024	(1956272)
Item 105	February 29, 2024	(1956317)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2018 and 08/31/2023.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
COVESTRO LLC
RN100209931

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2019-1310-AIR-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Covestro 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, represented by Madeleine Boyer of the law firm of Beveridge & Diamond PC, presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that 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. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a chemical manufacturing plant located at 8500 West Bay Road in Baytown, Chambers 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. During an investigation at the Plant conducted from February 20, 2018 through February 21, 2018, an investigator documented that:
 - a. The Respondent exceeded the particulate matter ("PM") hourly maximum allowable emissions rate ("MAER") of 0.01 pound per hour ("lb/hr") by 0.01 lb/hr from June 11, 2014 through September 29, 2017 and the Respondent exceeded the Irganox throughput limit represented in Appendix C of the amendment application dated July 26, 2012 for New Source Review ("NSR") Permit No. 2005 from July 30, 2015 through September 29, 2017 for the CD Reactor, Emissions Point Number ("EPN") FV09509900, resulting in approximately 289.44 pounds ("lbs") of unauthorized PM emissions.
 - b. The Respondent exceeded the storage tank throughput limit represented in Appendix C of the amendment application dated July 26, 2012 for NSR Permit

No. 2005 by 11,132,861 gallons from June 11, 2014 through September 30, 2017 for Storage Tank 090 548, resulting in less than 20.00 lbs of unauthorized volatile organic compounds ("VOC") emissions.

- c. The Respondent exceeded the storage tank throughput limit represented in Appendix C of the amendment application dated July 26, 2012 for NSR Permit No. 2005 by 4,383,931 gallons from April 1, 2014 through September 30, 2017 for the MDA II Vent Scrubber (Storage Tanks 081-045, 081-076, and 081-159), resulting in less than 20.00 lbs of unauthorized ammonia ("NH₃") emissions.
3. During an investigation at the Plant conducted on October 9, 2018, an investigator documented that:
 - a. The Respondent exceeded the VOC MAER of 0.33 ton per year based on a 12-month rolling period and the storage tank throughput limit represented in Appendix F dated December 14, 2015 for the 12-month periods ending from October 2016 through October 2017 for the Crude Nitrobenzene Tank, EPN TK-2102, resulting in 0.38 ton of unauthorized VOC emissions.
 - b. The Respondent did not submit the compliance schedule certified progress reports with the deviation reports submitted on October 30, 2015, April 29, 2016, October 31, 2016, April 28, 2017, and October 30, 2017 to report the progress on the corrective action plan for Unit ID No. FL612L2006.
 - c. The deviation reports for the October 1, 2015 through March 31, 2016, April 1, 2016 through September 30, 2016, October 1, 2016 through March 31, 2017, and April 1, 2017 through September 30, 2017 reporting periods did not include the deviation for failing to submit the compliance schedule certified progress report for Unit ID No. FL612L2006 with the deviation reports submitted on October 30, 2015, April 29, 2016, October 31, 2016, and April 28, 2017, respectively.
 4. During a record review for the Plant conducted from May 5, 2020 through July 1, 2020, an investigator documented that:
 - a. The permit compliance certification ("PCC") for the October 1, 2017 through September 30, 2018 certification period was due by October 30, 2018, but was not submitted until November 7, 2018.
 - b. The deviation report for the April 1, 2017 through September 30, 2017 reporting period did not include the deviations for errors in calculating the PM hourly emissions and failing to comply with the storage tank throughput limits; the deviation report for the October 1, 2017 through March 31, 2018 reporting period did not include the deviations for failing to comply with the throughput limits for the MDA2 Acid Drain Tank, failing to maintain the water flow for the MR3 Maintenance Decomp Tower, and failing to report two maintenance activities; and the deviation report for the April 1, 2018 through September 30, 2018 reporting period did not include the deviation for failing to report the non-reportable emissions event that occurred on May 26, 2018.

- c. The Respondent exceeded the storage tank throughput limit represented in the amendment application dated July 26, 2012 for NSR Permit No. 2005 by 548,755 gallons from October 1, 2018 through September 30, 2019 for Storage Tank 091 010.
5. During a record review for the Plant conducted from December 15, 2020 through March 8, 2021, an investigator documented that the Respondent released 239.00 lbs of anhydrous NH₃ as fugitive emissions, during an emissions event (Incident No. 347184) that occurred on December 7, 2020 and lasted five minutes.
6. During a record review for the Plant conducted from March 24, 2021 through May 7, 2021, an investigator documented that:
 - a. The Respondent exceeded the Multranol 12-month rolling average throughput limit represented in Appendix A of the permit renewal and amendment application dated April 24, 2009 by 6,059 gallons from October 1, 2019 through August 31, 2020 for the Line 6 Extruder Melt Pot.
 - b. The deviation report for the October 1, 2019 through March 31, 2020 reporting period did not include the deviation for failing to comply with the Multranol 12-month rolling average throughput limit for the Line 6 Extruder Melt Pot.
7. During a record review for the Plant conducted from May 10, 2021 through May 17, 2021, an investigator documented that during a stack test completed on April 2, 2020, the Respondent exceeded the nitrogen oxides ("NO_x") MAER of 11.41 lbs/hr by 3.21 lbs/hr and the hydrochloric acid ("HCl") MAER of 0.04 lb/hr by 0.78 lb/hr for the Vapor Combustor No. 1, EPN FF87826211, resulting in approximately 61.87 lbs of unauthorized NO_x and 58.73 lbs of unauthorized HCl emissions.
8. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. By September 29, 2017, obtained Permit by Rule ("PBR") Registration No. 148116 that certified the increase in the PM hourly MAER and retrained the staff on the rolling throughput monitoring review process for Irganox in order to comply with the PM hourly MAER and throughput limit for the CD Reactor, EPN FV09509900;
 - b. On November 1, 2017, claimed the PBR under 30 TEX. ADMIN. CODE § 106.472 that authorized the increase in the storage tank throughput limit for Storage Tank 090 548;
 - c. By November 1, 2017, claimed the PBR under 30 TEX. ADMIN. CODE § 106.472 that authorized the change of service of the NH₃ Dump Tank to a level control vessel for wastewater in order to comply with the throughput limit for the MDA II Vent Scrubber (Storage Tanks 081-045, 081-076, and 081-159);

- d. On November 2, 2017, claimed the PBR under 30 TEX. ADMIN. CODE § 106.472 that authorized the increase in the VOC annual MAER and storage tank throughput limit for the Crude Nitrobenzene Tank, EPN TK-2102;
- e. On April 30, 2018, submitted the deviation report for the October 1, 2017 through March 31, 2018 reporting period that included the deviations for errors in calculating the PM hourly emissions and failing to comply with the storage tank throughput limits;
- f. On October 26, 2018, submitted the compliance schedule certified progress reports for the April 1, 2015 through September 30, 2015, October 1, 2015 through March 31, 2016, April 1, 2016 through September 30, 2016, October 1, 2016 through March 31, 2017, and April 1, 2017 through September 30, 2017 reporting periods;
- g. On October 26, 2018, submitted the deviation report for the April 1, 2018 through September 30, 2018 reporting period that included the deviation for failing to submit the compliance schedule certified progress reports for Unit ID No. FL612L2006 with the deviation reports submitted on October 30, 2015, April 29, 2016, October 31, 2016, and April 28, 2017;
- h. On October 29, 2018, submitted the deviation report for the April 1, 2018 through September 30, 2018 reporting period that included the deviations for failing to comply with the throughput limits for the MDA2 Acid Drain Tank, failing to maintain the water flow for the MR3 Maintenance Decomp Tower, and failing to report two maintenance activities;
- i. On November 7, 2018, submitted the PCC for the October 1, 2017 through September 30, 2018 certification period;
- j. On April 25, 2019, submitted the deviation report for the October 1, 2018 through March 31, 2019 reporting period that included the deviation for failing to report the non-reportable emissions event that occurred on May 26, 2018;
- k. By January 27, 2020, demonstrated that Storage Tank 091 010 is used for non-air contaminant service and obtained an amendment for NSR Permit No. 2005 that removed the throughput representations for Storage Tank 091 010;
- l. By January 6, 2021, obtained an amendment for NSR Permit No. 2035A that authorized the increase in the Multranol throughput limit for the Line 6 Extruder Melt Pot;
- m. By April 30, 2021, submitted the deviation report for the October 1, 2019 through March 31, 2020 reporting period that included the deviation for failing to comply with the Multranol 12-month rolling average throughput limit for the Line 6 Extruder Melt Pot;
- n. On March 9, 2022, conducted a stack test demonstrating compliance with the NOx hourly MAER for the Vapor Combustor No. 1, EPN FF87826211;

- o. On October 21, 2022, obtained Permit by Rule Registration No. 170594 that increased the HCl hourly MAER for the Vapor Combustor No. 1, EPN FF87826211; and
- p. By April 13, 2024, implemented and maintained an Environmental Management System in order to ensure that all instances of deviations are reported in a timely manner and the PCCs are submitted in a timely manner.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to comply with the MAER and throughput limit, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 2005, Special Conditions ("SC") Nos. 1 and 9, Federal Operating Permit ("FOP") No. O2101, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to comply with the throughput limit, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 2005, SC No. 7.A., FOP No. O2101, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to comply with the throughput limit, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 2005, SC No. 7.A., FOP No. O2101, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. As evidenced by Finding of Fact No. 3.a, the Respondent failed to comply with the MAER and throughput limit, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 32770, SC Nos. 1 and 11, FOP No. O3674, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b).
6. As evidenced by Finding of Fact No. 3.b, the Respondent failed to submit a compliance schedule certified progress report at least every six months with the deviation report, in violation of 30 TEX. ADMIN. CODE §§ 122.132(d)(4)(C)(iv) [formerly 122.132(e)(4)(C)], 122.142(d)(2) [formerly 122.142(e)(2)], and 122.143(4), FOP No. O3674, GTC and STC No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b).
7. As evidenced by Finding of Fact No. 3.c, the Respondent failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O3674, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b).
8. As evidenced by Finding of Fact No. 4.a, the Respondent failed to submit a PCC within 30 days of any certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), FOP No. O2101, GTC and STC No. 18, and TEX. HEALTH & SAFETY CODE § 382.085(b).

9. As evidenced by Finding of Fact No. 4.b, the Respondent failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2101, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b).
10. As evidenced by Finding of Fact No. 4.c, the Respondent failed to comply with the throughput limit, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 2005, SC No. 7.A., FOP No. O2101, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b).
11. As evidenced by Finding of Fact No. 5, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 22197, SC No. 1, FOP No. O2102, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b).
12. As evidenced by Finding of Fact No. 6.a, the Respondent failed to comply with the throughput limit, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 2035A, SC No. 5, FOP No. O2100, GTC and STC No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b).
13. As evidenced by Finding of Fact No. 6.b, the Respondent failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2100, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b).
14. As evidenced by Finding of Fact No. 7, the Respondent 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. 32835, SC No. 1, FOP No. O2102, GTC and STC No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b).
15. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
16. An administrative penalty in the amount of \$210,565 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid \$105,283 of the penalty. Pursuant to TEX. WATER CODE § 7.067, \$105,282 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.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 16 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Covestro LLC, Docket No. 2019-1310-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 the SEP as set forth in Section II, Conclusion of Law No. 16. The amount of \$105,282 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 at the Plant:
 - a. Within 30 days after the effective date of this Order, implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 347184.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

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. 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 Enforcement Division at the address listed above.
7. 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 in this Order.
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. 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.
10. 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.

11. 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
10/16/2024

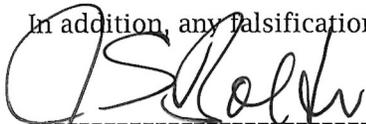
For the Executive Director
Date

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 OAG 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 OAG 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
Date
9/10/24

JEFFREYS BOLTON Ph.D.

Name (Printed or typed)
Title
VP OPERATIONS

Authorized Representative of
Covestro LLC

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: 2019-1310-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Covestro LLC
Payable Penalty Amount:	\$210,565
SEP Offset Amount:	\$105,282
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.

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
c/o Christopher B. Amandes
Amandes PLLC
1800 Post Oak Boulevard, Suite 400
Houston, Texas 77056

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 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.