

**Executive Summary – Enforcement Matter – Case No. 60058**

**OXY USA WTP LP**

**RN101222602**

**Docket No. 2020-1460-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

Salt Creek Gas Plant, located approximately 8 miles northwest of Clairemont, Clairemont, Kent County

**Type of Operation:**

Natural gas processing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 14, 2023

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$52,650

**Amount Deferred for Expedited Settlement:** \$10,530

**Total Paid to General Revenue:** \$42,120

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

Payment Plan: N/A

**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:** September 10, 2020 through September 24, 2020

**Date(s) of NOE(s):** October 30, 2020

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**OXY USA WTP LP**

**RN101222602**

**Docket No. 2020-1460-AIR-E**

***Violation Information***

1. Failed to comply with the maximum allowable emissions rates ("MAERs"). Specifically, the Respondent exceeded the volatile organic compounds ("VOC") MAER of 2.40 pounds per hour ("lbs/hr") by a range from 0.01 lb/hr to 0.17 lb/hr and the particulate matter ("PM") MAER of 0.97 lb/hr by a range from 0.01 lb/hr to 0.06 lb/hr from February 1, 2020 through February 3, 2020 for the Cooper-Bessemer Engine Model GMVH-12C2 2,700-horsepower, Emission Point Number ("EPN") 21, resulting in 4.05 pounds ("lbs") of unauthorized VOC and 1.38 lbs of unauthorized PM. The Respondent exceeded the VOC MAER of 2.40 lbs/hr by a range from 0.01 lb/hr to 0.03 lb/hr and the PM MAER of 0.97 lb/hr by a range from 0.01 lb/hr from September 13, 2019 through September 14, 2019 for the Cooper-Bessemer Engine Model GMVH-12C2 2,700-horsepower, EPN 22, resulting in 0.12 lb of unauthorized VOC and 0.02 lb of unauthorized PM. The Respondent exceeded the VOC MAER of 2.40 lbs/hr by a range from 0.01 lb/hr to 0.15 lb/hr for 19 days from August 10, 2019 to December 3, 2019 and by a range from 0.01 lb/hr to 0.44 lb/hr for four days from March 11, 2020 to May 11, 2020 and the PM MAER of 0.97 lb/hr by a range from 0.01 lb/hr to 0.06 lb/hr for 16 days from August 10, 2019 to December 3, 2019 and by a range from 0.01 lb/hr to 0.24 lb/hr for four days from March 11, 2020 to May 11, 2020 for the Cooper-Bessemer Engine Model GMVH-12C2 2,700-horsepower, EPN 23, resulting in 4.87 lbs of unauthorized VOC and 1.48 lbs of unauthorized PM [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review ("NSR") Permit No. 20660 and PSDTX795M2, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O550, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to comply with the MAER. Specifically, the Respondent exceeded the carbon monoxide ("CO") MAER of 7.50 lbs/hr by 2.51 lbs/hr during a stack test conducted on December 30, 2019, by 1.95 lbs/hr during a stack test conducted on March 4, 2020, and by 0.28 lb/hr during a stack test conduct on June 11, 2020 for the Clark Engine Model TLAB-6 2,000-horsepower, EPN 3, resulting in approximately 9,147.36 lbs of unauthorized CO [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit No. 20660 and PSDTX795M2, SC No. 1, FOP No. O550, GTC and STC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

a. In order to comply with the VOC and PM hourly MAERs for the Cooper-Bessemer Engines Model GMVH-12C2 2,700-horsepower, EPNs 21, 22, and 23:

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**OXY USA WTP LP**

**RN101222602**

**Docket No. 2020-1460-AIR-E**

i. By February 28, 2021, completed an operational change that involved a reduction in the propane from the Demethanizer that improved the British thermal unit content of the fuel gas used to run the engines; and

ii. By March 1, 2021, demonstrated compliance with the VOC and PM hourly MAERs.

b. In order to comply with the CO hourly MAER for the Clark Engine Model TLAB-6 2,000-horsepower, EPN 3:

i. By October 26, 2021, completed a piping modification project to convert the engine to operating on pipeline-quality natural gas; and

ii. On October 28, 2021, conducted a stack test demonstrating compliance with the CO hourly MAER.

**Technical Requirements:**

N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Johnnie Wu, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2524; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Bryan Alexander, Operations Manager, OXY USA WTP LP, P.O. Box 50250, Midland, Texas 79710

**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>	2-Nov-2020	<b>Screening</b>	10-Nov-2020	<b>EPA Due</b>	28-Apr-2021
	<b>PCW</b>	26-May-2023				

RESPONDENT/FACILITY INFORMATION	
<b>Respondent</b>	OXY USA WTP LP
<b>Reg. Ent. Ref. No.</b>	RN101222602
<b>Facility/Site Region</b>	3-Abilene
<b>Major/Minor Source</b>	Major

CASE INFORMATION			
<b>Enf./Case ID No.</b>	60058	<b>No. of Violations</b>	2
<b>Docket No.</b>	2020-1460-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Johnnie Wu
		<b>EC's Team</b>	Enforcement Team 2
<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>	\$33,750
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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>66.0%</b>	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$22,275
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Notes: Enhancement for two NOVs with same or similar violations, two NOVs with dissimilar violations, and three orders containing a denial of liability. Reduction for four notices of intent to conduct an audit and two disclosures of violations.

<b>Culpability</b>	No	<b>0.0%</b>	Enhancement	<b>Subtotal 4</b>	\$0
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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>	-\$3,375
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<b>Economic Benefit</b>	<b>0.0%</b>	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$3,389
Estimated Cost of Compliance	\$40,000

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$52,650
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	Adjustment	<b>Subtotal 7</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

<b>Final Penalty Amount</b>	\$52,650
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$52,650
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<b>DEFERRAL</b>	<b>20.0%</b>	Reduction	<b>Adjustment</b>	-\$10,530
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$42,120</b>
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Screening Date 10-Nov-2020

Docket No. 2020-1460-AIR-E

PCW

Respondent OXY USA WTP LP

Policy Revision 4 (April 2014)

Case ID No. 60058

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101222602

Media Air

Enf. Coordinator Johnnie Wu

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	3	60%
	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> )	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	2	-4%
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) 66%

#### >> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

#### >> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

#### >> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same or similar violations, two NOVs with dissimilar violations, and three orders containing a denial of liability. Reduction for four notices of intent to conduct an audit and two disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 66%

#### >> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 66%

**Screening Date** 10-Nov-2020  
**Respondent** OXY USA WTP LP  
**Case ID No.** 60058  
**Reg. Ent. Reference No.** RN101222602  
**Media** Air  
**Enf. Coordinator** Johnnie Wu

**Docket No.** 2020-1460-AIR-E

**PCW**

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

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review ("NSR") Permit No. 20660 and PSDTX795M2, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O550, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 6, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to comply with the maximum allowable emissions rates ("MAERs"). Specifically, the Respondent exceeded the volatile organic compounds ("VOC") MAER of 2.40 pounds per hour ("lbs/hr") by a range from 0.01 lb/hr to 0.17 lb/hr and the particulate matter ("PM") MAER of 0.97 lb/hr by a range from 0.01 lb/hr to 0.06 lb/hr from February 1, 2020 through February 3, 2020 for the Cooper-Bessemer Engine Model GMVH-12C2 2,700-horsepower, Emissions Point Number ("EPN") 21, resulting in 4.05 pounds ("lbs") of unauthorized VOC and 1.38 lbs of unauthorized PM. The Respondent exceeded the VOC MAER of 2.40 lbs/hr by a range from 0.01 lb/hr to 0.03 lb/hr and the PM MAER of 0.97 lb/hr by a range from 0.01 lb/hr from September 13, 2019 through September 14, 2019 for the Cooper-Bessemer Engine Model GMVH-12C2 2,700-horsepower, EPN 22, resulting in 0.12 lb of unauthorized VOC and 0.02 lb of unauthorized PM. The Respondent exceeded the VOC MAER of 2.40 lbs/hr by a range from 0.01 lb/hr to 0.15 lb/hr for 19 days from August 10, 2019 to December 3, 2019 and by a range from 0.01 lb/hr to 0.44 lb/hr for four days from March 11, 2020 to May 11, 2020 and the PM MAER of 0.97 lb/hr by a range from 0.01 lb/hr to 0.06 lb/hr for 16 days from August 10, 2019 to December 3, 2019 and by a range from 0.01 lb/hr to 0.24 lb/hr for four days from March 11, 2020 to May 11, 2020 for the Cooper-Bessemer Engine Model GMVH-12C2 2,700-horsepower, EPN 23, resulting in 4.87 lbs of unauthorized VOC and 1.48 lbs of unauthorized PM.

**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 5 26 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

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

Five quarterly events are recommended for the instances of non-compliance that occurred from August 10, 2019 to May 11, 2020 (one event each for EPNs 21 and 22 and three events for EPN 23).

**Good Faith Efforts to Comply**

10.0%

Reduction \$1,875

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

**Notes** The Respondent completed the corrective measures by March 1, 2021, after the Notice of Enforcement ("NOE") dated October 30, 2020.

**Violation Subtotal** \$16,875

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

**Statutory Limit Test**

**Estimated EB Amount** \$1,559

**Violation Final Penalty Total** \$29,250

**This violation Final Assessed Penalty (adjusted for limits)** \$29,250

# Economic Benefit Worksheet

**Respondent** OXY USA WTP LP  
**Case ID No.** 60058  
**Reg. Ent. Reference No.** RN101222602  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$20,000	10-Aug-2019	1-Mar-2021	1.56	\$1,559	n/a	\$1,559

**Notes for DELAYED costs**  
 Estimated cost to complete an operational change that involved a reduction in the propane from the Demethanizer that improved the British thermal unit content of the fuel gas used to run the engines and demonstrate compliance with the VOC and PM hourly MAERs for the Cooper-Bessemer Engines Model GMVH-12C2 2,700-horsepower, EPNs 21, 22, and 23. The Date Required is the first date of non-compliance and the Final Date is the date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$20,000

**TOTAL** \$1,559

**Screening Date** 10-Nov-2020  
**Respondent** OXY USA WTP LP  
**Case ID No.** 60058  
**Reg. Ent. Reference No.** RN101222602  
**Media** Air  
**Enf. Coordinator** Johnnie Wu

**Docket No.** 2020-1460-AIR-E

**PCW**

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

**Violation Number** 2

**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit No. 20660 and PSDTX795M2, SC No. 1, FOP No. O550, GTC and STC No. 6, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to comply with the MAER. Specifically, the Respondent exceeded the carbon monoxide ("CO") MAER of 7.50 lbs/hr by 2.51 lbs/hr during a stack test conducted on December 30, 2019, by 1.95 lbs/hr during a stack test conducted on March 4, 2020, and by 0.28 lb/hr during a stack test conduct on June 11, 2020 for the Clark Engine Model TLAB-6 2,000-horsepower, EPN 3, resulting in approximately 9,147.36 lbs of unauthorized CO.

**Base Penalty** \$25,000

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 4      316 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

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

Four quarterly events are recommended from the first non-compliant stack test conducted on December 30, 2019 to the screening date on November 10, 2020.

**Good Faith Efforts to Comply**

10.0%

Reduction \$1,500

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

**Notes** The Respondent completed the corrective measures on October 28, 2021, after the NOE dated October 30, 2020.

**Violation Subtotal** \$13,500

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

**Statutory Limit Test**

**Estimated EB Amount** \$1,830

**Violation Final Penalty Total** \$23,400

**This violation Final Assessed Penalty (adjusted for limits)** \$23,400



# Economic Benefit Worksheet

**Respondent** OXY USA WTP LP  
**Case ID No.** 60058  
**Reg. Ent. Reference No.** RN101222602  
**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)	\$20,000	30-Dec-2019	28-Oct-2021	1.83	\$1,830	n/a	\$1,830

**Notes for DELAYED costs**

Estimated cost to complete a piping modification project to convert the engine to operating on pipeline-quality natural gas and conduct a stack test demonstrating compliance with the CO hourly MAER for the Clark Engine Model TLAB-6 2,000-horsepower, EPN 3. The Date Required is the initial date of non-compliance and the Final Date is the date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$20,000

**TOTAL** \$1,830



# Compliance History Report

Compliance History Report for CN600125827, RN101222602, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

**Customer, Respondent, or Owner/Operator:** CN600125827, OXY USA WTP LP      **Classification:** SATISFACTORY      **Rating:** 2.93  
**Regulated Entity:** RN101222602, SALT CREEK GAS PLANT      **Classification:** SATISFACTORY      **Rating:** 16.16  
**Complexity Points:** 12      **Repeat Violator:** NO  
**CH Group:** 03 - Oil and Gas Extraction  
**Location:** APPROXIMATELY 8.0 MILES NORTHWEST OF CLAIREMONT, KENT COUNTY, TEXAS  
**TCEQ Region:** REGION 03 - ABILENE

**ID Number(s):**

<b>AIR OPERATING PERMITS</b> ACCOUNT NUMBER KE0003R	<b>AIR OPERATING PERMITS</b> PERMIT 550
<b>AIR OPERATING PERMITS</b> PERMIT 4109	<b>PUBLIC WATER SYSTEM/SUPPLY</b> REGISTRATION 1320003
<b>AIR NEW SOURCE PERMITS</b> ACCOUNT NUMBER KE0003R	<b>AIR NEW SOURCE PERMITS</b> PERMIT 20660
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 38595	<b>AIR NEW SOURCE PERMITS</b> AFS NUM 4826300001
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 51443	<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX795
<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX795M2	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 24522
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 79531	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 157297
<b>AIR EMISSIONS INVENTORY</b> ACCOUNT NUMBER KE0003R	

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

**Date Compliance History Report Prepared:** December 20, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** December 20, 2017 to December 20, 2022

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

**Name:** Johnnie Wu

**Phone:** (512) 239-2524

**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: 01/17/2019      ADMINORDER 2016-2134-AIR-E (1660 Order-Agreed Order With Denial)

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

Rqmt Prov: Special Condition 1 PERMIT  
Special Term & Condition 6 OP

Description: Failed to comply with the MAERs, in violation of TEX. HEALTH & SAFETY CODE § 382.085(b), 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), Federal Operating Permit ("FOP") No. O550, Special Terms and Conditions No. 6, and NSR Permit Nos. 20660 and PSDTX795M2, Special Condition No. 1. Specifically, the permitted VOC and PM10/PM2.5 hourly and annual emissions rates for EPNs 21, 22, and 23 were exceeded from January 1, 2012 through September 30, 2016, resulting in 14.37 tons of unautho

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

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

Rqmt Prov: Special Term & Condition 6 OP

Description: Failed to comply with the MAERs, in violation of TEX. HEALTH & SAFETY CODE § 382.085(b), 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), FOP No. O550, Special Terms and Conditions No. 6, and NSR Permit Nos. 20660 and PSDTX795M2, Special Condition No. 1. Specifically, the permitted VOC and PM10/PM2.5 hourly and annual emissions rates for Engine 3 were exceeded from February 1, 2016 through July 31, 2017, resulting in approximately 0.20 ton of unauthorized VOC and 0

Classification: Moderate

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

Rqmt Prov: General Terms & Conditions OP

Description: Failed to report all instances of deviations, in violation of TEX. HEALTH & SAFETY CODE § 382.085(b), 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A) and FOP No. O550, General Terms and Conditions. Specifically, the deviation report for the February 1, 2016 through July 31, 2016 reporting period did not include deviations for failure to comply with the VOC and PM10/PM2.5 MAERs for EPN 3. Also, the deviation report for the February 1, 2017 through July 31, 2017 reporting period did not in

2 Effective Date: 04/13/2020 ADMINORDER 2018-1326-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Minor

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

Rqmt Prov: FOP Special Terms and Conditions No. 6 OP  
Special Condition 13.D. PERMIT

Description: Failed to install sampling ports and platforms in accordance with the permit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 20660 and PSDTX795M2, Special Conditions ("SC") No. 13.D, Federal Operating Permit ("FOP") No. O550, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not install compliant sampling ports and platforms for the CI

Classification: Moderate

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

Rqmt Prov: FOP Special Terms and Conditions No. 6 OP  
Special Condition 13.G. PERMIT

Description: Failed to perform a stack sampling within 180 days of permit issuance, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 20660 and PSDTX795M2, SC No. 13.G, FOP No. O550, GTC and STC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, stack sampling for EPNs 2 and 3 was due by March 6, 2018, but was not performed until April 2, 2018.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.8(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP Special Terms and Conditions No. 2.C. OP

Description: Failed to conduct sampling of an emissions source to determine opacity rate, composition, and/or concentration of emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.8(a) and 122.143(4), FOP No. O550, GTC and STC No. 2.C, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, after the stack test conducted on April 2, 2018, the Respondent submitted a stack test report for the Clark TLAB-6 Engines, EPNs 2 and 3, without sufficient data to justify the methods and procedures used during the

3 Effective Date: 09/16/2020 ADMINORDER 2019-1725-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT  
Special Term & Condition 6 OP

Description: Failed to comply with the emission limits for carbon monoxide (CO) and oxides of nitrogen (NOX) as listed in

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	April 06, 2018	(1474192)
Item 2	June 14, 2018	(1489891)
Item 3	September 18, 2018	(1506996)
Item 4	November 14, 2018	(1524154)
Item 5	December 20, 2018	(1536836)
Item 6	December 21, 2018	(1530567)
Item 7	March 21, 2019	(1551167)
Item 8	April 04, 2019	(1551168)
Item 9	June 28, 2019	(1571273)
Item 10	July 25, 2019	(1579374)
Item 11	September 11, 2019	(1591075)
Item 12	September 17, 2019	(1591074)
Item 13	January 23, 2020	(1622312)
Item 14	March 24, 2020	(1632994)
Item 15	April 03, 2020	(1630429)
Item 16	May 28, 2020	(1645192)
Item 17	August 03, 2020	(1639305)
Item 18	September 21, 2020	(1672810)
Item 19	September 28, 2020	(1677507)
Item 20	November 24, 2020	(1686148)
Item 21	December 21, 2020	(1697498)
Item 22	January 08, 2021	(1697268)
Item 23	February 11, 2021	(1698866)
Item 24	March 05, 2021	(1698158)
Item 25	March 23, 2021	(1702228)
Item 26	May 26, 2021	(1708052)
Item 27	July 23, 2021	(1737261)
Item 28	September 13, 2021	(1746503)
Item 29	September 29, 2021	(1760925)
Item 30	February 25, 2022	(1793938)
Item 31	April 07, 2022	(1804998)

**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: 03/08/2022 (1789091)	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 2.F. OP	
	Description: Failure to notify the TCEQ Abilene Region Office of a reportable emissions event no later than 24 hours after the discovery of the event.	
	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 Condition 6. OP	
	Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on January 2, 2022, TCEQ/STEERS Incident No. 372388.	

- 2 Date: 05/25/2022 (1810827)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)  
 5C THSC Chapter 382 382.085(b)  
 GOP 514 – Site-wide Requirements (b)(3) OP  
 Description: Failure to submit a Permit Compliance Certification (PCC) within 30 days of the certification period, as required by 30 TAC §122.146(2).
- 3 Date: 08/30/2022 (1789110)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)  
 5C THSC Chapter 382 382.085(b)  
 Special Terms & Conditions 10 OP  
 Description: Failure to submit a permit compliance certification within 30 days of the end of the compliance period.
- Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(1)(C)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT KKK 60.636(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(a)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 3.B. PERMIT  
 Special Terms & Conditions 7 OP  
 Description: Failure to submit a semiannual monitoring report, required by New Source Performance Standard (NSPS) 40 CFR 60, Subpart KKK, no later than 30 days after the end of the reporting period.
- Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Description: Failure to submit a deviation report no later than 30 days after the end of the reporting period.
- 4 Date: 12/13/2022 (1847501)  
 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 6 OP  
 Description: Failure to comply with the emission limits for nitrogen oxides (NOx) as listed in Air Permit No. 20660/PSDTX795M2, during portable analyzer testing of Engine Nos. 21, 22, and 23 at the Salt Creek Gas Plant.

**F. Environmental audits:**

Notice of Intent Date: 03/22/2019 (1553927)  
 No DOV Associated

Notice of Intent Date: 10/04/2019 (1599060)  
 Disclosure Date: 04/02/2020

Viol. Classification: Verbal

Citation: 30 TAC Chapter 116, SubChapter F 116.620(a)(2)

Description: At the WIS pad Oxy discovered that the 4 lb./hr. SO2 limit was exceeded during planned maintenance operation.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter F 116.620(c)(3)

Description: At the WIS12 pad Oxy discovered that there were no available records of AVO (Audio, Visual and Olfactory) for H2S leaks logs.

Viol. Classification: Minor

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

Description: At the CTB and BatE pads Oxy discovered there were no records of flare stack opacity observations.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter F 116.620(e)(6)

Description: At the WIS 12 pad Oxy discovered that there were no available records of the VRU gas process stream in standard cubic feet per day (SCFD) showing sulfur in long tons per day (Lton/day).

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter F 116.620(b)(1)(D)

Description: At the WIS 12 pad Oxy discovered it is possible for venting to occur when the larger VRU is down. This is because the VRUs are not 100% redundant.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.211(e)  
30 TAC Chapter 106, SubChapter O 106.359(a)

Description: At the WIS 12 pad, Oxy discovered that VRU maintenance, which may have led to venting, occurred at the site, but was not recorded in SHER. However, there were no records in SHER to show.

Notice of Intent Date: 03/31/2021 (1736385)

Disclosure Date: 11/11/2021

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(1)  
30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description: Plans were not available.

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: No documentation found of sanitary control easeent.

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(vi)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(vii)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(i)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(ii)  
30 TAC Chapter 290, SubChapter D 290.46(p)(2)

Description: Documentation not found for amount of chemicals used each week, maintenance records for water system, equipment & facilities, for systems using reverse osmosis or nanofiltration, maintenance records of each clean-in-place process including the date, duration, & procedure used for each event, daily or monthly records of part time operators for systems that do not hire full time operators, copies of notices of violation & resulting corrective actions, & copies of public notices issued.

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iv)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(x)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(i)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(i)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(ii)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(iii)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(ix)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(viii)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(F)

Description: No documentation for calibration records, lab equipment, flow meters, rate of flow controllers, on line turbidometers, & online disinfectant residual analyzers, records of treatment effectiveness monitoring using reverse osmosis for nanofiltration membranes, results of microbiological analyses, inspection records for water storage & pressure maintenance facilities, monthly operating reports; & any supporting documentation including turbidity monitoring results of the combined filter effluent.

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(ii)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(iii)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(ix)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(viii)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(F)

Description: Documentation was missing for results of chemical analyses, written reports, summaries or communications relating to sanitary surveys of the system, records relating to lead & copper requirements, and documentation of corrective actions taken by groundwater systems.

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)  
30 TAC Chapter 290, SubChapter D 290.43(c)(1)  
30 TAC Chapter 290, SubChapter D 290.43(c)(2)  
30 TAC Chapter 290, SubChapter D 290.43(c)(3)  
30 TAC Chapter 290, SubChapter D 290.43(c)(4)  
30 TAC Chapter 290, SubChapter D 290.43(c)(7)  
30 TAC Chapter 290, SubChapter D 290.43(c)(8)  
30 TAC Chapter 290, SubChapter D 290.43(c)(9)  
30 TAC Chapter 290, SubChapter D 290.43(f)

Description: Storage tanks not compliant and components also not compliant. Specifically these include the 5000 bbl steel utility tank, the 1000 steel storage overflow tank, the RO product tanks (2).

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)

Description: No liquid level indicator on distribution water tank

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(f)

Description: It is not confirmed that pump serving distribution tank has low level cutoff switch

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(b)(1)

Description: Chlorination point needs to be moved upstream of the storage tank to allow more contact time.

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(a)(1)

30 TAC Chapter 290, SubChapter D 290.42(b)

30 TAC Chapter 290, SubChapter D 290.42(b)(9)

30 TAC Chapter 290, SubChapter D 290.42(b)(9)(E)

30 TAC Chapter 290, SubChapter D 290.45(d)(1)

Description: Compliance is unknown for Pump NSF-61, the Sand Filter, the Bag Filter, the Gravers Filter, RO System. In addition, capacity is not confirmed for the RO system

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)

30 TAC Chapter 290, SubChapter D 290.41(c)(3)(B)

30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)

30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)

30 TAC Chapter 290, SubChapter D 290.41(c)(3)(L)

30 TAC Chapter 290, SubChapter D 290.41(c)(3)(M)

30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)

Description: Well reports not available. Well compliance cannot be confirmed.

Notice of Intent Date: 11/09/2021 (1819666)

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 USA WTP LP  
RN101222602

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2020-1460-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 USA WTP LP (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a natural gas processing plant located approximately 8.0 miles northwest of Clairemont, Kent 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 \$52,650 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$42,120 of the penalty and \$10,530 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
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. In order to comply with the volatile organic compounds ("VOC") and particulate matter ("PM") hourly maximum allowable emissions rates ("MAERs") for the Cooper-Bessemer Engines Model GMVH-12C2 2,700-horsepower, Emission Point Numbers ("EPNs") 21, 22, and 23:
    - i. By February 28, 2021, completed an operational change that involved a reduction in the propane from the Demethanizer that improved the British thermal unit content of the fuel gas used to run the engines; and
    - ii. By March 1, 2021, demonstrated compliance with the VOC and PM hourly MAERs.
  - b. In order to comply with the carbon monoxide ("CO") hourly MAER for the Clark Engine Model TLAB-6 2,000-horsepower, EPN 3:
    - i. By October 26, 2021, completed a piping modification project to convert the engine to operating on pipeline-quality natural gas; and
    - ii. On October 28, 2021, conducted a stack test demonstrating compliance with the CO hourly MAER.

## II. ALLEGATIONS

During a record review for the Plant conducted from September 10, 2020 through September 24, 2020, an investigator documented that the Respondent:

1. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review ("NSR") Permit No. 20660 and PSDTX795M2, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O550, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the VOC MAER of 2.40 pounds per hour ("lbs/hr") by a range from 0.01 lb/hr to 0.17 lb/hr and the PM MAER of 0.97 lb/hr by a range from 0.01 lb/hr to 0.06 lb/hr from February 1, 2020 through February 3, 2020 for the Cooper-Bessemer Engine Model GMVH-12C2 2,700-horsepower, EPN 21, resulting in 4.05 pounds ("lbs") of unauthorized VOC and 1.38 lbs of unauthorized PM. The Respondent exceeded the VOC MAER of 2.40 lbs/hr by a range from 0.01 lb/hr to 0.03 lb/hr and the PM MAER of 0.97 lb/hr by a range from

0.01 lb/hr from September 13, 2019 through September 14, 2019 for the Cooper-Bessemer Engine Model GMVH-12C2 2,700-horsepower, EPN 22, resulting in 0.12 lb of unauthorized VOC and 0.02 lb of unauthorized PM. The Respondent exceeded the VOC MAER of 2.40 lbs/hr by a range from 0.01 lb/hr to 0.15 lb/hr for 19 days from August 10, 2019 to December 3, 2019 and by a range from 0.01 lb/hr to 0.44 lb/hr for four days from March 11, 2020 to May 11, 2020 and the PM MAER of 0.97 lb/hr by a range from 0.01 lb/hr to 0.06 lb/hr for 16 days from August 10, 2019 to December 3, 2019 and by a range from 0.01 lb/hr to 0.24 lb/hr for four days from March 11, 2020 to May 11, 2020 for the Cooper-Bessemer Engine Model GMVH-12C2 2,700-horsepower, EPN 23, resulting in 4.87 lbs of unauthorized VOC and 1.48 lbs of unauthorized PM.

2. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit No. 20660 and PSDTX795M2, SC No. 1, FOP No. O550, GTC and STC No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the CO MAER of 7.50 lbs/hr by 2.51 lbs/hr during a stack test conducted on December 30, 2019, by 1.95 lbs/hr during a stack test conducted on March 4, 2020, and by 0.28 lb/hr during a stack test conduct on June 11, 2020 for the Clark Engine Model TLAB-6 2,000-horsepower, EPN 3, resulting in approximately 9,147.36 lbs of unauthorized CO.

### 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 USA WTP LP, Docket No. 2020-1460-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. All relief not expressly granted in this Order is denied.
3. 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.
4. 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.

5. 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.
6. 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.
7. 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

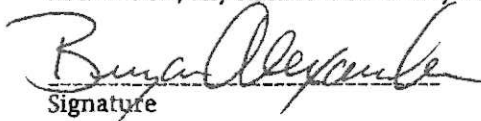
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For the Commission  
  
-----  
Date  
7/7/2023  
-----  
For the Executive Director  
Date

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  
Date  
6/15/23  
-----  
Bryan ALEXANDER  
-----  
Name (Printed or typed)  
Authorized Representative of  
OXY USA WTP LP  
Title  
OPERATIONS MANAGER

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.