

**Executive Summary – Enforcement Matter – Case No. 60017**

**Kuraray America, Inc.**

**RN107305922**

**Docket No. 2020-1431-AIR-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Unauthorized emissions which are excessive emissions events.

**Media:**

AIR

**Small Business:**

No

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

Kuraray La Porte, 12342 Strang Road, La Porte, Harris County

**Type of Operation:**

Chemical plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** November 5, 2021

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$8,775

**Total Paid to General Revenue:** \$4,388

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$4,387

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

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** May 29, 2020 through September 21, 2020

**Date(s) of NOE(s):** October 23, 2020

**Executive Summary – Enforcement Matter – Case No. 60017**  
**Kuraray America, Inc.**  
**RN107305922**  
**Docket No. 2020-1431-AIR-E**

***Violation Information***

Failed to prevent unauthorized emissions and failed to limit highly reactive volatile organic compounds emissions to 1,200 lbs or less per one-hour block period. The emissions event was determined to be an excessive emissions event [30 TEX. ADMIN. CODE §§ 115.722(c)(1), 116.115(c), and 122.143(4), New Source Review Permit No. 4445, Special Conditions No. 1, Federal Operating Permit No. O1911, General Terms and Conditions and Special Terms and Conditions No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By July 30, 2020, the Respondent inspected and overhauled the Recycled Gas Compressor, modified the operating procedures associated with the Recycled Gas Compressor, and completed training for the Vinyl Acetate Monomer operators in regards to the operation of the Recycled Gas Compressor in order to address the excessive emissions event that occurred on April 9, 2020 (Incident No. 333751).

**Technical Requirements:**

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

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Yuliya Dunaway, Enforcement Division, Enforcement Team 4, 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 Regional Monitoring Corporation, ATTN: Chris Amandes, 2227 Tanglely Street, Houston, Texas 77005

**Respondent:** Charles Neal, Plant Manager, Kuraray America, Inc., 12342 Strang Road, La Porte, Texas 77571

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	26-Oct-2020	<b>Screening</b>	2-Nov-2020	<b>EPA Due</b>	
	<b>PCW</b>	23-Jul-2021				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Kuraray America, Inc.
<b>Reg. Ent. Ref. No.</b>	RN107305922
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	60017	<b>No. of Violations</b>	1
<b>Docket No.</b>	2020-1431-AIR-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Yuliya Dunaway
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$7,500</b>
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>42.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$3,150</b>
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Notes: Enhancement for one NOV with same or similar violations and two orders containing a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>-\$1,875</b>
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<b>Economic Benefit</b>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts \$153  
Estimated Cost of Compliance \$10,000

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$8,775</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$8,775</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$8,775</b>
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<b>DEFERRAL</b>	<b>0.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	<b>\$8,775</b>
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<b>Screening Date</b>	2-Nov-2020	<b>Docket No.</b>	2020-1431-AIR-E	<b>PCW</b>
<b>Respondent</b>	Kuraray America, Inc.			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	60017			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN107305922			
<b>Media</b>	Air			
<b>Enf. Coordinator</b>	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	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	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> )	1	-2%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 42%

### >> 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 or similar violations and two orders containing a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 42%

### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 42%

<b>Screening Date</b>	2-Nov-2020	<b>Docket No.</b>	2020-1431-AIR-E	<b>PCW</b>	
<b>Respondent</b>	Kuraray America, Inc.			Policy Revision 4 (April 2014)	
<b>Case ID No.</b>	60017			PCW Revision March 26, 2014	
<b>Reg. Ent. Reference No.</b>	RN107305922				
<b>Media</b>	Air				
<b>Enf. Coordinator</b>	Yuliya Dunaway				
<b>Violation Number</b>	1				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 115.722(c)(1), 116.115(c), and 122.143(4), New Source Review Permit No. 4445, Special Conditions No. 1, Federal Operating Permit No. 01911, General Terms and Conditions and Special Terms and Conditions No. 17, and Tex. Health & Safety Code § 382.085(b)				
<b>Violation Description</b>	<p>Failed to prevent unauthorized emissions and failed to limit highly reactive volatile organic compounds ("HRVOC") emissions to 1,200 pounds ("lbs") or less per one-hour block period. Specifically, the Respondent released 52.04 lbs of carbon monoxide ("CO"), 77.88 lbs of HRVOC, and 10.78 lbs of nitrogen oxides from the A Plant Flare, Emissions Point Number VS-202, and 1,749.03 lbs of volatile organic compounds, 43,667.2 lbs of HRVOC, and 104.2 lbs of CO as fugitive emissions from the Vinyl Acetate/Polyvinyl Alcohol Manufacture Unit, during an emissions event (Incident No. 333751) that occurred on April 9, 2020 and lasted 11 minutes. The emissions event occurred due to acid contamination of the lube oil system that operates the valves for the Recycled Gas Compressor turbine that caused the steam rack valve and the emergency shut-off valve to be stuck in the open position, resulting in the release to the atmosphere and in flaring. The emissions event was determined to be an excessive emissions event.</p>				
<b>Base Penalty</b>				\$25,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>	<b>Release</b>	<b>Harm</b>			
		Major	Moderate	Minor	
	Actual		x		
	Potential				<b>Percent</b> <span style="border: 1px solid blue; padding: 0 10px;">30.0%</span>
<b>&gt;&gt;Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
					<b>Percent</b> <span style="border: 1px solid blue; padding: 0 10px;">0.0%</span>
Matrix Notes	<p>Based on the Air Quality Analysis Audit that was conducted on the air dispersion modeling submitted by the Respondent, human health or the environment has been exposed to significant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.</p>				
<b>Adjustment</b>				\$17,500	
				\$7,500	
<b>Violation Events</b>					
Number of Violation Events		1	Number of violation days		
		1			
	daily				
	weekly				
	monthly	x			
	quarterly				
	semiannual				
	annual				
	single event				
<b>Violation Base Penalty</b>				\$7,500	
One monthly event is recommended.					
<b>Good Faith Efforts to Comply</b>		<b>25.0%</b>	Reduction	\$1,875	
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary				
	Ordinary	x			
	N/A				
	Notes	<p>The Respondent achieved compliance on July 30, 2020, prior to the Notice of Enforcement dated October 23, 2020.</p>			
<b>Violation Subtotal</b>				\$5,625	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>			
	<b>Estimated EB Amount</b>	\$153	<b>Violation Final Penalty Total</b>	\$8,775	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$8,775	

# Economic Benefit Worksheet

**Respondent** Kuraray America, Inc.  
**Case ID No.** 60017  
**Reg. Ent. Reference No.** RN107305922  
**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	9-Apr-2020	30-Jul-2020	0.31	\$153	n/a	\$153

### Notes for DELAYED costs

Estimated cost to inspect and overhaul the Recycled Gas Compressor, modify the operating procedures associated with the Recycled Gas Compressor, and complete training for the Vinyl Acetate Monomer operators in regards to the operation of the Recycled Gas Compressor in order to address the excessive emissions event that occurred on April 9, 2020 (Incident No. 333751). 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**

\$153



# Compliance History Report

Compliance History Report for CN603315953, RN107305922, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

**Customer, Respondent, or Owner/Operator:** CN603315953, Kuraray America, Inc. **Classification:** SATISFACTORY **Rating:** 11.23

**Regulated Entity:** RN107305922, KURARAY LA PORTE **Classification:** SATISFACTORY **Rating:** 8.15

**Complexity Points:** 16 **Repeat Violator:** NO

**CH Group:** 05 - Chemical Manufacturing

**Location:** 12342 STRANG RD, LA PORTE, HARRIS COUNTY, TX

**TCEQ Region:** REGION 12 - HOUSTON

## ID Number(s):

**AIR OPERATING PERMITS** PERMIT 1911

**AIR NEW SOURCE PERMITS** REGISTRATION 163158

**AIR NEW SOURCE PERMITS** AFS NUM 4820101999

**UNDERGROUND INJECTION CONTROL** PERMIT WDW083

**UNDERGROUND INJECTION CONTROL** PERMIT WDW360

**STORMWATER** PERMIT TXR05CC94

**POLLUTION PREVENTION PLANNING** ID NUMBER P09087

**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE

REGISTRATION # (SWR) 95708

**TAX RELIEF** ID NUMBER 21119

**AIR NEW SOURCE PERMITS** PERMIT 4445

**AIR NEW SOURCE PERMITS** REGISTRATION 161591

**UNDERGROUND INJECTION CONTROL** PERMIT WDW082

**UNDERGROUND INJECTION CONTROL** PERMIT WDW149

**UNDERGROUND INJECTION CONTROL** PERMIT PIU95708

**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER HGA147Q

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXR000081798

**TAX RELIEF** ID NUMBER 21135

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

**Date Compliance History Report Prepared:** January 22, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** January 22, 2016 to January 22, 2021

## 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: 09/03/2019 ADMINORDER 2017-1539-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP, Special Term and Condition 17 OP  
NSR, Special Condition 1 PERMIT  
Description: Failure to maintain volatile organic compound (VOC) emissions from B Plant Polymer Tank and Acid Concentration Column Vent (EPN: VS-390(MSS)) below the pounds per hour (lb/hr) maximum allowable emission rate. (Category A8, GC 3)
- 2 Effective Date: 02/11/2020 ADMINORDER 2019-0859-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: Special Condition No. 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	March 29, 2016	(1321580)
Item 2	August 04, 2016	(1351271)
Item 3	October 05, 2016	(1364007)
Item 4	February 06, 2017	(1389098)
Item 5	July 17, 2017	(1424853)
Item 6	August 23, 2017	(1435483)
Item 7	September 13, 2017	(1435474)
Item 8	January 26, 2018	(1465782)
Item 9	April 17, 2018	(1480876)
Item 10	August 10, 2018	(1506549)
Item 11	October 25, 2018	(1524173)
Item 12	February 25, 2019	(1549728)
Item 13	September 06, 2019	(1592609)
Item 14	October 02, 2019	(1598075)
Item 15	December 03, 2019	(1610420)
Item 16	February 14, 2020	(1630187)
Item 17	September 10, 2020	(1672254)
Item 18	December 08, 2020	(1692556)

**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: 08/11/2020 (1631997)	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Term & Condition 3A(iv)(1) OP	
	Description: Failure to conduct quarterly visible emissions monitoring for multiple vents (EPNs: VS-227P, VS-228P, VS-229P, VS-259P, VS-274P, & VS-316P) (Category C1).	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 17B PERMIT Special Term & Condition 17 OP	
	Description: Failure to maintain the liquid flow rate for the "B" Plant Tank Farm Scrubber (EPN: VS-204(MSS)) (Category C4).	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 6 PERMIT Special Term & Condition 17 OP	
	Description: Failure to maintain the liquid flow rate for the Tank Scrubber (EPN: VS-206) (Category C4).	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)	

5C THSC Chapter 382 382.085(b)

Special Condition 6 PERMIT Special Term & Condition 17 OP		
Description:	Failure to maintain the liquid flow rate for the Tank Scrubber (EPN: VS-208) (Category C4).	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 6 PERMIT Special Term & Condition 17 OP	
Description:	Failure to maintain the liquid flow rate for the Tank Scrubber (EPN: VS-209) (Category C4).	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 17B PERMIT Special Term & Condition 17 OP	
Description:	Failure to maintain the liquid flow rate for the Wastewater Holding Pond Scrubber (EPN: VS-382(MSS)) (Category C4).	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 17B PERMIT Special Term & Condition 17 OP	
Description:	Failure to maintain the liquid flow rate for the Vent Scrubber (EPN: VS-317(MSS)) (Category C4).	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 17B PERMIT Special Term & Condition 17 OP	
Description:	Failure to maintain the liquid flow rate for the Vent Scrubber (EPN: VS-318(MSS)) (Category C4).	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 17B PERMIT Special Term & Condition 17 OP	
Description:	Failure to maintain the liquid flow rate for the Vent Scrubber (EPN: VS-319(MSS)) (Category C4).	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 6 PERMIT Special Term & Condition 17 OP	
Description:	Failure to maintain the liquid flow rate for the Dry Products Scrubber (EPN: VS-376) (Category C4).	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 6 PERMIT Special Term & Condition 17 OP	
Description:	Failure to maintain the liquid flow rate for the Vent Scrubber (EPN: VS-212) (Category C4).	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1) 5C THSC Chapter 382 382.085(b) Special Condition 14 PERMIT Special Condition 7E PERMIT Special Term & Condition 17 OP Special Term & Condition 1A OP	
Description:	Failure to prevent open-ended lines (EPN: VS-400F) (Category C10).	

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 17 PERMIT  
Special Condition 5C PERMIT  
Special Term & Condition 17 OP  
Special Term & Condition 1A OP

Description: Failure to prevent visible emissions from the "A" Plant Flare (EPN: VS-202C) (Category C1).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP

Description: Failure to conduct a quarterly calibration for the Vinyls Cooling Tower (EPN: VS-364P) analyzer (Category C1).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)  
5C THSC Chapter 382 382.085(b)  
Special Condition 2 PERMIT  
Special Term & Condition 17 OP  
Special Term & Condition 1A OP  
Special Term & Condition 8E OP

Description: Failure to conduct weekly calibrations for the Vinyls Cooling Tower (EPN: VS-364P) analyzer (Category C1).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Special Term & Condition 17 OP

Description: Failure to prevent an exceedance of the methyl acetate hourly limit for the "A" Plant Flare (EPN: VS-202C) (Category B13).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
5C THSC Chapter 382 382.085(b)  
Special Condition 2 PERMIT  
Special Condition 5G PERMIT  
Special Term & Condition 17 OP  
Special Term & Condition 1A OP

Description: Failure to maintain the net heating value above the minimum permitted limit for the "A" Plant Flare (EPN: VS-202C) (Category C4).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 60, Subpart A 60.18(c)(4)(i)  
40 CFR Part 63, Subpart A 63.11(b)(7)(i)  
5C THSC Chapter 382 382.085(b)  
Special Condition 2 PERMIT  
Special Condition 5G PERMIT  
Special Term & Condition 17 OP  
Special Term & Condition 1A OP

Description: Failure to prevent the exceedance of the maximum exit velocity of the "A" Plant Flare (EPN: VS-202C) (Category C4).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 5D(2) PERMIT  
Special Term & Condition 17 OP

Description: Failure to maintain the required assist gas to vent gas ratio for the "B" Plant Flare (EPN: VS-203C) (Category C4).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(e)(1)

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

Description: General Terms & Conditions OP  
Failure to transfer all permits during a change of ownership for the facility (Category B3).

**F. Environmental audits:**

Notice of Intent Date: 03/23/2020 (1638964)

Disclosure Date: 05/12/2020

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP STC 3.B(iii)

OP STC No. 16

Description: Failed to conduct visible emissions (VE) observations when units in operation.

Viol. Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(F)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP STC 3.B(ii)

Description: Failed to conduct VE observations per approved state requirements.

**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

## Component Appendices

### Appendix A

#### All NOV's Issued During Component Period 1/22/2016 and 1/22/2021

1	Date: 03/01/2016 (1295941)	Classification: Moderate
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 115, SubChapter H 115.722(d) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5) 5C THSC Chapter 382 382.085(b) FOP Special Terms abd Conditions 1(A) OP FOP Special Terms and Conditions 17 OP NSR Special Condition 5(B) PERMIT	
Description:	Failure to continuously monitor the flare pilot flame of the A Plant Flare (EPN: VS-202C). (Category C1)	Classification: Moderate
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 115, SubChapter H 115.725(d)(2)(A)(i) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP Special Terms and Conditions 17 OP NSR Special Condition 5(F) PERMIT	
Description:	Failure to perform quarterly gas chromatograph calibrations. (Category C1)	Classification: Minor
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 60, Subpart A 60.18(c)(4)(i) 40 CFR Part 63, Subpart A 63.11(b)(7)(i) 5C THSC Chapter 382 382.085(b) FOP Special Terms and Conditions 1(A) OP FOP Special Terms and Conditions 17 OP NSR Sp[ecial Condition 5(A) PERMIT	
Description:	Failure to prevent the A Plant Flare (EPN: VS-202C) tip velocity from exceeding the maximum allowable flare exit tip velocity. (Category C4)	Classification: Moderate
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP Special Terms and Conditions 17 OP NSR Special Condition 12(D)(2) PERMIT NSR Special Condition 13(B)(3) PERMIT	
Description:	Failure to prevent releasing gas with a VOC concentration of 10,000 ppm or greater to the atmosphere. (Category B14)	Classification: Moderate
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1025(b)(3)(ii) 5C THSC Chapter 382 382.085(b) FOP Special Terms and Conditions 1(A) OP FOP Special Terms and Conditions 17 OP NSR Special Condition 7(F) PERMIT	
Description:	Failure to perform quarterly monitoring on valves. (Category C1)	Classification: Moderate
Self Report?	NO	For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Terms and Conditions 17 OP  
NSR Special Condition 1 PERMIT

Description: Failure to prevent exceeding the permitted Methyl Acetate emission rate limit from the A Plant Flare (EPN: VS-202).  
(Category B14)

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Terms and Conditions 2(F) OP

Description: Failure to create a final record of an emissions event no later than 2 weeks after the end of the emissions event.  
(Category C3)

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Terms and Conditions 17 OP  
NSR Special Condition 18(B) PERMIT

Description: Failure to maintain the six-minute average liquid flow rate to the WED Column Vent Scrubber MSS (EPN: VS-320MSS) above the permitted minimum 10 gallons per minute (GPM).  
(Category C4)

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Terms and Conditions 17 OP  
NSR Special Condition 12(D)(2) PERMIT  
NSR Special Condition 13(B)(3) PERMIT

Description: Failure to perform sampling to determine the LEL prior to venting the Reaction Gas Loop (FIN: VS-223P) to the atmosphere.  
(Category B1)

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Terms and Conditions 17 OP  
NSR Special Condition 12(D)(2) PERMIT

Description: Failure to prevent venting the AK Scrubber Vent MSS (FIN: VS-318MSS), B Plant Vessel Opening (FIN: VS-BVNMSS), A Plant Vessel Opening (VS-AVNMSS), and PK Reactor Vent Scrubber MSS (EPN: VS-317MSS) to the atmosphere before the VOC concentration dropped below 10,000 ppm.  
(Category C1)

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2520(b)(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Terms and Conditions 1(A) OP

Description: Failure to submit the 40 CFR 63 Subpart FFFF periodic report on time.  
(Category C3)

Classification: Minor

Self Report? NO

For Informational Purposes Only

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

Description: Failure to report all deviations in the July 12, 2015 Title V semiannual deviation report.

(Category C3)

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Terms and Conditions 17 OP  
NSR Special Condition 6 PERMIT

Description: Failure to maintain a six-minute average liquid flow rate greater than the permitted minimum liquid flow rate for the Dry Product Scrubber (EPN: VS-376). (Category C4)

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(h)(3)  
5C THSC Chapter 382 382.085(b)  
FOP Special Terms and Conditions 1(A) OP

Description: Failure to perform a first attempt at repair within 5 days on a connector. (Category C1)

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)  
30 TAC Chapter 122, SubChapter B 122.143(4)

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

Description: Failure to conduct quarterly monitoring on a connector. Category C1

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term and Condition 17 OP  
FOP Special Term and Condition 1A OP  
NSR Special Condition 7(E) PERMIT

Description: Failure to perform visual, audible, and/or olfactory inspections on a connector. (Category C1)

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(c)(2)  
5C THSC Chapter 382 382.085(b)  
FOP, Special Term and Condition 1A OP

Description: Failure to perform a first attempt at repair within 5 days on an agitator. Category C1

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term and Condition 17 OP  
FOP Special Term and Condition 1A OP  
NSR Special Condition 14(B) PERMIT

Description: Failure to monitor three open-ended valves by the end of the 72 hours following the creation of an open-ended valves. (Category C1)

2

Date: 06/13/2017 (1364308)

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
4445, Special Condition 1 PERMIT  
5C THSC Chapter 382 382.085(b)

Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. (Category B14)

Self Report? NO

## For Informational Purposes Only

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 FOP, Special Term and Condition 17 OP  
 FOP, Special Term and Condition 1A OP  
 NSR Permit, Special Condition 14 PERMIT

Description: Failure to equip an open-ended line with an appropriately sized cap, blind flange, plug, or a second valve. (Category C10)

Classification: Minor

Self Report? NO

## For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP, Special Term and Condition 17 OP  
 NSR, Special Condition 12D(2) PERMIT

Description: Failure to degass EPN: VS-BVNMSS to a control device or controlled recovery system until the VOC concentration is less than 10,000 ppmv or 10 percent of the LEL. (Category C4)

Classification: Minor

Self Report? NO

## For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP, Special Term and Condition 17 OP  
 NSR, Special Condition 18B PERMIT

Description: Failure to maintain the liquid flow rate of 81 gallons per minute (gpm) for EPN: VS-204(MSS) during MSS activities. (Category C4)

Classification: Moderate

Self Report? NO

## For Informational Purposes Only

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

FOP, Special Term and Condition 17 OP  
 NSR, Special Condition 18B PERMIT

Description: Failure to maintain the liquid flow rate of 15 gallons per minute (GPM) for EPN: VS-382(MSS) during Maintenance, Startup and Shutdown (MSS) activities. (Category C4)

Classification: Moderate

Self Report? NO

## For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP, Special Term and Condition 17 OP  
 NSR, Special Condition 6 PERMIT

Description: Failure to maintain the liquid flow rate of EPN: VS-208C above the permit requirement of 5 gallons per minute (gpm). (Category C4)

Classification: Moderate

Self Report? NO

## For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP, Special Term and Condition 17 OP  
 NSR, Special Condition 6 OP

Description: Failure to maintain the liquid flow rate of EPN: VS-209C above the permit requirement of 5 gallons per minute (gpm). (Category C4)

Classification: Moderate

Self Report? NO

## For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
 5C THSC Chapter 382 382.085(b)

Description: FOP, Special Term and Condition 17 OP  
 NSR, Special Condition 5A PERMIT  
 Failure to maintain 300 Btu/scf requirement for flare EPN: VS-202C. (Category C4)  
 Classification: Moderate

Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP, Special Term and Condition 17 OP  
 NSR, Special Condition 7F PERMIT  
 Description: Failure to re-monitor a repaired and replaced component within fifteen (15) days of being placed back into VOC service. (Category C4)  
 Classification: Moderate

Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 116, SubChapter F 116.615(10)  
 30 TAC Chapter 116, SubChapter F 116.615(5)(A)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP, Special Terms and Condition 17 OP  
 Description: Failure to notify TCEQ before the commencement of operations of the Carbon Adsorption System. (Category B3)  
 Classification: Moderate

Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP, Special Term and Condition 17 OP  
 NSR, Special Condition 6 PERMIT  
 Description: Failure to ensure the liquid flow rate of EPN: VS-376C do not fall below minimum requirements. (Category C4)  
 Classification: Minor

Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(B)(i)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to notify the Texas Commission on Environmental Quality (TCEQ) within 15 working days after startup of the Thermal Oxidizer. (Category C3)  
 Classification: Minor

Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP, Special Term and Condition 17 OP  
 NSR, Special Condition 7I PERMIT  
 Description: Failure to repair a leaking component within 15 days. (Category C4)  
 Classification: Minor

Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(I)  
 5C THSC Chapter 382 382.085(b)  
 FOP, Special Term and Condition 1A OP  
 Description: Failure to submit New Source Performance Standards (NSPS) 40 CFR 60 Subpart NNN 1st semi-annual report within required time frame. (Category C3)  
 Classification: Minor

Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP, Special Term and Condition 17 OP  
 NSR, Special Condition 14B PERMIT  
 Description: Failure to perform monitoring on open-ended lines (OEL). (Category C4)  
 Classification: Moderate

Self Report? YES For Informational Purposes Only  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 116, SubChapter B 116.116(a)

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

Description: Failure to maintain the max fill rate to the million gallon vinyl acetate tank (EPN: VS-208T) to 400 gallons per minute (gpm). (Category C4)  
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(3)  
5C THSC Chapter 382 382.085(b)  
FOP, Special Term and Condition 17 OP  
NSR, Special Condition 5D(2)b PERMIT

Description: Failure to maintain permitted fixed flow rate for the B Plant Flare (EPN: VS-203C). (Category B19g1)  
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 115, SubChapter D 115.355(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Description: Failure to properly implement Method 21 monitoring. (Category B19g(1))  
Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Description: Failure to submit a PI-7 form to authorize emissions from new fugitive components installed June 2014 through December 2015. (Category B3)

4 Date: 08/28/2018 (1428717)  
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
4445 Special Condition 1 PERMIT  
5C THSC Chapter 382 382.085(b)

Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. (Category B13)

5 Date: 08/28/2019 (1551619)  
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term & Condition 17 OP  
NSR Special Condition 18B PERMIT

Description: Failure to maintain the minimum liquid flow rate to the scrubber [EPN: VS-204]. (Category C4)  
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 60, Subpart A 60.18(c)(4)(i)  
40 CFR Part 63, Subpart A 63.11(b)(7)(i)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term & Condition 17 OP  
FOP Special Term & Condition 1A OP  
NSR Special Condition 5A PERMIT

Description: Failure to maintain the flare tip velocity below the maximum permitted velocity (Vmax). [Category B17]  
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term & Condition 17 OP

Description:	NSR Special Condition 17 PERMIT	
	Exceedance of permitted methyl acetate (MeAc) emissions for the "A" plant flare [EPN: VS-202]. [Category C4]	Classification: Moderate
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 115, SubChapter H 115.722(d)	
	30 TAC Chapter 122, SubChapter B 122.143(4)	
	40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)	
	40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)	
	5C THSC Chapter 382 382.085(b)	
	FOP Special Term & Condition 1A OP	
Description:	Failure to maintain the net heating value for the flare [EPN: VS-202C] [Category C4]	
		Classification: Moderate
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
	30 TAC Chapter 122, SubChapter B 122.143(4)	
	5C THSC Chapter 382 382.085(b)	
	FOP Special Term & Condition 17 OP	
	NSR Special Condition 14A PERMIT	
Description:	Failure to prevent or monitor open ended lines (OELs) in VOC service within 72 hours. [Category C10]	
		Classification: Moderate
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
	30 TAC Chapter 122, SubChapter B 122.143(4)	
	5C THSC Chapter 382 382.085(b)	
	FOP Special Term & Condition 17 OP	
	NSR Special Condition 12D(2) PERMIT	
Description:	Failure to degass process equipment (EPN: VS-AVNMSS) to a control device or controlled recovery system prior to venting to the atmosphere during MSS activities. [Category B1]	
		Classification: Moderate
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
	30 TAC Chapter 122, SubChapter B 122.143(4)	
	5C THSC Chapter 382 382.085(b)	
	FOP Special Term & Condition 17 OP	
	NSR Permit, Special Condition 5D(1) PERMIT	
Description:	Failure to conduct continuous flow monitoring for the flare [EPN: VS-202C]. [Category B1]	
		Classification: Moderate
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 115, SubChapter D 115.354(2)(C)	
	30 TAC Chapter 116, SubChapter B 116.115(c)	
	30 TAC Chapter 122, SubChapter B 122.143(4)	
	5C THSC Chapter 382 382.085(b)	
	FOP Special Term & Condition 17 OP	
	FOP Special Term & Condition 1A OP	
	NSR Special Condition 7F PERMIT	
Description:	Failure to monitor valves in VOC service. (Category B1)	
		Classification: Moderate
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
	30 TAC Chapter 122, SubChapter B 122.143(4)	
	5C THSC Chapter 382 382.085(b)	
	FOP Special Term & Condition 17 OP	
	NSR Special Condition 7E PERMIT	
Description:	Failure to prevent open ended lines (OELs) in VOC service. (Category C10)	
		Classification: Minor
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4)	
	5C THSC Chapter 382 382.085(b)	
	FOP General Terms & Conditions OP	
	FOP Special Term & Condition 16 OP	
Description:	Failure to maintain the specific gravity for the tank scrubber. (Category C4)	
		Classification: Moderate

Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b) FOP General Terms & Conditions OP	
Description:	Failure to report all instances of a deviation. (Category B3)	
	Classification:	Moderate
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP Special Term & Condition 17 OP NSR Special Condition 5H PERMIT	
Description:	Failure to operate monitors and analyzers at least 95 percent of the time when  the flare is operational. [Category C1]	
	Classification:	Moderate
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 116, SubChapter F 116.615(5) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Term & Condition 20B OP	
Description:	Failure to provide a start-up notification for the thermal oxidizer (EPN: VS-260) prior to beginning operation. [Category B3]	
	Classification:	Moderate
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP General Terms & Conditions OP FOP Special Term & Condition 16 OP FOP Special Term & Condition 1A OP	
Description:	Failure to conduct weekly sampling for specific gravity on the scrubbers (EPNs: VS-208 and VS-209) during Hurricane Harvey. (Category B1)	
	Classification:	Minor
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP Special Term & Condition 17 OP NSR Special Condition 6 PERMIT	
Description:	Failure to maintain the minimum liquid flow rate to the scrubber [EPN: VS-206] (Category C4)	
	Classification:	Moderate
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 115, SubChapter D 115.354(2) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP Special Term & Condition 17 OP FOP Special Term & Condition 1A OP NSR Special Condition 7E PERMIT	
Description:	Failure to monitor connectors in VOC service. (Category B1)	
6*	Date:	10/21/2019 (1472109)
	Classification:	Moderate
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 327 327.5(c)	
Description:	Failure to submit written information describing the details of a reportable spill within 30 days of the discovery of the spill.	
7*	Date:	08/11/2020 (1631997)
	Classification:	Moderate
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)	

Special Term & Condition 3A(iv)(1) OP

Description: Failure to conduct quarterly visible emissions monitoring for multiple vents (EPNs: VS-227P, VS-228P, VS-229P, VS-259P, VS-274P, & VS-316P) (Category C1).  
Classification: Moderate

Self Report? NO For Informational Purposes Only

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 17B PERMIT  
Special Term & Condition 17 OP

Description: Failure to maintain the liquid flow rate for the "B" Plant Tank Farm Scrubber (EPN: VS-204(MSS)) (Category C4).  
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 6 PERMIT  
Special Term & Condition 17 OP

Description: Failure to maintain the liquid flow rate for the Tank Scrubber (EPN: VS-206) (Category C4).  
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 6 PERMIT  
Special Term & Condition 17 OP

Description: Failure to maintain the liquid flow rate for the Tank Scrubber (EPN: VS-208) (Category C4).  
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 6 PERMIT  
Special Term & Condition 17 OP

Description: Failure to maintain the liquid flow rate for the Tank Scrubber (EPN: VS-209) (Category C4).  
Classification: Moderate

Self Report? NO For Informational Purposes Only

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 17B PERMIT  
Special Term & Condition 17 OP

Description: Failure to maintain the liquid flow rate for the Wastewater Holding Pond Scrubber (EPN: VS-382(MSS)) (Category C4).  
Classification: Moderate

Self Report? NO For Informational Purposes Only

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 17B PERMIT  
Special Term & Condition 17 OP

Description: Failure to maintain the liquid flow rate for the Vent Scrubber (EPN: VS-317(MSS)) (Category C4).  
Classification: Moderate

Self Report? NO For Informational Purposes Only

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 17B PERMIT  
Special Term & Condition 17 OP

Description: Failure to maintain the liquid flow rate for the Vent Scrubber (EPN: VS-318(MSS)) (Category C4).

Classification: Moderate

Self Report? NO For Informational Purposes Only

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 17B PERMIT  
Special Term & Condition 17 OP

Description: Failure to maintain the liquid flow rate for the Vent Scrubber (EPN: VS-319(MSS)) (Category C4).

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 6 PERMIT  
Special Term & Condition 17 OP

Description: Failure to maintain the liquid flow rate for the Dry Products Scrubber (EPN: VS-376) (Category C4).

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 6 PERMIT  
Special Term & Condition 17 OP

Description: Failure to maintain the liquid flow rate for the Vent Scrubber (EPN: VS-212) (Category C4).

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 14 PERMIT  
Special Condition 7E PERMIT  
Special Term & Condition 17 OP  
Special Term & Condition 1A OP

Description: Failure to prevent open-ended lines (EPN: VS-400F) (Category C10).

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
  
5C THSC Chapter 382 382.085(b)  
Special Condition 17 PERMIT  
Special Condition 5C PERMIT  
Special Term & Condition 17 OP  
Special Term & Condition 1A OP

Description: Failure to prevent visible emissions from the "A" Plant Flare (EPN: VS-202C) (Category C1).

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 1A OP

Description: Failure to conduct a quarterly calibration for the Vinyls Cooling Tower (EPN: VS-364P) analyzer (Category C1).

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)  
5C THSC Chapter 382 382.085(b)  
Special Condition 2 PERMIT

	Special Term & Condition 17 OP Special Term & Condition 1A OP Special Term & Condition 8E OP	
Description:	Failure to conduct weekly calibrations for the Vinyls Cooling Tower (EPN: VS-364P) analyzer (Category C1).	Classification: Moderate
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 1 PERMIT Special Term & Condition 17 OP	
Description:	Failure to prevent an exceedance of the methyl acetate hourly limit for the "A" Plant Flare (EPN: VS-202C) (Category B13).	Classification: Moderate
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii) 5C THSC Chapter 382 382.085(b) Special Condition 2 PERMIT Special Condition 5G PERMIT Special Term & Condition 17 OP Special Term & Condition 1A OP	
Description:	Failure to maintain the net heating value above the minimum permitted limit for the "A" Plant Flare (EPN: VS-202C) (Category C4).	Classification: Moderate
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 60, Subpart A 60.18(c)(4)(i) 40 CFR Part 63, Subpart A 63.11(b)(7)(i) 5C THSC Chapter 382 382.085(b) Special Condition 2 PERMIT Special Condition 5G PERMIT Special Term & Condition 17 OP Special Term & Condition 1A OP	
Description:	Failure to prevent the exceedance of the maximum exit velocity of the "A" Plant Flare (EPN: VS-202C) (Category C4).	Classification: Moderate
Self Report?	NO	For Informational Purposes Only
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 5D(2) PERMIT Special Term & Condition 17 OP	
Description:	Failure to maintain the required assist gas to vent gas ratio for the "B" Plant Flare (EPN: VS-203C) (Category C4).	Classification: Moderate
Self Report?	NO	For Informational Purposes Only
Citation:	30 TAC Chapter 116, SubChapter B 116.110(e)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) General Terms & Conditions OP	
Description:	Failure to transfer all permits during a change of ownership for the facility (Category B3).	

\* NOVs applicable for the Compliance History rating period 9/1/2015 to 8/31/2020

## Appendix B

### All Investigations Conducted During Component Period January 22, 2016 and January 22, 2021

	(1295941)	
Item 1	February 29, 2016**	For Informational Purposes Only
	(1321580)	
Item 2*	March 29, 2016**	For Informational Purposes Only

Item 3*	August 04, 2016**	(1351271) For Informational Purposes Only
Item 4*	October 05, 2016**	(1364007) For Informational Purposes Only
Item 5*	February 06, 2017**	(1389098) For Informational Purposes Only
Item 6	June 13, 2017**	(1364308) For Informational Purposes Only
Item 7*	July 17, 2017**	(1424853) For Informational Purposes Only
Item 8*	August 23, 2017**	(1435483) For Informational Purposes Only
Item 9*	September 13, 2017**	(1435474) For Informational Purposes Only
Item 10	September 29, 2017**	(1400421) For Informational Purposes Only
Item 11*	January 26, 2018**	(1465782) For Informational Purposes Only
Item 12*	April 17, 2018**	(1480876) For Informational Purposes Only
Item 13*	August 10, 2018**	(1506549) For Informational Purposes Only
Item 14	August 28, 2018**	(1428717) For Informational Purposes Only
Item 15*	October 25, 2018**	(1524173) For Informational Purposes Only
Item 16*	February 25, 2019**	(1549728) For Informational Purposes Only
Item 17	June 07, 2019**	(1513448) For Informational Purposes Only
Item 18	August 28, 2019**	(1551619) For Informational Purposes Only
Item 19*	September 06, 2019**	(1592609) For Informational Purposes Only
Item 20*	October 02, 2019**	(1598075) For Informational Purposes Only
Item 21	October 21, 2019**	(1472109) For Informational Purposes Only
Item 22*	December 03, 2019**	(1610420) For Informational Purposes Only
Item 23	December 09, 2019**	(1481011) For Informational Purposes Only
		(1604609)

Item 24	February 13, 2020**	For Informational Purposes Only (1630187)
Item 25*	February 14, 2020**	For Informational Purposes Only (1631997)
Item 26	August 11, 2020**	For Informational Purposes Only (1672254)
Item 27*	September 10, 2020	For Informational Purposes Only (1645413)
Item 28	October 23, 2020	For Informational Purposes Only (1692556)
Item 29*	December 08, 2020	For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2015 and 08/31/2020.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
KURARAY AMERICA, INC.  
RN107305922**

**§           BEFORE THE  
§  
§           TEXAS COMMISSION ON  
§  
§           ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2020-1431-AIR-E**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Kuraray America, Inc. (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 presented this Order to the Commission.

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

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

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

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a chemical plant located at 12342 Strang 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. During a record review conducted from May 29, 2020 through September 21, 2020, an investigator documented that the Respondent released 52.04 pounds ("lbs") of carbon monoxide ("CO"), 77.88 lbs of highly reactive volatile organic compounds ("HRVOC"), and 10.78 lbs of nitrogen oxides from the A Plant Flare, Emissions Point Number VS-202, and 1,749.03 lbs of volatile organic compounds, 43,667.2 lbs of HRVOC, and 104.2 lbs of CO as fugitive emissions from the Vinyl Acetate/Polyvinyl Alcohol Manufacture Unit, during an emissions event (Incident No. 333751) that occurred on April 9, 2020 and lasted 11 minutes. The emissions event occurred due to acid contamination of the lube oil system that operates the valves for the Recycled Gas Compressor turbine that caused the steam rack valve and the emergency shut-off valve to be stuck in the open

position, resulting in the release to the atmosphere and in flaring. TCEQ staff determined that the emissions event was an excessive emissions event.

3. The Executive Director recognizes that by July 30, 2020, the Respondent inspected and overhauled the Recycled Gas Compressor, modified the operating procedures associated with the Recycled Gas Compressor, and completed training for the Vinyl Acetate Monomer operators in regards to the operation of the Recycled Gas Compressor in order to address the excessive emissions event that occurred on April 9, 2020 (Incident No. 333751).

## **II. CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to prevent unauthorized emissions and failed to limit HRVOC emissions to 1,200 lbs or less per one-hour block period, in violation of 30 TEX. ADMIN. CODE §§ 115.722(c)(1), 116.115(c), and 122.143(4), New Source Review Permit No. 4445, Special Conditions No. 1, Federal Operating Permit No. O1911, General Terms and Conditions and Special Terms and Conditions No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b). The emissions event was determined to be an excessive emissions event.
3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$8,775 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid \$4,388 of the penalty. Pursuant to TEX. WATER CODE § 7.067, \$4,387 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

## **III. ORDERING PROVISIONS**

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the

Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Kuraray America, Inc., Docket No. 2020-1431-AIR-E" to:

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

2. The Respondent shall implement and complete an SEP as set forth in Section II, Conclusion of Law No. 4. The amount of \$4,387 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. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

9. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
11. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



Date

3/2/2022

For the Executive Director

Date

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

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

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

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



Signature

10/07/2021

Date

CHARLES NEAL

Name (Printed or typed)  
Authorized Representative of  
Kuraray America, Inc.

GENERAL MANAGER

Title

- A/Olt Bw

☐ 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: 2020-1431-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Kuraray America, Inc.</b>
<b>Payable Penalty Amount:</b>	<b>\$8,775</b>
<b>SEP Offset Amount:</b>	<b>\$4,387</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Houston Regional Monitoring Corporation</b>
<b>Project Name:</b>	<b><i>Houston Area Air Monitoring Project</i></b>
<b>Location of SEP:</b>	<b>Harris County</b>

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

**1. Project Description**

**a. Project**

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston Regional Monitoring Corporation** for the *Houston Area Air Monitoring Project* SEP. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to operate a network of ambient air monitoring stations that continuously measure and record concentrations of ambient air pollutants. This network includes the Houston Regional Monitor (“HRM”) 617 Wallisville Road site, the HRM 615 Lynchburg Ferry site, and the HRM 3 Haden Road site. The Third-Party Administrator shall use the SEP Offset Amount to report data from these three existing sites in the Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston-Galveston Air Quality Control Region No. 216. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

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

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

b. Environmental Benefit

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

c. Minimum Expenditure

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

**2. Performance Schedule**

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

Houston Regional Monitoring Corp  
ATTN: Chris Amandes  
2227 Tangle Street  
Houston, Texas 77005

### **3. Records and Reporting**

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

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

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

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

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

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

### **5. Publicity**

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

**6. Recognition**

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

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

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