

Executive Summary – Enforcement Matter – Case No. 59724

Oxy Vinyls, LP

RN100224674

Docket No. 2020-1239-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

La Porte VCM Plant, 2400 Miller Cutoff Road, La Porte, Harris 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: April 7, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$65,476

Amount Deferred for Expedited Settlement: \$1,515

Total Paid to General Revenue: \$31,981

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$31,980

Name of SEP: Houston-Galveston Area Council-AERCO (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

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 19, 2020 through April 16, 2020, May 4, 2020 through May 13, 2020, May 7, 2021, May 28, 2021 through May 31, 2021, September 1, 2021, and July 15, 2022

Date(s) of NOE(s): April 28, 2020, August 14, 2020, June 4, 2021, July 1, 2021, September 30, 2021, and August 15, 2022

Executive Summary – Enforcement Matter – Case No. 59724

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Docket No. 2020-1239-AIR-E

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 313.18 pounds ("lbs") of volatile organic compounds ("VOC") from the West Cooling Tower, Emissions Point Number ("EPN") COOLTWR, during an emissions event (Incident No. 270991) that began on October 24, 2017 and lasted 17 hours and 27 minutes. The emissions event occurred due to outside diameter mechanical damage that caused a tube leak on Tube No. 18 on Bottom Row No. 37, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 3855B and PSDTX876, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1324, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 225.60 lbs of VOC and 30.90 lbs of carbon monoxide ("CO") as fugitive emissions, during an emissions event (Incident No. 271304) that occurred on October 27, 2017 and lasted six hours and 52 minutes. The emissions event occurred due to a loose wire connection inside the Programmable Logic Controller power supply cabinet that caused an electrical short, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 3855B and PSDTX876, SC No. 1, FOP No. O1324, GTC and STC No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 60.00 lbs of ethylene dichloride ("EDC") and 60.00 lbs of vinyl chloride monomer ("VCM") as fugitive emissions, during an emissions event (Incident No. 354737) that occurred on April 25, 2021 and lasted 31 minutes. The emissions event occurred when a leak developed on the flange surface on the feed piping to the South VCM Column, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 3855B, SC No. 1, FOP No. O1324, GTC and STC No. 23, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Executive Summary – Enforcement Matter – Case No. 59724

Oxy Vinyls, LP

RN100224674

Docket No. 2020-1239-AIR-E

4. Failed to prevent unauthorized emissions. Specifically, the Respondent released 81.59 lbs of ethylene, 117.73 lbs of EDC, and 6.21 lbs of CO as fugitive emissions, during an emissions event (Incident No. 352394) that occurred on March 9, 2021 and lasted 10 minutes. The emissions event occurred when a leak developed at the rupture disk on the Oxy Vent Knock-out drum, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 3855B, SC No. 1, FOP No. O1324, GTC and STC No. 23, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5. Failed to prevent unauthorized emissions. Specifically, the Respondent released 745.75 lbs of VOC and 89.73 lbs of CO as fugitive emissions, during an emissions event (Incident No. 294254) that occurred on October 14, 2018 and lasted four hours. The emissions event occurred when the B Thermal Oxidizer Programmable Logic Controller key switch was in the "Remote" position during a scheduled maintenance activity that allowed the program for the A Thermal Oxidizer Programmable Logic Controller to be inadvertently downloaded onto the B Thermal Oxidizer Programmable Logic Controller and caused the B Thermal Oxidizer to trip offline, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 3855B and PSDTX876, SC No. 1, FOP No. O1324, GTC and STC No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to prevent unauthorized emissions. Specifically, the Respondent released 5,684.00 lbs of VOC and 848.00 lbs of CO as fugitive emissions, during an emissions event (Incident No. 294600) that occurred on October 18, 2018 and lasted six hours and 35 minutes. The emissions event occurred when the annulus area of the B Thermal Oxidizer plenum deformed over time that reduced the flow area, increased the backpressure on the Oxy Vent Header at high flow conditions, and caused the rupture disc on the Oxy Process Vent Header at the inlet of the B Thermal Oxidizer to fail, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 3855B and PSDTX876, SC No. 1, FOP No. O1324, GTC and STC No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Executive Summary – Enforcement Matter – Case No. 59724

Oxy Vinyls, LP

RN100224674

Docket No. 2020-1239-AIR-E

7. Failed to prevent unauthorized emissions. Specifically, the Respondent released 610.44 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 303304) that occurred on February 25, 2019 and lasted one hour. The emissions event occurred due to the lack of tubing supports in the vertical direction that caused mechanical fatigue, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 3855B, SC No. 1, FOP No. O1324, GTC and STC No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8. Failed to prevent unauthorized emissions. Specifically, the Respondent released 367.40 lbs of EDC as fugitive emissions, during an emissions event (Incident No. 309362) that occurred on May 27, 2019 and lasted four hours and 10 minutes. The emissions event occurred due to a loss of bolt tension on the flanged polytetrafluoroethylene joint with a polytetrafluoroethylene spacer that caused low pH material to drip onto the furnace vapor feed piping and external corrosion, resulting in a leak and in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 3855B, SC No. 1, FOP No. O1324, GTC and STC No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9. Failed to prevent unauthorized emissions. Specifically, the Respondent released 4,751.40 lbs of the VOC as fugitive emissions, during an emissions event (Incident No. 382430) that occurred on July 1, 2022 and lasted 22 minutes. The emissions event occurred due to the ruptured disk holder on the relief valve on the Recycled Column Equipment of the Ethylene Dichloride Process Unit, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 3855B, SC No. 1, FOP No. O1324, GTC and STC No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

Executive Summary – Enforcement Matter – Case No. 59724

Oxy Vinyls, LP

RN100224674

Docket No. 2020-1239-AIR-E

- a. By March 27, 2019, modified the names of the Internet Protocol addresses, placed the switches in the "Run" position for the A and B Thermal Oxidizers, updated the test procedures to include verification that the controller key is in the "Run" position at the beginning and end of the function testing, and provided a two-day formal training for the technical personnel in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 294254;
- b. By April 30, 2019, removed the tubing that supplied the sample station and replaced it with hard piping in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 303304;
- c. By November 22, 2019, permanently removed the rupture disk from service, developed Preventive Maintenance Plans to inspect and measure the thermal oxidizer plenum annulus opening to allow proper flow to firebox, and updated the Distributive Control System to reduce the instantaneous increase in vent flows to the Oxy Process Vent Header when the Absorber Column is in bypass mode in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 294600;
- d. By January 31, 2020, replaced the B Furnace vapor feed piping, revised the "Flange Joint Assembly" Maintenance Procedure with instructions for torquing the lined piping and bolt tightening, and conducted training for maintenance craftsmen on the revised procedures in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 309362;
- e. By April 16, 2020, installed a strainer in the cooling water supply line, installed a flow transmitter on the highly reactive VOC analyzer to detect low flow, revised the Operator Log Sheets to verify cooling water flow to the highly reactive VOC analyzer, and revised the Furnace Emergency Shutdown Procedure for isolating condensers upon detection of a tube leak in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 270991;
- f. By May 13, 2020, obtained the manufacturer's recommended torque values and updated the annual thermal oxidizer preventive maintenance inspections by adding the torquing of the Programmable Logic Controller cabinet terminal strip screws in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 271304; and
- g. By September 16, 2022, shut down the feed pump, manually closed valves to isolate the feed piping and tightened the flange to stop the release, revised Safety Procedure reinforcing that at least one copy of the Core 4 Safe Work Permit must be signed by personnel when the job is complete, developed a new In-Hand Standard Operating Procedure List to remind operators which operating procedures require sign-off to be turned in to the process supervisors for review and retention, and conducted training to all maintenance personnel to review the details of the incident and new procedures

Executive Summary – Enforcement Matter – Case No. 59724

Oxy Vinyls, LP

RN100224674

Docket No. 2020-1239-AIR-E

in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 354737.

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:

i. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 352394; and

ii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 382430.

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

SEP Third-Party Administrator: Houston-Galveston Area Council-AERCO, 3555 Timmons Lane, Suite 120, Houston, Texas 77027

Respondent: John Brenon, Seviar Vice President, Oxy Vinyls, LP, 5005 LBJ Freeway, Dallas, Texas 75244

Todd Behne, Plant Manager, Oxy Vinyls, LP, P.O. Box 500, Deer Park, Texas 77536

Respondent's Attorney: Stephanie Bergeron Perdue, Baker Botts L.L.P., 401 South 1st Street, Suite 1300, Austin, Texas 78704-1296



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	17-Aug-2020	Screening	24-Aug-2020	EPA Due	
	PCW	15-Feb-2023				

RESPONDENT/FACILITY INFORMATION	
Respondent	Oxy Vinyls, LP
Reg. Ent. Ref. No.	RN100224674 (PCW No. 1 of 2)
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	59724	No. of Violations	2
Docket No.	2020-1239-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		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	\$7,500
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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	26.0%	Adjustment	Subtotals 2, 3, & 7	\$1,950
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Notes: Enhancement for one NOV with same/similar violations, one NOV with dissimilar violations, and one order containing a denial of liability. Reduction for one notice of intent to conduct an audit.

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	-\$1,874
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$4,372
Estimated Cost of Compliance	\$35,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,576
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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	\$7,576
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,576
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DEFERRAL	20.0%	Reduction	Adjustment	-\$1,515
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$6,061
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Screening Date 24-Aug-2020

Docket No. 2020-1239-AIR-E

PCW

Respondent Oxy Vinyls, LP

Policy Revision 4 (April 2014)

Case ID No. 59724

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100224674 (PCW No. 1 of 2)

Media Air

Enf. Coordinator Yuliya Dunaway

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	1	2%
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>)	1	-1%
	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	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) 26%

>> 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 same/similar violations, one NOV with dissimilar violations, and one order containing a denial of liability. Reduction for one notice of intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 26%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 26%

Screening Date 24-Aug-2020

Docket No. 2020-1239-AIR-E

PCW

Respondent Oxy Vinyls, LP

Policy Revision 4 (April 2014)

Case ID No. 59724

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100224674 (PCW No. 1 of 2)

Media Air

Enf. Coordinator Yuliya Dunaway

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 3855B and PSDTX876, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1324, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 24, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 313.18 pounds ("lbs") of volatile organic compounds ("VOC") from the West Cooling Tower, Emissions Point Number ("EPN") COOLTWR, during an emissions event (Incident No. 270991) that began on October 24, 2017 and lasted 17 hours and 27 minutes. The emissions event occurred due to outside diameter mechanical damage that caused a tube leak on Tube No. 18 on Bottom Row No. 37, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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 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

25.0%

Reduction \$937

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

Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent completed the corrective measures by April 16, 2020, prior to the Notice of Enforcement ("NOE") dated August 28, 2020.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,099

Violation Final Penalty Total \$3,788

This violation Final Assessed Penalty (adjusted for limits) \$3,788

Economic Benefit Worksheet

Respondent Oxy Vinyls, LP
Case ID No. 59724
Reg. Ent. Reference No. RN100224674 (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				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)	\$25,000	24-Oct-2017	16-Apr-2020	2.48	\$3,099	n/a	\$3,099

Notes for DELAYED costs

Estimated delayed cost to install a strainer in the cooling water supply line, install a flow transmitter on the highly reactive VOC analyzer to detect low flow, revise the Operator Log Sheets to verify cooling water flow to the highly reactive VOC analyzer, and revise the Furnace Emergency Shutdown Procedure for isolating condensers upon detection of a tube leak in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 270991. The Date Required is the date the emissions event began and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

TOTAL

\$3,099

Screening Date 24-Aug-2020

Docket No. 2020-1239-AIR-E

PCW

Respondent Oxy Vinyls, LP

Policy Revision 4 (April 2014)

Case ID No. 59724

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100224674 (PCW No. 1 of 2)

Media Air

Enf. Coordinator Yuliya Dunaway

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 3855B and PSDTX876, SC No. 1, FOP No. O1324, GTC and STC No. 24, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 225.60 lbs of VOC and 30.90 lbs of carbon monoxide as fugitive emissions, during an emissions event (Incident No. 271304) that occurred on October 27, 2017 and lasted six hours and 52 minutes. The emissions event occurred due to a loose wire connection inside the Programmable Logic Controller ("PLC") power supply cabinet that caused an electrical short, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			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 1 1 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction \$937

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

Notes The Respondent completed the corrective measures by May 13, 2020, prior to the NOE dated August 14, 2020.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,273 Violation Final Penalty Total \$3,788

This violation Final Assessed Penalty (adjusted for limits) \$3,788

Economic Benefit Worksheet

Respondent Oxy Vinyls, LP
Case ID No. 59724
Reg. Ent. Reference No. RN100224674 (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				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	27-Oct-2017	13-May-2020	2.55	\$1,273	n/a	\$1,273

Notes for DELAYED costs

Estimated delayed cost to obtain the manufacturer's recommended torque values and update the annual thermal oxidizer preventive maintenance inspections by adding the torquing of the PLC cabinet terminal strip screws in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 271304. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,273



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	8-Jun-2021	Screening	11-Jun-2021	EPA Due	
	PCW	15-Feb-2023				

RESPONDENT/FACILITY INFORMATION	
Respondent	Oxy Vinyls, LP
Reg. Ent. Ref. No.	RN100224674 (PCW No. 2 of 2)
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	59724	No. of Violations	7
Docket No.	2020-1239-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		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	\$52,500
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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	26.0% Adjustment	Subtotals 2, 3, & 7	\$13,650
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Notes: Enhancement for one NOV with same/similar violations, one NOV with dissimilar violations, and one order containing a denial of liability. Reduction for one notice of intent to conduct an audit.

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	-\$8,250
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$3,558
 Estimated Cost of Compliance: \$70,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$57,900
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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	\$57,900
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$57,900
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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 for orders in which the Respondent has two or more prior administrative penalty orders as set out in Tex. Water Code § 7.105(b)(2), (b)(4), and (b)(6).

PAYABLE PENALTY	\$57,900
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Screening Date 11-Jun-2021

Docket No. 2020-1239-AIR-E

PCW

Respondent Oxy Vinyls, LP

Policy Revision 5 (January 28, 2021)

Case ID No. 59724

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100224674 (PCW No. 2 of 2)

Media Air

Enf. Coordinator Yuliya Dunaway

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	1	2%
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>)	1	-1%
	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	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) 26%

>> 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 same/similar violations, one NOV with dissimilar violations, and one order containing a denial of liability. Reduction for one notice of intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 26%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 26%

Screening Date 11-Jun-2021

Docket No. 2020-1239-AIR-E

PCW

Respondent Oxy Vinyls, LP

Policy Revision 5 (January 28, 2021)

Case ID No. 59724

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100224674 (PCW No. 2 of 2)

Media Air

Enf. Coordinator Yuliya Dunaway

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 3855B, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1324, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 23, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 60.00 pounds ("lbs") of ethylene dichloride ("EDC") and 60.00 lbs of vinyl chloride monomer ("VCM") as fugitive emissions, during an emissions event (Incident No. 354737) that occurred on April 25, 2021 and lasted 31 minutes. The emissions event occurred when a leak developed on the flange surface on the feed piping to the South VCM Column, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to 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 \$17,500

\$7,500

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$750

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

Notes

The Respondent completed the corrective measures by September 16, 2022, after the Notice of Enforcement ("NOE") dated July 1, 2021.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$530

Violation Final Penalty Total \$8,700

This violation Final Assessed Penalty (adjusted for limits) \$8,700

Economic Benefit Worksheet

Respondent Oxy Vinyls, LP
Case ID No. 59724
Reg. Ent. Reference No. RN100224674 (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
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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	25-Aug-2021	16-Sep-2022	1.06	\$530	n/a	\$530

Notes for DELAYED costs

Estimated costs to shut down the feed pump, manually close valves to isolate the feed piping and tighten the flange to stop the release, revise Safety Procedure reinforcing that at least one copy of the Core 4 Safe Work Permit must be signed by personnel when the job is complete, develop a new In-Hand Standard Operating Procedure List to remind operators which operating procedures require sign-off to be turned in to the process supervisors for review and retention, and conduct training to all maintenance personnel to review the details of the incident and new procedures in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 354737. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$10,000	TOTAL	\$530
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Screening Date 11-Jun-2021

Docket No. 2020-1239-AIR-E

PCW

Respondent Oxy Vinyls, LP

Policy Revision 5 (January 28, 2021)

Case ID No. 59724

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100224674 (PCW No. 2 of 2)

Media Air

Enf. Coordinator Yuliya Dunaway

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 3855B, SC No. 1, FOP No. O1324, GTC and STC No. 23, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 81.59 lbs of ethylene, 117.73 lbs of EDC, and 6.21 lbs of carbon monoxide ("CO") as fugitive emissions, during an emissions event (Incident No. 352394) that occurred on March 9, 2021 and lasted 10 minutes. The emissions event occurred when a leak developed at the rupture disk on the Oxy Vent Knock-out drum, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to 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 \$17,500

\$7,500

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,241

Violation Final Penalty Total \$9,450

This violation Final Assessed Penalty (adjusted for limits) \$9,450

Economic Benefit Worksheet

Respondent Oxy Vinyls, LP
Case ID No. 59724
Reg. Ent. Reference No. RN100224674 (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
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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	9-Mar-2021	1-Sep-2023	2.48	\$1,241	n/a	\$1,241

Notes for DELAYED costs

Estimated delayed cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 352394. 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

\$1,241

Screening Date 11-Jun-2021
Respondent Oxy Vinyls, LP
Case ID No. 59724
Reg. Ent. Reference No. RN100224674 (PCW No. 2 of 2)
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2020-1239-AIR-E

PCW

Policy Revision 5 (January 28, 2021)
PCW Revision February 11, 2021

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 3855B and PSDTX876, SC No. 1, FOP No. O1324, GTC and STC No. 24, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 745.75 lbs of volatile organic compounds ("VOC") and 89.73 lbs of CO as fugitive emissions, during an emissions event (Incident No. 294254) that occurred on October 14, 2018 and lasted four hours. The emissions event occurred when the B Thermal Oxidizer Programmable Logic Controller ("PLC") key switch was in the "Remote" position during a scheduled maintenance activity that allowed the program for the A Thermal Oxidizer PLC to be inadvertently downloaded onto the B Thermal Oxidizer PLC and caused the B Thermal Oxidizer to trip offline, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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 do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

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 March 27, 2019, prior to the NOE dated September 30, 2021.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$225

Violation Final Penalty Total \$7,575

This violation Final Assessed Penalty (adjusted for limits) \$7,575

Economic Benefit Worksheet

Respondent Oxy Vinyls, LP
Case ID No. 59724
Reg. Ent. Reference No. RN100224674 (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				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	14-Oct-2018	27-Mar-2019	0.45	\$225	n/a	\$225

Notes for DELAYED costs

Estimated delayed cost to modify the names of the Internet Protocol addresses, place the switches in the "Run" position for the A and B Thermal Oxidizers, update the test procedures to include verification that the controller key is in the "Run" position at the beginning and end of the function testing, and provide a two-day formal training for the technical personnel in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 294254. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$225

Screening Date 11-Jun-2021
Respondent Oxy Vinyls, LP
Case ID No. 59724
Reg. Ent. Reference No. RN100224674 (PCW No. 2 of 2)
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2020-1239-AIR-E

PCW

Policy Revision 5 (January 28, 2021)
PCW Revision February 11, 2021

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 3855B and PSDTX876, SC No. 1, FOP No. O1324, GTC and STC No. 24, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 5,684.00 lbs of VOC and 848.00 lbs of CO as fugitive emissions, during an emissions event (Incident No. 294600) that occurred on October 18, 2018 and lasted six hours and 35 minutes. The emissions event occurred when the annulus area of the B Thermal Oxidizer plenum deformed over time that reduced the flow area, increased the backpressure on the Oxy Vent Header at high flow conditions, and caused the rupture disc on the Oxy Process Vent Header at the inlet of the B Thermal Oxidizer to fail, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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 do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

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 November 22, 2019, prior to the NOE dated September 30, 2021.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$548

Violation Final Penalty Total \$7,575

This violation Final Assessed Penalty (adjusted for limits) \$7,575

Economic Benefit Worksheet

Respondent Oxy Vinyls, LP
Case ID No. 59724
Reg. Ent. Reference No. RN100224674 (PCW No. 2 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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	18-Oct-2018	22-Nov-2019	1.10	\$548	n/a	\$548

Notes for DELAYED costs

Estimated delayed cost to permanently remove the rupture disk from service, develop Preventive Maintenance Plans to inspect and measure the thermal oxidizer plenum annulus opening to allow proper flow to firebox, and update the Distributive Control System to reduce the instantaneous increase in vent flows to the Oxy Process Vent Header when the Absorber Column is in bypass mode in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 294600. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$10,000

TOTAL \$548

Screening Date 11-Jun-2021

Docket No. 2020-1239-AIR-E

PCW

Respondent Oxy Vinyls, LP

Policy Revision 5 (January 28, 2021)

Case ID No. 59724

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100224674 (PCW No. 2 of 2)

Media Air

Enf. Coordinator Yuliya Dunaway

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 3855B, SC No. 1, FOP No. O1324, GTC and STC No. 24, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 610.44 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 303304) that occurred on February 25, 2019 and lasted one hour. The emissions event occurred due to the lack of tubing supports in the vertical direction that caused mechanical fatigue, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to 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 \$17,500

\$7,500

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

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 April 30, 2019, prior to the NOE dated September 30, 2021.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$88

Violation Final Penalty Total \$7,575

This violation Final Assessed Penalty (adjusted for limits) \$7,575

Economic Benefit Worksheet

Respondent Oxy Vinyls, LP
Case ID No. 59724
Reg. Ent. Reference No. RN100224674 (PCW No. 2 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)	\$10,000	25-Feb-2019	30-Apr-2019	0.18	\$88	n/a	\$88

Notes for DELAYED costs

Estimated delayed cost to remove the tubing that supplied the sample station and replace it with hard piping in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 303304. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$88

Screening Date 11-Jun-2021
Respondent Oxy Vinyls, LP
Case ID No. 59724
Reg. Ent. Reference No. RN100224674 (PCW No. 2 of 2)
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2020-1239-AIR-E

PCW

Policy Revision 5 (January 28, 2021)
PCW Revision February 11, 2021

Violation Number 6

Rule Cite(s)
30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 3855B, SC No. 1, FOP No. O1324, GTC and STC No. 24, and Tex. Health & Safety Code § 382.085(b)

Violation Description
Failed to prevent unauthorized emissions. Specifically, the Respondent released 367.40 lbs of EDC as fugitive emissions, during an emissions event (Incident No. 309362) that occurred on May 27, 2019 and lasted four hours and 10 minutes. The emissions event occurred due to a loss of bolt tension on the flanged polytetrafluoroethylene joint with a polytetrafluoroethylene spacer that caused low pH material to drip onto the furnace vapor feed piping and external corrosion, resulting in a leak and in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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 do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

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 31, 2020, prior to the NOE dated September 30, 2021.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$341

Violation Final Penalty Total \$7,575

This violation Final Assessed Penalty (adjusted for limits) \$7,575

Economic Benefit Worksheet

Respondent Oxy Vinyls, LP
Case ID No. 59724
Reg. Ent. Reference No. RN100224674 (PCW No. 2 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				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	27-May-2019	31-Jan-2020	0.68	\$341	n/a	\$341

Notes for DELAYED costs

Estimated delayed cost to replace the B Furnace vapor feed piping, revise the "Flange Joint Assembly" Maintenance Procedure with instructions for torquing the lined piping and bolt tightening, and conduct training for maintenance craftsmen on the revised procedures in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 309362. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$10,000

TOTAL \$341

Screening Date 11-Jun-2021 **Docket No.** 2020-1239-AIR-E **PCW**
Respondent Oxy Vinyls, LP *Policy Revision 5 (January 28, 2021)*
Case ID No. 59724 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100224674 (PCW No. 2 of 2)
Media Air
Enf. Coordinator Yuliya Dunaway

Violation Number 7
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 3855B, SC No. 1, FOP No. O1324, GTC and STC No. 23, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 4,751.40 lbs of the VOC as fugitive emissions, during an emissions event (Incident No. 382430) that occurred on July 1, 2022 and lasted 22 minutes. The emissions event occurred due to the ruptured disk holder on the relief valve on the Recycled Column Equipment of the Ethylene Dichloride Process Unit, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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 do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$7,500

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

Estimated EB Amount \$585 **Violation Final Penalty Total** \$9,450

This violation Final Assessed Penalty (adjusted for limits) \$9,450

Economic Benefit Worksheet

Respondent Oxy Vinyls, LP
Case ID No. 59724
Reg. Ent. Reference No. RN100224674 (PCW No. 2 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)	\$10,000	1-Jul-2022	1-Sep-2023	1.17	\$585	n/a	\$585

Notes for DELAYED costs Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 382430. 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 \$585



Compliance History Report

Compliance History Report for CN600129126, RN100224674, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN600129126, Oxy Vinyls, LP **Classification:** SATISFACTORY **Rating:** 3.26
Regulated Entity: RN100224674, LA PORTE VCM PLANT **Classification:** SATISFACTORY **Rating:** 2.18
Complexity Points: 19 **Repeat Violator:** NO
CH Group: 05 - Chemical Manufacturing
Location: 2400 MILLER CUT OFF ROAD, LA PORTE, HARRIS COUNTY, TEXAS
TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0193B
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1011153
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0193B
AIR NEW SOURCE PERMITS REGISTRATION 114434
AIR NEW SOURCE PERMITS AFS NUM 4820101250
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 31077
WASTEWATER EPA ID TX0070416

AIR OPERATING PERMITS PERMIT 1324
AIR NEW SOURCE PERMITS PERMIT 3855B
AIR NEW SOURCE PERMITS AFS NUM 4820100320
AIR NEW SOURCE PERMITS REGISTRATION 169900
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 12124
WASTEWATER PERMIT WQ0002097000
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0193B
POLLUTION PREVENTION PLANNING ID NUMBER P00718
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 31077
TAX RELIEF ID NUMBER 20777
TAX RELIEF ID NUMBER 20780

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG1024S
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD070133319
TAX RELIEF ID NUMBER 20774
TAX RELIEF ID NUMBER 20797
TAX RELIEF ID NUMBER 20793

Compliance History Period: September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022
Date Compliance History Report Prepared: October 24, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 24, 2017 to October 24, 2022

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

Name: Yuliya Dunaway

Phone: (210) 403-4077

Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 02/11/2020 ADMINORDER 2019-0166-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GTC and STC No. 24 OP
NSR Special Condition 1 PERMIT

Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event (Category A12.i.(6)).

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	November 13, 2017	(1462319)
Item 2	December 13, 2017	(1468705)
Item 3	January 16, 2018	(1475414)
Item 4	February 12, 2018	(1487608)
Item 5	March 07, 2018	(1491289)
Item 6	April 12, 2018	(1494540)
Item 7	May 08, 2018	(1501487)
Item 8	June 07, 2018	(1508578)
Item 9	July 05, 2018	(1514907)
Item 10	August 10, 2018	(1520962)
Item 11	September 13, 2018	(1528142)
Item 12	October 04, 2018	(1505643)
Item 13	October 16, 2018	(1534485)
Item 14	November 15, 2018	(1542318)
Item 15	December 14, 2018	(1546085)
Item 16	January 10, 2019	(1562302)
Item 17	February 12, 2019	(1562300)
Item 18	March 07, 2019	(1562301)
Item 19	April 16, 2019	(1572685)
Item 20	May 14, 2019	(1584979)
Item 21	June 19, 2019	(1584980)
Item 22	July 11, 2019	(1594034)
Item 23	August 12, 2019	(1600355)
Item 24	August 22, 2019	(1557565)
Item 25	September 19, 2019	(1607247)
Item 26	October 17, 2019	(1614101)
Item 27	November 19, 2019	(1619913)
Item 28	December 18, 2019	(1627272)
Item 29	January 16, 2020	(1634907)
Item 30	February 18, 2020	(1641522)
Item 31	March 16, 2020	(1648033)
Item 32	April 07, 2020	(1638190)
Item 33	April 08, 2020	(1654383)
Item 34	May 13, 2020	(1660948)
Item 35	June 18, 2020	(1667481)
Item 36	July 14, 2020	(1674430)
Item 37	August 18, 2020	(1681205)
Item 38	September 15, 2020	(1687774)
Item 39	October 13, 2020	(1694120)
Item 40	October 23, 2020	(1671235)
Item 41	November 17, 2020	(1715017)
Item 42	December 17, 2020	(1715018)
Item 43	January 14, 2021	(1715019)
Item 44	February 17, 2021	(1728082)
Item 45	March 18, 2021	(1728083)
Item 46	June 16, 2021	(1741335)
Item 47	August 12, 2021	(1757974)
Item 48	September 09, 2021	(1767217)
Item 49	September 27, 2021	(1690489)
Item 50	October 18, 2021	(1777682)
Item 51	November 16, 2021	(1784481)

Item 52	December 15, 2021	(1791511)
Item 53	January 18, 2022	(1799353)
Item 54	March 15, 2022	(1814237)
Item 55	April 18, 2022	(1820809)
Item 56	May 17, 2022	(1829641)
Item 57	June 16, 2022	(1835940)
Item 58	July 19, 2022	(1843139)
Item 59	August 08, 2022	(1653174)
Item 60	August 16, 2022	(1849307)

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: 11/22/2021 (1760539)
- 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 20A PERMIT
Special Term and Condition 24 OP
- Description: Failure to maintain the temperature above the minimum permitted limit for the B Incinerator (EPN: IND101B) (Category C1).
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Term and Condition 24 OP
- Description: Failure to prevent an exceedance of the CO hourly emissions limit for the A Incinerator (EPN: IND101A) (Category B13).
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 24 OP
- Description: Failure to prevent an exceedance of the CO hourly emissions limit for the B Incinerator (EPN: IND101B) (Category B13).
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)(B)
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 prevent an exceedance of the CO maximum concentration limit for the EDC 107 Cracking Furnace (EPN: IND107) (Category B13).
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)(B)
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 prevent an exceedance of the CO maximum concentration limit for the EDC 107 Cracking Furnace (EPN: IND108) (Category B13).
- 2 Date: 01/31/2022 (1807171)
- Self Report? YES Classification: Moderate
- Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
- Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

Notice of Intent Date: 10/10/2019 (1603906)
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
OXY VINYLs, LP
RN100224674

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§
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§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2020-1239-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 Oxy Vinyls, LP (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Stephanie Bergeron Perdue of the law firm of Baker Botts L.L.P., together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 2400 Miller Cutoff Road in La Porte, Harris County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$65,476 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$31,981 of the penalty and \$1,515 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, \$31,980 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms

and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. By March 27, 2019, modified the names of the Internet Protocol addresses, placed the switches in the "Run" position for the A and B Thermal Oxidizers, updated the test procedures to include verification that the controller key is in the "Run" position at the beginning and end of the function testing, and provided a two-day formal training for the technical personnel in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 294254;
 - b. By April 30, 2019, removed the tubing that supplied the sample station and replaced it with hard piping in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 303304;
 - c. By November 22, 2019, permanently removed the rupture disk from service, developed Preventive Maintenance Plans to inspect and measure the thermal oxidizer plenum annulus opening to allow proper flow to firebox, and updated the Distributive Control System to reduce the instantaneous increase in vent flows to the Oxy Process Vent Header when the Absorber Column is in bypass mode in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 294600;
 - d. By January 31, 2020, replaced the B Furnace vapor feed piping, revised the "Flange Joint Assembly" Maintenance Procedure with instructions for torquing the lined piping and bolt tightening, and conducted training for maintenance craftsmen on the revised procedures in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 309362;

- e. By April 16, 2020, installed a strainer in the cooling water supply line, installed a flow transmitter on the highly reactive volatile organic compounds ("VOC") analyzer to detect low flow, revised the Operator Log Sheets to verify cooling water flow to the highly reactive VOC analyzer, and revised the Furnace Emergency Shutdown Procedure for isolating condensers upon detection of a tube leak in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 270991;
- f. By May 13, 2020, obtained the manufacturer's recommended torque values and updated the annual thermal oxidizer preventive maintenance inspections by adding the torquing of the Programmable Logic Controller ("PLC") cabinet terminal strip screws in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 271304; and
- g. By September 16, 2022, shut down the feed pump, manually closed valves to isolate the feed piping and tightened the flange to stop the release, revised Safety Procedure reinforcing that at least one copy of the Core 4 Safe Work Permit must be signed by personnel when the job is complete, developed a new In-Hand Standard Operating Procedure List to remind operators which operating procedures require sign-off to be turned in to the process supervisors for review and retention, and conducted training to all maintenance personnel to review the details of the incident and new procedures in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 354737.

II. ALLEGATIONS

1. During a record review for the Plant conducted from March 19, 2020 through April 16, 2020, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 3855B and PSDTX876, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1324, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 313.18 pounds ("lbs") of VOC from the West Cooling Tower, Emissions Point Number ("EPN") COOLTWR, during an emissions event (Incident No. 270991) that began on October 24, 2017 and lasted 17 hours and 27 minutes. The emissions event occurred due to outside diameter mechanical damage that caused a tube leak on Tube No. 18 on Bottom Row No. 37, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

2. During a record review for the Plant conducted from May 4, 2020 through May 13, 2020, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 3855B and PSDTX876, SC No. 1, FOP No. O1324, GTC and STC No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 225.60 lbs of VOC and 30.90 lbs of carbon monoxide ("CO") as fugitive emissions, during an emissions event (Incident No. 271304) that occurred on October 27, 2017 and lasted six hours and 52 minutes. The emissions event occurred due to a loose wire connection inside the PLC power supply cabinet that caused an electrical short, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. During a record review for the Plant conducted on May 7, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 3855B, SC No. 1, FOP No. O1324, GTC and STC No. 23, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 60.00 lbs of ethylene dichloride ("EDC") and 60.00 lbs of vinyl chloride monomer ("VCM") as fugitive emissions, during an emissions event (Incident No. 354737) that occurred on April 25, 2021 and lasted 31 minutes. The emissions event occurred when a leak developed on the flange surface on the feed piping to the South VCM Column, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
4. During a record review for the Plant conducted from May 28, 2021 through May 31, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 3855B, SC No. 1, FOP No. O1324, GTC and STC No. 23, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 81.59 lbs of ethylene, 117.73 lbs of EDC, and 6.21 lbs of CO as fugitive emissions, during an emissions event (Incident No. 352394) that occurred on March 9, 2021 and lasted 10 minutes. The emissions event occurred when a leak developed at the rupture disk on the Oxy Vent Knock-out drum, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
5. During a record review for the Plant conducted on September 1, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 3855B and PSDTX876, SC No. 1, FOP No. O1324, GTC and STC No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 745.75 lbs of VOC and 89.73 lbs of CO as fugitive emissions, during an emissions event (Incident No. 294254) that occurred on October 14, 2018 and lasted four hours. The emissions event occurred when the B Thermal Oxidizer PLC key switch was in the "Remote" position during a scheduled maintenance activity that allowed the program for the A Thermal Oxidizer

PLC to be inadvertently downloaded onto the B Thermal Oxidizer PLC and caused the B Thermal Oxidizer to trip offline, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

6. During a record review for the Plant conducted on September 1, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 3855B and PSDTX876, SC No. 1, FOP No. O1324, GTC and STC No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 5,684.00 lbs of VOC and 848.00 lbs of CO as fugitive emissions, during an emissions event (Incident No. 294600) that occurred on October 18, 2018 and lasted six hours and 35 minutes. The emissions event occurred when the annulus area of the B Thermal Oxidizer plenum deformed over time that reduced the flow area, increased the backpressure on the Oxy Vent Header at high flow conditions, and caused the rupture disc on the Oxy Process Vent Header at the inlet of the B Thermal Oxidizer to fail, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
7. During a record review for the Plant conducted on September 1, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 3855B, SC No. 1, FOP No. O1324, GTC and STC No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 610.44 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 303304) that occurred on February 25, 2019 and lasted one hour. The emissions event occurred due to the lack of tubing supports in the vertical direction that caused mechanical fatigue, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
8. During a record review for the Plant conducted on September 1, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 3855B, SC No. 1, FOP No. O1324, GTC and STC No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 367.40 lbs of EDC as fugitive emissions, during an emissions event (Incident No. 309362) that occurred on May 27, 2019 and lasted four hours and 10 minutes. The emissions event occurred due to a loss of bolt tension on the flanged polytetrafluoroethylene joint with a polytetrafluoroethylene spacer that caused low pH material to drip onto the furnace vapor feed piping and external corrosion, resulting in a leak and in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

9. During a record review for the Plant conducted on July 15, 2022, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 3855B, SC No. 1, FOP No. O1324, GTC and STC No. 24, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 4,751.40 lbs of the VOC as fugitive emissions, during an emissions event (Incident No. 382430) that occurred on July 1, 2022 and lasted 22 minutes. The emissions event occurred due to the ruptured disk holder on the relief valve on the Recycled Column Equipment of the Ethylene Dichloride Process Unit, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

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: Oxy Vinyls, LP, Docket No. 2020-1239-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 I, Paragraph No. 4. The amount of \$31,980 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:
 - i. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 352394; and

- ii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 382430.
- 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. 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 Enforcement Division 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



5/26/2023

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

8/27/2023

Date

John Brenon

Name (Printed or typed)
Authorized Representative of
Oxy Vinyls, LP

SVP Manufacturing

Title

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

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

Attachment A
Docket Number: 2020-1239-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Oxy Vinyls, LP
Payable Penalty Amount:	\$63,961
SEP Offset Amount:	\$31,980
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO
Project Name:	<i>Clean Vehicles Partnership Project</i>
Location of SEP: Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to replace old, higher emission buses that do not meet 2010 Environmental Protection Agency (“EPA”) emissions standards (“Old Buses”) with new, lower emission buses that meet the most recent EPA emissions standards (“New Buses”) or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities (“SEP Administrators”) that apply for replacement, retrofit, or conversion of buses.

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for purchase of New Buses or conversion or retrofit equipment and contract labor for installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards.

Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months.

All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed to settle this enforcement action. The Respondent shall not profit from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate many respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

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 **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO
Emission Reduction Credit Corporation
Attn: Air Quality Program Manager
3555 Timmons Lane, Suite 120
Houston, Texas 77027

3. **Records and Reporting**

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

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

4. **Failure to Fully Perform**

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

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

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

5. **Publicity**

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

6. **Recognition**

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

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

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