

**Executive Summary – Enforcement Matter – Case No. 59737**  
**OCI Beaumont LLC**  
**RN102559291**  
**Docket No. 2020-1141-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Beaumont Plant, 5470 North Twin City Highway, Nederland, Jefferson 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:** July 30, 2021

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$67,875

**Amount Deferred for Expedited Settlement:** \$13,575

**Total Paid to General Revenue:** \$27,150

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$27,150

Name of SEP: Texas Congress of Parents and Teachers dba Texas PTA (Third-Party Pre-Approved)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** June 22, 2020 and October 20, 2020

**Date(s) of NOE(s):** August 15, 2020 and November 24, 2020

**Executive Summary – Enforcement Matter – Case No. 59737**  
**OCI Beaumont LLC**  
**RN102559291**  
**Docket No. 2020-1141-AIR-E**

***Violation Information***

1. Failed to control excess oxygen to less than 3.0 percent ("%"). Specifically, the Respondent exceeded the 3.0% O<sub>2</sub> limit by a range from 1.75% to 6.26% oxygen for 364 hours on 23 days from January 1, 2019 to March 26, 2019 for the Reforming Furnaces and Pre-Reformer Fired Heater, Emissions Point Number ("EPN") STK-41 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 901, PSDTX1334, and GHGPSDTX50, Special Permit Conditions No. IV.A.2.g, Federal Operating Permit ("FOP") No. O1645, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
  
2. Failed to comply with the maximum allowable emissions rates ("MAERs"). Specifically, the Respondent exceeded the carbon monoxide ("CO") MAER of 218.56 pounds per hour ("lbs/hr") by an average of 37.05 lbs/hr for a total of ten hours from August 12, 2019 to May 17, 2020 and the nitrogen oxides ("NO<sub>x</sub>") MAER of 18.00 lbs/hr by an average of 26.93 lbs/hr for a total of 65 hours from February 20, 2020 to May 22, 2020 for the Reforming Furnaces and Pre-Reformer Fired Heater, EPN STK-41, resulting in the unauthorized release of 370.52 pounds of CO emissions and 1,750.65 pounds of NO<sub>x</sub> emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 901 and PSDTX1334, Special Conditions ("SC") No. 1, FOP No. O1645, GTC and STC No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
  
3. Failed to comply with the MAER. Specifically, the Respondent exceeded the volatile organic compounds ("VOC") MAER of 0.61 ton per year based on a 12-month rolling period for the 12-month periods ending from July 2019 through September 2020 for the Methanol Plant Flare (MSS), EPN 45M, resulting in 0.27 ton of unauthorized VOC emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 901 and PSDTX1334, SC No. 1, FOP No. O1645, GTC and STC No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**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:

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**Docket No. 2020-1141-AIR-E**

a. Within 30 days:

i. Implement measures and/or procedures designed to control excess oxygen to less than 3.0% for EPN STK-41;

ii. Implement measures and/or procedures designed to comply with the CO and NO<sub>x</sub> hourly MAERs for EPN STK-41; and

iii. Implement measures and/or procedures designed to comply with the VOC annual MAER for EPN 45M.

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 4, MC R-12, (713) 422-8912; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

**SEP Third-Party Administrator:** Texas PTA, 408 West 11th Street, Austin, Texas 78701

**Respondent:** Robert Cleversy, Plant Manager, OCI Beaumont LLC, 5470 North Twin City Highway, Nederland, Texas 77627

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	17-Aug-2020	<b>Screening</b>	27-Aug-2020	<b>EPA Due</b>	23-May-2021
	<b>PCW</b>	12-Feb-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	OCI Beaumont LLC
<b>Reg. Ent. Ref. No.</b>	RN102559291
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	59737	<b>No. of Violations</b>	3
<b>Docket No.</b>	2020-1141-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Amanda Diaz
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$37,500</b>
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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.

<b>Compliance History</b>	<b>81.0%</b>	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$30,375</b>
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Notes: Enhancement for one NOV with the same or similar violations and four agreed orders containing a denial of liability. Reduction for two Notices of Intent to conduct an audit and one Disclosure of Violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	<b>0.0%</b>	Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$5,118  
 Estimated Cost of Compliance: \$40,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$67,875</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	Adjustment	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$67,875</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$67,875</b>
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<b>DEFERRAL</b>	<b>20.0%</b>	Reduction	<b>Adjustment</b>	<b>-\$13,575</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$54,300</b>
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**Screening Date** 27-Aug-2020

**Docket No.** 2020-1141-AIR-E

**PCW**

**Respondent** OCI Beaumont LLC

*Policy Revision 4 (April 2014)*

**Case ID No.** 59737

*PCW Revision March 26, 2014*

**Reg. Ent. Reference No.** RN102559291

**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> )	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	4	80%
	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> )	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	1	-2%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 81%

**>> 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 one NOV with the same or similar violations and four agreed orders containing a denial of liability. Reduction for two Notices of Intent to conduct an audit and one Disclosure of Violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 81%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 81%

**Screening Date** 27-Aug-2020  
**Respondent** OCI Beaumont LLC  
**Case ID No.** 59737  
**Reg. Ent. Reference No.** RN102559291  
**Media** Air  
**Enf. Coordinator** Amanda Diaz

**Docket No.** 2020-1141-AIR-E

**PCW**

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

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 901, PSDTX1334, and GHGPSDTX50, Special Permit Conditions No. IV.A.2.g, Federal Operating ("FOP") Permit No. O1645, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 16, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to control excess oxygen ("O2") to less than 3.0 percent ("%"). Specifically, the Respondent exceeded the 3.0% O2 limit by a range from 1.75% to 6.26% O2 for 364 hours on 23 days from January 1, 2019 to March 26, 2019 for the Reforming Furnaces and Pre-Reformer Fired Heater, Emissions Point Number ("EPN") STK-41.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

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

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="checkbox"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

One quarterly event is recommended for the instances of non-compliance that occurred from January 1, 2019 to March 26, 2019.

**Good Faith Efforts to Comply**

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	<input type="text"/>

Notes

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

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** OCI Beaumont LLC  
**Case ID No.** 59737  
**Reg. Ent. Reference No.** RN102559291  
**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				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)	\$20,000	1-Jan-2019	1-Nov-2021	2.84	\$2,836	n/a	\$2,836

#### Notes for DELAYED costs

Estimated cost to implement procedures and/or measures designed to control the excess O2 to less than 3.0% for EPN STK-41. The Date Required is the first date of non-compliance and the Final Date is the estimated date of compliance.

### Avoided Costs

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

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

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$20,000

**TOTAL**

\$2,836

**Screening Date** 27-Aug-2020  
**Respondent** OCI Beaumont LLC  
**Case ID No.** 59737  
**Reg. Ent. Reference No.** RN102559291  
**Media** Air  
**Enf. Coordinator** Amanda Diaz

**Docket No.** 2020-1141-AIR-E

**PCW**

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

**Violation Number** 2

**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 901 and PSDTX1334, Special Conditions ("SC") No. 1, FOP No. O1645, GTC and STC No. 16, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**  
 Failed to comply with the maximum allowable emissions rates ("MAERs"). Specifically, the Respondent exceeded the carbon monoxide ("CO") MAER of 218.56 pounds per hour ("lbs/hr") for a total of ten hours from August 12, 2019 to May 17, 2020 and the nitrogen oxides ("NOx") MAER of 18.00 lbs/hr for a total of 65 hours from February 20, 2020 to May 22, 2020 for the Reforming Furnaces and Pre-Reformer Fired Heater, EPN STK-41, resulting in the unauthorized release of 370.52 pounds of CO emissions and 1,750.65 pounds of NOx 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**

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 4 11 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$15,000

Four quarterly events are recommended for the instances of non-compliance that occurred from August 12, 2019 to May 22, 2020.

**Good Faith Efforts to Comply**

0.0%

Reduction \$0

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

Extraordinary		
Ordinary		
N/A	x	

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

**Violation Subtotal** \$15,000

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$1,112

**Violation Final Penalty Total** \$27,150

**This violation Final Assessed Penalty (adjusted for limits)** \$27,150



## Economic Benefit Worksheet

**Respondent** OCI Beaumont LLC  
**Case ID No.** 59737  
**Reg. Ent. Reference No.** RN102559291  
**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				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	12-Aug-2019	1-Nov-2021	2.22	\$1,112	n/a	\$1,112

**Notes for DELAYED costs**

Estimated cost to implement measures and/or procedures designed to comply with the CO and NOx hourly MAERs for EPN STK-41. The Date Required is the first date of non-compliance and the Final Date is the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$10,000

**TOTAL**

\$1,112

**Screening Date** 27-Aug-2020  
**Respondent** OCI Beaumont LLC  
**Case ID No.** 59737  
**Reg. Ent. Reference No.** RN102559291  
**Media** Air  
**Enf. Coordinator** Amanda Diaz

**Docket No.** 2020-1141-AIR-E

**PCW**

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

**Violation Number** 3

**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 901 and PSDTX1334, SC No. 1, FOP No. O1645, GTC and STC No. 16, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to comply with the MAER. Specifically, the Respondent exceeded the volatile organic compounds ("VOC") MAER of 0.61 ton per year based on a 12-month rolling period for the 12-month periods ending from July 2019 through September 2020 for the Methanol Plant Flare (Maintenance, Startup, or Shutdown), EPN 45M, resulting in 0.27 ton of unauthorized VOC emissions.

**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

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

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 5 457 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty** \$18,750

Five quarterly events are recommended for the period of non-compliance that occurred from July 1, 2019 through September 30, 2020.

**Good Faith Efforts to Comply**

**0.0%** Reduction \$0

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

Extraordinary		
Ordinary		
N/A	x	

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

**Violation Subtotal** \$18,750

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$1,170

**Violation Final Penalty Total** \$33,938

**This violation Final Assessed Penalty (adjusted for limits)** \$33,938

## Economic Benefit Worksheet

**Respondent** OCI Beaumont LLC  
**Case ID No.** 59737  
**Reg. Ent. Reference No.** RN102559291  
**Media** Air  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	1-Jul-2019	1-Nov-2021	2.34	\$1,170	n/a	\$1,170

#### Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to comply with the VOC annual MAER for EPN 45M. The Date Required is the first date of non-compliance and the Final Date is the estimated date of compliance.

### Avoided Costs

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

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

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

**TOTAL**

\$1,170

The TCEQ is committed to accessibility.

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



# Compliance History Report

Compliance History Report for CN604138933, RN102559291, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

**Customer, Respondent, or Owner/Operator:** CN604138933, OCI Beaumont LLC      **Classification:** SATISFACTORY      **Rating:** 18.55  
**Regulated Entity:** RN102559291, BEAUMONT PLANT      **Classification:** SATISFACTORY      **Rating:** 18.55  
**Complexity Points:** 19      **Repeat Violator:** NO  
**CH Group:** 05 - Chemical Manufacturing  
**Location:** 5470 NORTH TWIN CITY HIGHWAY, NEDERLAND, JEFFERSON COUNTY, TEXAS 77627  
**TCEQ Region:** REGION 10 - BEAUMONT

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER JE0343H  
**AIR NEW SOURCE PERMITS** PERMIT 901  
**AIR NEW SOURCE PERMITS** AFS NUM 4824500140  
**AIR NEW SOURCE PERMITS** REGISTRATION 139348  
**AIR NEW SOURCE PERMITS** REGISTRATION 138267  
**AIR NEW SOURCE PERMITS** REGISTRATION 141250  
**AIR NEW SOURCE PERMITS** REGISTRATION 131459  
**AIR NEW SOURCE PERMITS** REGISTRATION 156567  
**AIR NEW SOURCE PERMITS** REGISTRATION 157761

## INDUSTRIAL AND HAZARDOUS WASTE

**NONPERMITTED** ID NUMBER EPA ID TXR000080362  
**POLLUTION PREVENTION PLANNING** ID NUMBER P01570  
**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXD988066650  
**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXR000080362  
**TAX RELIEF** ID NUMBER 20130

**AIR OPERATING PERMITS** PERMIT 1645  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER JE0343H  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1334  
**AIR NEW SOURCE PERMITS** REGISTRATION 140881  
**AIR NEW SOURCE PERMITS** REGISTRATION 124163  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGPSDTX50  
**AIR NEW SOURCE PERMITS** REGISTRATION 107868  
**AIR NEW SOURCE PERMITS** REGISTRATION 155876  
**INDUSTRIAL AND HAZARDOUS WASTE**  
**NONPERMITTED** ID NUMBER 89426  
**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER JE0343H

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXP490350841  
**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXR000079894  
**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE REGISTRATION # (SWR) 89426  
**TAX RELIEF** ID NUMBER 18477

**Compliance History Period:** September 01, 2015 to August 31, 2020      **Rating Year:** 2020      **Rating Date:** 09/01/2020

**Date Compliance History Report Prepared:** February 12, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 12, 2016 to February 12, 2021

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

**Name:** Amanda Diaz

**Phone:** (713) 422-8912

## 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: 10/10/2017      ADMINORDER 2017-0223-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Major  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter L 116.1422(b)(6)  
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 52, SubChapter C, PT 52, SubPT A 52.21(b)(17)

40 CFR Chapter 52, SubChapter C, PT 52, SubPT A 52.23

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Condition III(2) PERMIT

General Condition V(g) PERMIT

General Terms and Conditions OP

Special Condition 16 OP

Description: Failed to comply with the annual emissions limitations. Specifically, the permitted methane annual emissions limit of 2.6 tons per year ("tpy") based on a 12-month rolling total for the Methanol Plant Fugitives, Emission Point Number MET-FUG 247, was exceeded by an average of 22.65 tpy for the 12-month periods ending in July 2015 through June 2016, resulting in approximately 30.54 tons of unauthorized methane emissions

2 Effective Date: 12/15/2017 ADMINORDER 2016-0031-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Condition 16 OP

Special Condition 26 PERMIT

Special Condition 8A PERMIT

Description: Failed to comply with the CO concentration limit of 100 ppmvd at three percent oxygen over a 24-hour rolling average. Specifically, from July 11, 2014 through July 22, 2014, the 24-hour rolling average concentration ranged from 134.55 ppmvd to 576.77 ppmvd for 198 hours and from April 24, 2015 through June 23, 2015, the 24-hour rolling average concentration ranged from 100.65 ppmvd to 447.62 ppmvd for 1,428 hours at the Reforming Furnaces and Pre-Former Fired Heaters, EPN STK-41.

3 Effective Date: 07/20/2020 ADMINORDER 2019-0225-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

SC No. 1 PERMIT

Special Condition 1 PERMIT

Special Condition 16 OP

Description: Failure to comply with the MAER. Specifically, the Respondent exceeded the NOx MAER of 1.72 tons per year based on a 12-month rolling period for the 12-month periods ending from January 2017 through March 2017 and May 2017 for the Methanol Plant Flare (MSS), EPN 45M, resulting in 0.14 ton of unauthorized NOx emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Condition 16 OP

Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 440.95 pounds ("lbs") of NOx, 14.14 lbs of carbon monoxide ("CO"), and 1.90 lbs of volatile organic compounds ("VOC") from the Methanol Plant Flare, EPN 45, during an emissions event (Incident No. 288528) that began on July 18, 2018 and lasted 10 hours and 52 minutes. The emissions event occurred when the loss of two Pressure Swing Absorber ("PSA") beds caused operations to reduce the PSA feed rate and to control

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Condition 16 OP

Special Condition 8 PERMIT

Description: Failure to comply with the emissions limit and concentration limits. Specifically, the Respondent exceeded the NOx emissions limit of 0.008 pound per million British thermal units ("lb/MMBtu") by an average of 0.113849 lb/MMBtu for 3,188 hours that occurred on 167 days from August 7, 2017 to May 28, 2018; exceeded the CO concentration limit of 100 parts per million volume, dry basis, ("ppmvd") corrected to three percent oxygen ("3% O2") by an average of 94.4621 ppmvd at 3% O2 for 769 hours that

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 and Conditions OP

Description: Failure to report all instances of deviations. Specifically, the deviation report for the July 1, 2017 through December 31, 2017 reporting period did not include the deviation of the daily span calibrations on the O2 analyzer failing by 4% from September 30, 2017 through October 4, 2017.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Condition 1 PERMIT  
Special Condition 10 OP

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 273.35 lbs of CO, 193.88 lbs of NOx, and 33.91 lbs of VOC from the Methanol Plant Flare, EPN 45, and 1,065.38 lbs of CO and 208.59 lbs of NOx from the Reformer Flare, EPN FL42, during an emissions event (Incident No. 292833) that began on September 22, 2018 and lasted seven hours and 51 minutes. The emissions event occurred when a temporary cover was installed on the Central Control Room ("CCR") to prevent leaks a

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Terms and Conditions 2F OP

Description: Failure to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(c) and 122.143(4), FOP No. O1645, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the final record for Incident No. 293708 was due by October 20, 2018, but was not submitted until November 9, 2018.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Condition 1 PERMIT  
Special Terms and Conditions 16 OP

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 314.15 lbs of NOx, 4.64 lbs of CO, and 1.17 lbs of VOC from the Methanol Plant Flare, EPN 45, during an emissions event (Incident No. 293708) that began on October 5, 2018 and lasted 11 hours and 42 minutes. The emissions event occurred when an error in the position signal that controls the steam driving the turbine on the Ammonia Syn-Gas compressor was not providing the proper position of the actuator

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Condition 1 PERMIT  
Special Condition 16 OP

Description: Failure to comply with the MAERs. Specifically, the Respondent exceeded the CO MAER of 218.56 pounds per hour ("lbs/hr") by an average of 31.11 lbs/hr for 111 hours on 30 days from August 14, 2017 through June 9, 2018 and exceeded the NOx MAER of 18 lbs/hr by an average of 4.73 lbs/hr for 856 hours on 117 days from July 7, 2017 through June 23, 2018 for the Reforming Furnaces and Pre-Reformer Fired Heater, EPN STK-41, resulting in approximately 3,453.21 lbs of unauthorized CO emissions and 4,04

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 16 OP

Description: Failure to prevent the release of unauthorized emissions to the atmosphere.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	May 05, 2016	(1330133)
Item 2	May 31, 2016	(1331228)
Item 3	June 29, 2016	(1342777)
Item 4	September 19, 2016	(1358502)
Item 5	December 20, 2016	(1377771)
Item 6	December 21, 2016	(1377817)
Item 7	January 05, 2017	(1377872)
Item 8	January 24, 2017	(1387689)
Item 9	June 26, 2017	(1421680)
Item 10	September 11, 2017	(1434292)
Item 11	November 07, 2017	(1448654)
Item 12	January 18, 2018	(1461277)
Item 13	January 23, 2018	(1464522)
Item 14	April 24, 2018	(1478304)
Item 15	May 14, 2018	(1483338)
Item 16	May 22, 2018	(1485397)
Item 17	June 19, 2018	(1447178)
Item 18	October 23, 2018	(1523608)
Item 19	October 26, 2018	(1523826)
Item 20	January 07, 2019	(1533204)
Item 21	February 11, 2019	(1539648)
Item 22	February 22, 2019	(1548987)
Item 23	July 03, 2019	(1576251)
Item 24	August 14, 2019	(1582562)
Item 25	August 16, 2019	(1582588)
Item 26	August 20, 2019	(1590162)
Item 27	August 21, 2019	(1589789)
Item 28	May 12, 2020	(1633929)
Item 29	June 25, 2020	(1653104)
Item 30	June 29, 2020	(1652355)
Item 31	August 31, 2020	(1672043)
Item 32	January 05, 2021	(1679077)
Item 33	January 07, 2021	(1678262)

**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: 11/24/2020 (1678308)	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 117, SubChapter B 117.110(a)(2) 30 TAC Chapter 122, SubChapter B 122.143(4)	

5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 8A PERMIT  
 Special Term and Condition 16 OP  
 Description: Failure to maintain the 24-hour rolling average of NOx below 0.008 lbs/MMBtu from the Reforming Furnaces and Pre-Reformer Fired Heater, Emission Point Number (EPN STK-41). [Cat B13]

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 8A PERMIT  
 Special Term and Condition 16 OP  
 Special Term and Condition 1A OP

Description: Failure to maintain the 24-hour rolling average of CO below 100 parts per million (ppm) from EPN STK-41. [Cat. B13]

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 1 PERMIT  
 Special Term and Condition 16 OP  
 Special Term and Condition 1A OP

Description: Failure to maintain an emission rate below the allowable CO emission limits of 218.56 pounds per hour (lbs/hr) from EPN STK-41. [Cat. B13]

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 1 PERMIT  
 Special Term and Condition 16 OP  
 Special Term and Condition 1A OP

Description: Failure to comply with the Volatile Organic Compound (VOC) MAER limit of 0.61 TPY for Methanol Flare (EPN MEOH Flare-45) based on a 12-month rolling period. [Cat. 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 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 15E PERMIT  
 Special Term and Condition 16 OP  
 Special Term and Condition 1A OP

Description: Failure to prevent open-ended lines (OELs) on the Methanol SynGas Machine (EPN MET-FUG247). [Cat. B18.g(6)]

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(e)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Term and Condition 16 OP  
 Special Term and Condition 1A OP  
 Special Term and Condition 2F OP

Description: Failure to maintain the hourly average temperature of the Crude Tank Scrubber (CRTK) below the permitted limit of 48.8 degrees Centigrade. [Cat B18.g(1)]

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 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)

General Terms and Conditions OP  
Special Condition 15E PERMIT  
Special Term and Condition 16 OP  
Special Term and Condition 1A OP

Description: Failure to monitor a pressure relief valve that has vented to the atmosphere within 24 hours of the release on the Methanol SynGas Machine (EPN MET-FUG247). [Cat. B1]

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 60.13(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(e)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 19B(2) PERMIT  
Special Term and Condition 16 OP

Description: Failure to conduct a cylinder gas audit (CGA) on a quarterly basis for EPN STK-41. [Cat. B1]

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)  
General Terms and Conditions OP  
Special Condition 7D PERMIT  
Special Term and Condition 16 OP

Description: Failure to operate the flare (EPN TKFLARE) with a flame present at all times and/or have a constant pilot flame when emissions may be vented to them. [Cat. B18.g(1)]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Term and Condition 16 OP  
Special Term and Condition 1A OP

Description: Failure to maintain an emission rate below the allowable NOx emission limits of 18.00 pounds per hour (lbs/hr) from EPN STK-41. [Cat. B13]

#### F. Environmental audits:

Notice of Intent Date: 08/10/2016 (1356949)

Disclosure Date: 01/25/2017

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC 15E

Description: An initial review concluded that these AVO inspection checklists would cover the GHG components, however a more extensive review of the inspection process determined that some natural gas components regulated as GHG components were not covered by these VOC AVOs.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201

30 TAC Chapter 122, SubChapter B 122.145(2)

30 TAC Chapter 122, SubChapter B 122.146

Rqmt Prov: OP STC 19

Description: Failed to report deviations during the appropriate time period during which they occurred.

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)

Description: Failure to report violations 1 and 2 above as deviations in the respective semiannual deviation reports and or Annual Compliance Certifications.

Notice of Intent Date: 12/09/2019 (1617294)

No DOV Associated

#### G. Type of environmental management systems (EMSs):

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
OCI BEAUMONT LLC  
RN102559291**

**§  
§  
§  
§  
§**

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2020-1141-AIR-E**

**I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding OCI Beaumont LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 5470 North Twin City Highway in Nederland, Jefferson County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$67,875 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$27,150 of the penalty and \$13,575 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$27,150 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment

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

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

## **II. ALLEGATIONS**

1. During a record review conducted on June 22, 2020, an investigator documented that the Respondent failed to control excess oxygen ("O<sub>2</sub>") to less than 3.0 percent ("%"), in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 901, PSDTX1334, and GHGPSDTX50, Special Permit Conditions No. IV.A.2.g, Federal Operating Permit ("FOP") No. O1645, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the 3.0% O<sub>2</sub> limit by a range from 1.75% to 6.26% O<sub>2</sub> for 364 hours on 23 days from January 1, 2019 to March 26, 2019 for the Reforming Furnaces and Pre-Reformer Fired Heater, Emissions Point Number ("EPN") STK-41.

2. During a record review conducted on October 20, 2020, an investigator documented that the Respondent:
  - a. Failed to comply with the maximum allowable emissions rates ("MAERs"), in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 901 and PSDTX1334, Special Conditions ("SC") No. 1, FOP No. O1645, GTC and STC No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the carbon monoxide ("CO") MAER of 218.56 pounds per hour ("lbs/hr") for a total of ten hours from August 12, 2019 to May 17, 2020 and the nitrogen oxides ("NOx") MAER of 18.00 lbs/hr for a total of 65 hours from February 20, 2020 to May 22, 2020 for the Reforming Furnaces and Pre-Reformer Fired Heater, EPN STK-41, resulting in the unauthorized release of 370.52 pounds of CO emissions and 1,750.65 pounds of NOx emissions.
  - b. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Nos. 901 and PSDTX1334, SC No. 1, FOP No. O1645, GTC and STC No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the volatile organic compounds ("VOC") MAER of 0.61 ton per year ("tpy") based on a 12-month rolling period for the 12-month periods ending from July 2019 through September 2020 for the Methanol Plant Flare (Maintenance, Startup, and Shutdown), EPN 45M, resulting in 0.27 ton of unauthorized VOC emissions.

### **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

### **IV. ORDERING PROVISIONS**

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: OCI Beaumont LLC, Docket No. 2020-1141-AIR-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall implement and complete an SEP as set forth in Section I, Paragraph No. 4. The amount of \$27,150 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the

terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.

3. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order:
    - i. Implement measures and/or procedures designed to control excess O<sub>2</sub> to less than 3.0% for EPN STK-41;
    - ii. Implement measures and/or procedures designed to comply with the CO and NO<sub>x</sub> hourly MAERs for EPN STK-41; and
    - iii. Implement measures and/or procedures designed to comply with the VOC annual MAER for EPN 45M.
  - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

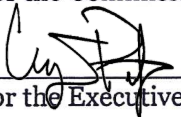
Air Section Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1830

4. All relief not expressly granted in this Order is denied.

5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
6. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY


_____ For the Commission	_____ Date
 _____ For the Executive Director	_____ 12/01/2021 _____ Date

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

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

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

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

 _____ Signature	_____ 28 June 2021 _____ Date
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_____ Name (Printed or typed) Authorized Representative of OCI Beaumont LLC	_____ Plant Manager _____ Title
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If mailing address has changed, please check this box and provide the new address below:

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



**Attachment A**  
**Docket Number: 2020-1141-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>OCI Beaumont LLC</b>
<b>Payable Penalty Amount:</b>	<b>\$54,300</b>
<b>SEP Offset Amount:</b>	<b>\$27,150</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Texas Congress of Parents and Teachers dba Texas PTA</b>
<b>Project Name:</b>	<b><i>Texas PTA Clean School Bus Replacement Program</i></b>
<b>Location of SEP:</b>	<b>Texas Air Quality Control Region 106: Southern Louisiana-Southeast Texas - Preference for Jefferson County</b>

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The 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 **Texas Congress of Parents and Teachers dba Texas PTA** for the *Texas PTA Clean School Bus Replacement Program*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the contribution will be used to reduce nitrogen oxides, volatile organic compounds, carbon monoxide, and particulate matter emissions by replacing older diesel buses with newer buses that meet more stringent emission standards. The Third-Party Administrator shall use the SEP Offset Amount for up to 100% of the purchase price of a model year 2010 or newer bus to replace a diesel school bus that is model year 2002 or older. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of 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 directly benefit air quality by reducing harmful exhaust emissions which contribute to the formation of ozone and may cause or exacerbate many respiratory diseases, including asthma. In addition, by encouraging less school bus idling, this SEP contributes to public awareness of environmental matters.

c. Minimum Expenditure

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

**2. Performance Schedule**

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

Texas PTA  
408 West 11th Street  
Austin, Texas 78701

**3. Records and Reporting**

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

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

#### **4. Failure to Fully Perform**

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

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

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

#### **5. Publicity**

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

#### **6. Recognition**

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

#### **7. Other SEPs by TCEQ or Other Agencies**

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