

Executive Summary – Enforcement Matter – Case No. 60199
Blue Cube Operations LLC
RN108772245
Docket No. 2021-0011-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Blue Cube Operations LLC, 2301 North Brazosport Boulevard, Freeport, Brazoria County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2020-1083-AIR-E and 2021-0622-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 18, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$22,613

Amount Deferred for Expedited Settlement: \$4,522

Total Paid to General Revenue: \$9,046

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$9,045

Name of SEP: Houston-Galveston Area Council-AERCO (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

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RN108772245
Docket No. 2021-0011-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 6, 2020 through October 15, 2020, August 11, 2020 through August 25, 2020, August 27, 2020 through September 9, 2020, October 16, 2020 through October 30, 2020, and October 21, 2020 through November 4, 2020

Date(s) of NOE(s): December 8, 2020, December 18, 2020, and January 21, 2021

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 5.00 pounds ("lbs") of ethylene dichloride, 1.00 lb of hydrogen chloride ("HCl"), and 2.00 lbs of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 271914) that occurred on November 5, 2017 and lasted five minutes. The emissions event occurred due to moisture in the pressure transmitter that caused the pressure transmitter plug to fail, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 19041, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O2204, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 3,439.48 lbs of VOC, 2,990.38 lbs of carbon monoxide ("CO"), and 501.15 lbs of nitrogen oxides from Flare Stack 101, Emissions Point Number ("EPN") B70F1, during an emissions event (Incident No. 276597) that began on January 16, 2018 and lasted 96 hours and 47 minutes. The emissions event occurred due to freezing temperatures that caused moisture in the externally supplied utility air line to condense, resulting in the loss of instrumentation and in flaring. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 104098, SC No. 1, FOP No. O2208, GTC and STC No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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RN108772245
Docket No. 2021-0011-AIR-E

3. Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not identify the correct estimated total quantity of CO and the proper authorization on the final record for Incident No. 276597 [30 TEX. ADMIN. CODE §§ 101.201(b)(1)(H) and 122.143(4), FOP No. O2208, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to prevent unauthorized emissions. Specifically, the Respondent released 8,570 lbs of chlorodifluoromethane as fugitive emissions, during an emissions event (Incident No. 280972) that occurred on March 25, 2018 and lasted eight hours. The emissions event occurred when the retaining nut holding the valve internals in place became loose that caused refrigerant to leak, resulting in the release to the atmosphere. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 2606, SC No. 6, FOP No. O1388, GTC and STC No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5. Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not identify the proper authorization on the final record for Incident No. 280972 [30 TEX. ADMIN. CODE §§ 101.201(b)(1)(H) and 122.143(4), FOP No. O1388, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to prevent unauthorized emissions. Specifically, the Respondent released 76.30 lbs of VOC, 553.50 lbs of ethylene dichloride, and 1,278.80 lbs of HCl as fugitive emissions, during an emissions event (Incident No. 341984) that began on September 9, 2020 and lasted 30 hours and 21 minutes. The emissions event occurred due excess chlorine that was present during the chlorine removal process following the shut down of the R-7 Reactor and caused an overpressure event, resulting in the release to the atmosphere. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 2606, SC No. 1, FOP No. O1388, GTC and STC No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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7. Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not identify all emissions points, the compounds or mixtures for all emissions points, and the total estimated quantities for those compounds or mixtures for all emissions points on the final record for Incident No. 341984 [30 TEX. ADMIN. CODE §§ 101.201(b)(1)(D), (G), and (H) and 122.143(4), FOP No. 01388, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8. Failed to prevent unauthorized emissions. Specifically, the Respondent released 227 lbs of chlorine as fugitive emissions, during an emissions event (Incident No. 289618) that occurred on August 4, 2018 and lasted eight hours and 15 minutes. The emissions event occurred due to internal corrosion on the pressure transmitter located on the chlorine header in Unit 5 that caused a leak, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 19041, SC No. 1, FOP No. O2204, GTC and STC No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By June 30, 2018, modified the design of the instrumentation to allow for improved nitrogen drying and upgraded the metallurgy of the plug in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 271914.
- b. By September 25, 2018, repaired the control valve integrated positioner, updated the process control logic to prevent propylene flow during plant outage, and confirmed proper operation of all critical valves post-freeze to ensure normal operations in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 276597.
- c. By October 23, 2018, replaced the retaining nut on the valve, added epoxy to one side of the nut assembly to detect thread slippage, added thread lock or epoxy on all existing valves on the refrigeration system to detect nut movement, added new alarms to the process code to alert operations of issues with the refrigeration system, developed inspection and installation procedures for Parker Valves, had the manufacturer verify that all tube assembly nuts are in compliance with manufacturer standards, analyzed vibration data for the refrigeration system to determine that vibration levels are within

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tolerance, and updated the code for the control valve to incorporate a reset span to reduce cycling of the valve in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 280972.

d. By April 5, 2019, shut down the downstream reactor, installed a clamp to reduce the leak rate, bagged and routed the pressure transmitter to a caustic solution to scrub the chlorine, used site scrubbers to de-pressure the entire chlorine header, replaced the pressure transmitter and associated piping, inspected the chlorine header before the line was put back in service, and implemented a new technique for instrument checks in dry service which eliminated the need to open the instrument to atmosphere and expose it to moisture in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 289618.

e. On September 9, 2020, provided the authorization for the facilities involved in Incident No. 280972.

f. By September 16, 2020, created a new shutdown alarm to automatically respond and minimize amount of reactant in the reactor and implemented a procedure for Operations response and actions on startup after a loss of reaction scenario to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 341984.

g. On October 15, 2020, provided the estimated quantity of CO released during Incident No. 276597 and the authorization for the facilities involved in Incident No. 276597.

Technical Requirements:

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

2. The Order will also require the Respondent to:

a. Within 30 days:

i. Provide all emissions points involved in Incident No. 341984, the compounds or mixtures for all emissions points released during Incident No. 341984, and the total estimated quantities for those compounds or mixtures for all emissions points released during Incident No. 341984; and

ii. Implement measures and/or procedures designed to ensure that all of the required information is identified on the final records for reportable emissions events.

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

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Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Danielle Porras, Enforcement Division,
Enforcement Team 5, MC R-12, (713) 767-3682; Michael Parrish, Enforcement Division,
MC 219, (512) 239-2548

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

SEP Third-Party Administrator: Houston-Galveston Area Council-AERCO, P.O.
Box 22777, Houston, Texas 77227-2777

Respondent: Jaclyn Tubre, Site Operations Director, Blue Cube Operations LLC, 604
Highway 332, Lake Jackson, Texas 77566

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	15-Dec-2020	Screening	21-Dec-2020	EPA Due	
	PCW	24-Mar-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Blue Cube Operations LLC
Reg. Ent. Ref. No.	RN108772245
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60199	No. of Violations	8
Docket No.	2021-0011-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Danielle Porras
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$34,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-10.0% Adjustment	Subtotals 2, 3, & 7	-\$3,450
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Notes: Since the enhancement for five NOV's with same/similar violations, one NOV with dissimilar violations, and two orders containing a denial of liability and the reduction for 81 notices of intent to conduct an audit and 56 disclosures of violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero. However, there is a reduction for a high performer classification.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$8,437
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$3,494
 Estimated Cost of Compliance: \$112,250
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$22,613
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$22,613
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$22,613
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DEFERRAL	20.0% Reduction	Adjustment	-\$4,522
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$18,091
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Screening Date 21-Dec-2020

Docket No. 2021-0011-AIR-E

PCW

Respondent Blue Cube Operations LLC

Policy Revision 4 (April 2014)

Case ID No. 60199

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN108772245

Media Air

Enf. Coordinator Danielle Porras

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>)	5	25%
	Other written NOVs	1	2%
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>)	81	-81%
	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>)	56	-112%
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) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Since the enhancement for five NOVs with same/similar violations, one NOV with dissimilar violations, and two orders containing a denial of liability and the reduction for 81 notices of intent to conduct an audit and 56 disclosures of violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero. However, there is a reduction for a high performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 21-Dec-2020
Respondent Blue Cube Operations LLC
Case ID No. 60199
Reg. Ent. Reference No. RN108772245
Media Air
Enf. Coordinator Danielle Porras

Docket No. 2021-0011-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(c) and 122.143(4), New Source Review ("NSR") Permit No. 19041, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O2204, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 16, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 5.00 pounds ("lbs") of ethylene dichloride, 1.00 lb of hydrogen chloride ("HCl"), and 2.00 lbs of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 271914) that occurred on November 5, 2017 and lasted five minutes. The emissions event occurred due to moisture in the pressure transmitter that caused the pressure transmitter plug to fail, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification				Percent
	Major	Moderate	Minor		
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.					0.0%

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction \$937

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

Notes The Respondent achieved compliance by June 30, 2018, prior to the Notice of Enforcement ("NOE") dated December 8, 2020.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Estimated EB Amount \$649

Statutory Limit Test

Violation Final Penalty Total \$2,438

This violation Final Assessed Penalty (adjusted for limits) \$2,438

Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 60199
Reg. Ent. Reference No. RN108772245
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	5-Nov-2017	30-Jun-2018	0.65	\$649	n/a	\$649

Notes for DELAYED costs

Estimated cost to modify the design of the instrumentation to allow for improved nitrogen drying and upgrade the metallurgy of the plug in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 271914. 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

\$20,000

TOTAL

\$649

Screening Date 21-Dec-2020
Respondent Blue Cube Operations LLC
Case ID No. 60199
Reg. Ent. Reference No. RN108772245
Media Air
Enf. Coordinator Danielle Porras

Docket No. 2021-0011-AIR-E

PCW

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

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 104098, SC No. 1, FOP No. O2208, GTC and STC No. 26, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 3,439.48 lbs of VOC, 2,990.38 lbs of carbon monoxide ("CO"), and 501.15 lbs of nitrogen oxides from Flare Stack 101, Emissions Point Number ("EPN") B70F1, during an emissions event (Incident No. 276597) that began on January 16, 2018 and lasted 96 hours and 47 minutes. The emissions event occurred due to freezing temperatures that caused moisture in the externally supplied utility air line to condense, resulting in the loss of instrumentation and in flaring. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text" value="30.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One monthly event is recommended.

Good Faith Efforts to Comply

Reduction

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

Extraordinary	<input type="text"/>
Ordinary	<input checked="" type="text" value="x"/>
N/A	<input type="text"/>

Notes The Respondent achieved compliance by September 25, 2018, prior to the NOE dated December 18, 2020.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 60199
Reg. Ent. Reference No. RN108772245
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	16-Jan-2018	25-Sep-2018	0.69	\$690	n/a	\$690

Notes for DELAYED costs

Estimated cost to repair the control valve integrated positioner, update the process control logic to prevent propylene flow during plant outage, and confirm proper operation of all critical valves post-freeze to ensure normal operations in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 276597. The Date Required is the date the emissions event began and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$20,000

TOTAL

\$690

Screening Date 21-Dec-2020
Respondent Blue Cube Operations LLC
Case ID No. 60199
Reg. Ent. Reference No. RN108772245
Media Air
Enf. Coordinator Danielle Porras

Docket No. 2021-0011-AIR-E

PCW

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

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(b)(1)(H) and 122.143(4), FOP No. O2208, GTC and STC No. 2.F, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not identify the correct estimated total quantity of CO and the proper authorization on the final record for Incident No. 276597.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification			Percent
	Major	Moderate	Minor	
			x	1.0%
Less than 30% of the rule requirements were not met.				

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 234 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

Extraordinary	
Ordinary	
N/A	x

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$315 **Violation Final Penalty Total** \$225

This violation Final Assessed Penalty (adjusted for limits) \$225

Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 60199
Reg. Ent. Reference No. RN108772245
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	3-Feb-2018	1-Nov-2021	3.75	\$281	n/a	\$281
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	3-Feb-2018	15-Oct-2020	2.70	\$34	n/a	\$34

Notes for DELAYED costs

Estimated costs provide the estimated total quantity of CO released during Incident No. 276597 and the authorization for the facilities involved in Incident No. 276597 (\$250) and to implement measures and/or procedures designed to ensure that all of the required information is identified on the final records for reportable emissions events (\$1,500). The Dates Required is the date the first final record was due and the Final Dates are the date the required information for the final record for the reportable emissions event was provided and estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,750

TOTAL

\$315

Screening Date 21-Dec-2020
Respondent Blue Cube Operations LLC
Case ID No. 60199
Reg. Ent. Reference No. RN108772245
Media Air
Enf. Coordinator Danielle Porras

Docket No. 2021-0011-AIR-E

PCW

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

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 2606, SC No. 6, FOP No. O1388, GTC and STC No. 21, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 8,570 lbs of chlorodifluoromethane as fugitive emissions, during an emissions event (Incident No. 280972) that occurred on March 25, 2018 and lasted eight hours. The emissions event occurred when the retaining nut holding the valve internals in place became loose that caused refrigerant to leak, resulting in the release to the atmosphere. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual		x		
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
Human health or the environment has been exposed to significant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.					

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

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

Extraordinary	
Ordinary	x
N/A	

Notes The Respondent achieved compliance by October 23, 2018, prior to the NOE dated December 18, 2020.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,452

Violation Final Penalty Total \$4,875

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

Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 60199
Reg. Ent. Reference No. RN108772245
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50,000	25-Mar-2018	23-Oct-2018	0.58	\$1,452	n/a	\$1,452

Notes for DELAYED costs

Estimated cost to replace the retaining nut on the valve, add epoxy to one side of the nut assembly to detect thread slippage, add thread lock or epoxy on all existing valves on the refrigeration system to detect nut movement, add new alarms to the process code to alert operations of issues with the refrigeration system, develop inspection and installation procedures for Parker Valves, have the manufacturer verify that all tube assembly nuts are in compliance with manufacturer standards, analyze vibration data for the refrigeration system to determine that vibration levels are within tolerance, and update the code for the control valve to incorporate a reset span to reduce cycling of the valve in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 280972. 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

\$50,000

TOTAL

\$1,452

Screening Date 21-Dec-2020
Respondent Blue Cube Operations LLC
Case ID No. 60199
Reg. Ent. Reference No. RN108772245
Media Air
Enf. Coordinator Danielle Porras

Docket No. 2021-0011-AIR-E

PCW

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

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(b)(1)(H) and 122.143(4), FOP No. O1388, GTC and STC No. 2.F, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not identify the proper authorization on the final record for Incident No. 280972.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

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

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 198 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$30

Violation Final Penalty Total \$225

This violation Final Assessed Penalty (adjusted for limits) \$225

Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 60199
Reg. Ent. Reference No. RN108772245
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	8-Apr-2018	9-Sep-2020	2.42	\$30	n/a	\$30

Notes for DELAYED costs

Estimated cost to provide the authorization for the facilities involved in Incident No. 280972. The Date Required is the date the final record was due and the Final Date is the date the authorization for the facilities involved in the emissions event was provided.

See the Economic Benefit in Violation No. 3 for the delayed cost to implement measures and/or procedures designed to ensure that all of the required information is identified on the final records for reportable emissions events.

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$250

TOTAL \$30

Screening Date 21-Dec-2020
Respondent Blue Cube Operations LLC
Case ID No. 60199
Reg. Ent. Reference No. RN108772245
Media Air
Enf. Coordinator Danielle Porras

Docket No. 2021-0011-AIR-E

PCW

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

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 2606, SC No. 1, FOP No. O1388, GTC and STC No. 21, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 76.30 lbs of VOC, 553.50 lbs of ethylene dichloride, and 1,278.80 lbs of HCl as fugitive emissions, during an emissions event (Incident No. 341984) that began on September 9, 2020 and lasted 30 hours and 21 minutes. The emissions event occurred due to excess chlorine that was present during the chlorine removal process following the shut down of the R-7 Reactor and caused an overpressure event, resulting in the release to the atmosphere. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		30.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification				Percent
	Major	Moderate	Minor		
					0.0%
Human health or the environment has been exposed to significant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.					

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events	1	2	Number of violation days
daily			
weekly			
monthly	x		
quarterly			
semiannual			
annual			
single event			

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction \$1,875

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

Notes: The Respondent achieved compliance by September 16, 2020, prior to the NOE dated December 18, 2020.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10 **Violation Final Penalty Total** \$4,875

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

Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 60199
Reg. Ent. Reference No. RN108772245
Media Air
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	9-Sep-2020	16-Sep-2020	0.02	\$10	n/a	\$10

Notes for DELAYED costs

Estimated cost to add a new shutdown alarm to minimize the amount of reactant in the reactor and to implement a procedure for Operations response and actions on startup after a loss of reaction scenario in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 341984. The Date Required is the date the emissions event began and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$10

Screening Date 21-Dec-2020
Respondent Blue Cube Operations LLC
Case ID No. 60199
Reg. Ent. Reference No. RN108772245
Media Air
Enf. Coordinator Danielle Porras

Docket No. 2021-0011-AIR-E

PCW

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

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(b)(1)(D), (G), and (H) and 122.143(4), FOP No. 01388, GTC and STC No. 2.F, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not identify all emissions points, the compounds or mixtures for all emissions points, and the total estimated quantities for those compounds or mixtures for all emissions points on the final record for Incident No. 341984.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				x	1.0%
Less than 30% of the rule requirements were not met.					

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 102 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$225

This violation Final Assessed Penalty (adjusted for limits) \$225

Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 60199
Reg. Ent. Reference No. RN108772245
Media Air
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	24-Sep-2020	1-Nov-2021	1.10	\$14	n/a	\$14

Notes for DELAYED costs

Estimated costs to provide all emissions points involved in Incident No. 341984, the compounds or mixtures for all emissions points released during Incident No. 341984, and the total estimated quantities for those compounds or mixtures for all emissions points released during Incident No. 341984. The Date Required is the date the final record was due and the Final Date is the estimated date of compliance.

See the Economic Benefit in Violation No. 3 for the delayed cost to implement measures and/or procedures designed to ensure that all of the required information is identified on the final records for reportable emissions events.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$14

Screening Date 21-Dec-2020
Respondent Blue Cube Operations LLC
Case ID No. 60199
Reg. Ent. Reference No. RN108772245
Media Air
Enf. Coordinator Danielle Porras

Docket No. 2021-0011-AIR-E

PCW

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

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 19041, SC No. 1, FOP No. O2204, GTC and STC No. 16, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 227 lbs of chlorine as fugitive emissions, during an emissions event (Incident No. 289618) that occurred on August 4, 2018 and lasted eight hours and 15 minutes. The emissions event occurred due to internal corrosion on the pressure transmitter located on the chlorine header in Unit 5 that caused a leak, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		30.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

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

Extraordinary	
Ordinary	x
N/A	

Notes

The Respondent achieved compliance by April 5, 2019, prior to the NOE dated January 21, 2021.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$334

Violation Final Penalty Total \$4,875

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

Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 60199
Reg. Ent. Reference No. RN108772245
Media Air
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	4-Aug-2018	5-Apr-2019	0.67	\$334	n/a	\$334

Notes for DELAYED costs

Estimated cost to shut down the downstream reactor, install a clamp to reduce the leak rate, bag and route the pressure transmitter to a caustic solution to scrub the chlorine, use site scrubbers to de-pressure the entire chlorine header, replace the pressure transmitter and associated piping, inspect the chlorine header before the line was put back in service, and implement a new technique for instrument checks in dry service which eliminated the need to open the instrument to atmosphere and expose it to moisture in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 289618. 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

\$334

The TCEQ is committed to accessibility.

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



Compliance History Report

Compliance History Report for CN604930784, RN108772245, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN604930784, Blue Cube Operations LLC **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN108772245, Blue Cube Operations **Classification:** HIGH **Rating:** 0.00

Complexity Points: 35 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 2301 North Brazosport Boulevard, Freeport, Brazoria County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS PERMIT 2204	AIR OPERATING PERMITS PERMIT 2207
AIR OPERATING PERMITS PERMIT 2214	AIR OPERATING PERMITS PERMIT 2208
AIR OPERATING PERMITS PERMIT 2214	AIR OPERATING PERMITS PERMIT 2202
AIR OPERATING PERMITS PERMIT 1388	AIR OPERATING PERMITS PERMIT 2204
AIR OPERATING PERMITS ACCOUNT NUMBER BLA044R	AIR OPERATING PERMITS PERMIT 2207
AIR OPERATING PERMITS PERMIT 2208	AIR NEW SOURCE PERMITS AFS NUM 4803900765
AIR NEW SOURCE PERMITS REGISTRATION 23075	AIR NEW SOURCE PERMITS REGISTRATION 41179
AIR NEW SOURCE PERMITS REGISTRATION 43960	AIR NEW SOURCE PERMITS REGISTRATION 47352
AIR NEW SOURCE PERMITS REGISTRATION 49235	AIR NEW SOURCE PERMITS REGISTRATION 55032
AIR NEW SOURCE PERMITS REGISTRATION 55411	AIR NEW SOURCE PERMITS REGISTRATION 70776
AIR NEW SOURCE PERMITS REGISTRATION 50576	AIR NEW SOURCE PERMITS REGISTRATION 44841
AIR NEW SOURCE PERMITS REGISTRATION 147312	AIR NEW SOURCE PERMITS REGISTRATION 143935
AIR NEW SOURCE PERMITS REGISTRATION 143783	AIR NEW SOURCE PERMITS REGISTRATION 143917
AIR NEW SOURCE PERMITS PERMIT 143689	AIR NEW SOURCE PERMITS PERMIT 19720
AIR NEW SOURCE PERMITS REGISTRATION 140541	AIR NEW SOURCE PERMITS REGISTRATION 80624
AIR NEW SOURCE PERMITS PERMIT 22743	AIR NEW SOURCE PERMITS REGISTRATION 119476
AIR NEW SOURCE PERMITS REGISTRATION 32546	AIR NEW SOURCE PERMITS PERMIT 94403
AIR NEW SOURCE PERMITS REGISTRATION 140223	AIR NEW SOURCE PERMITS PERMIT 141127
AIR NEW SOURCE PERMITS PERMIT 4022	AIR NEW SOURCE PERMITS REGISTRATION 23387
AIR NEW SOURCE PERMITS REGISTRATION 92334	AIR NEW SOURCE PERMITS PERMIT 104152
AIR NEW SOURCE PERMITS REGISTRATION 82007	AIR NEW SOURCE PERMITS PERMIT 3914
AIR NEW SOURCE PERMITS REGISTRATION 107036	AIR NEW SOURCE PERMITS REGISTRATION 109512
AIR NEW SOURCE PERMITS PERMIT 4020	AIR NEW SOURCE PERMITS PERMIT 83699
AIR NEW SOURCE PERMITS REGISTRATION 82587	AIR NEW SOURCE PERMITS REGISTRATION 78008
AIR NEW SOURCE PERMITS REGISTRATION 110553	AIR NEW SOURCE PERMITS REGISTRATION 131239
AIR NEW SOURCE PERMITS PERMIT 19041	AIR NEW SOURCE PERMITS PERMIT 93978
AIR NEW SOURCE PERMITS PERMIT 3301	AIR NEW SOURCE PERMITS PERMIT 2606
AIR NEW SOURCE PERMITS REGISTRATION 137679	AIR NEW SOURCE PERMITS PERMIT 4021
AIR NEW SOURCE PERMITS PERMIT 48479	AIR NEW SOURCE PERMITS PERMIT 5340
AIR NEW SOURCE PERMITS REGISTRATION 83678	AIR NEW SOURCE PERMITS REGISTRATION 137821
AIR NEW SOURCE PERMITS PERMIT 9044	AIR NEW SOURCE PERMITS PERMIT 104092
AIR NEW SOURCE PERMITS REGISTRATION 49187	AIR NEW SOURCE PERMITS PERMIT 48478
AIR NEW SOURCE PERMITS REGISTRATION 137416	AIR NEW SOURCE PERMITS REGISTRATION 123092
AIR NEW SOURCE PERMITS PERMIT 3434	AIR NEW SOURCE PERMITS PERMIT 48892
AIR NEW SOURCE PERMITS REGISTRATION 98434	AIR NEW SOURCE PERMITS REGISTRATION 120405
AIR NEW SOURCE PERMITS REGISTRATION 120549	AIR NEW SOURCE PERMITS REGISTRATION 101933
AIR NEW SOURCE PERMITS REGISTRATION 129598	AIR NEW SOURCE PERMITS REGISTRATION 107132
AIR NEW SOURCE PERMITS REGISTRATION 96527	AIR NEW SOURCE PERMITS PERMIT 95868
AIR NEW SOURCE PERMITS PERMIT 5661	AIR NEW SOURCE PERMITS PERMIT 3302
AIR NEW SOURCE PERMITS REGISTRATION 137816	AIR NEW SOURCE PERMITS PERMIT 5339

AIR NEW SOURCE PERMITS REGISTRATION 115831
AIR NEW SOURCE PERMITS PERMIT 83789
AIR NEW SOURCE PERMITS REGISTRATION 98440
AIR NEW SOURCE PERMITS REGISTRATION 153529
AIR NEW SOURCE PERMITS REGISTRATION 154379
AIR NEW SOURCE PERMITS REGISTRATION 150294
AIR NEW SOURCE PERMITS REGISTRATION 151773
AIR NEW SOURCE PERMITS REGISTRATION 151776
AIR NEW SOURCE PERMITS REGISTRATION 162097
AIR NEW SOURCE PERMITS REGISTRATION 162526
AIR NEW SOURCE PERMITS REGISTRATION 163126
AIR NEW SOURCE PERMITS REGISTRATION 163303
AIR NEW SOURCE PERMITS REGISTRATION 163168
AIR NEW SOURCE PERMITS REGISTRATION 162912
AIR NEW SOURCE PERMITS REGISTRATION 163049
AIR NEW SOURCE PERMITS REGISTRATION 162975
AIR NEW SOURCE PERMITS PERMIT 164314
AIR NEW SOURCE PERMITS REGISTRATION 164060
AIR NEW SOURCE PERMITS REGISTRATION 164368
AIR NEW SOURCE PERMITS REGISTRATION 164354
AIR NEW SOURCE PERMITS REGISTRATION 145884
AIR NEW SOURCE PERMITS REGISTRATION 147087
AIR NEW SOURCE PERMITS REGISTRATION 151059
AIR NEW SOURCE PERMITS REGISTRATION 113594
AIR NEW SOURCE PERMITS REGISTRATION 149011
AIR NEW SOURCE PERMITS REGISTRATION 150830
AIR NEW SOURCE PERMITS REGISTRATION 149692
AIR NEW SOURCE PERMITS REGISTRATION 146977
AIR NEW SOURCE PERMITS REGISTRATION 150762
AIR NEW SOURCE PERMITS REGISTRATION 150623
AIR NEW SOURCE PERMITS REGISTRATION 149009
AIR NEW SOURCE PERMITS PERMIT 104098
AIR NEW SOURCE PERMITS REGISTRATION 161475
AIR NEW SOURCE PERMITS REGISTRATION 161013
AIR NEW SOURCE PERMITS REGISTRATION 152989
AIR NEW SOURCE PERMITS REGISTRATION 154417
AIR NEW SOURCE PERMITS REGISTRATION 158982
AIR NEW SOURCE PERMITS REGISTRATION 158237
AIR NEW SOURCE PERMITS REGISTRATION 155547
AIR NEW SOURCE PERMITS REGISTRATION 154434
AIR NEW SOURCE PERMITS REGISTRATION 160893
AIR NEW SOURCE PERMITS REGISTRATION 156055
AIR NEW SOURCE PERMITS REGISTRATION 156799
AIR NEW SOURCE PERMITS REGISTRATION 162945
AIR NEW SOURCE PERMITS REGISTRATION 155918
AIR NEW SOURCE PERMITS REGISTRATION 160987
AIR NEW SOURCE PERMITS REGISTRATION 155638
AIR NEW SOURCE PERMITS REGISTRATION 160429
AIR NEW SOURCE PERMITS REGISTRATION 159686
AIR NEW SOURCE PERMITS REGISTRATION 159136
AIR NEW SOURCE PERMITS REGISTRATION 158177
AIR NEW SOURCE PERMITS REGISTRATION 157739
AIR NEW SOURCE PERMITS REGISTRATION 160427
AIR NEW SOURCE PERMITS REGISTRATION 157005
AIR NEW SOURCE PERMITS REGISTRATION 155150
AIR NEW SOURCE PERMITS REGISTRATION 159119
AIR NEW SOURCE PERMITS REGISTRATION 153307
AIR NEW SOURCE PERMITS REGISTRATION 160527
AIR NEW SOURCE PERMITS REGISTRATION 155922
AIR NEW SOURCE PERMITS REGISTRATION 153502

AIR NEW SOURCE PERMITS PERMIT 48715
AIR NEW SOURCE PERMITS PERMIT 83788
AIR NEW SOURCE PERMITS REGISTRATION 151394
AIR NEW SOURCE PERMITS REGISTRATION 153799
AIR NEW SOURCE PERMITS REGISTRATION 152173
AIR NEW SOURCE PERMITS REGISTRATION 150682
AIR NEW SOURCE PERMITS PERMIT AMOC121
AIR NEW SOURCE PERMITS REGISTRATION 162476
AIR NEW SOURCE PERMITS REGISTRATION 163388
AIR NEW SOURCE PERMITS REGISTRATION 164330
AIR NEW SOURCE PERMITS REGISTRATION 163156
AIR NEW SOURCE PERMITS REGISTRATION 162726
AIR NEW SOURCE PERMITS REGISTRATION 164172
AIR NEW SOURCE PERMITS REGISTRATION 164410
AIR NEW SOURCE PERMITS REGISTRATION 163630
AIR NEW SOURCE PERMITS REGISTRATION 163811
AIR NEW SOURCE PERMITS REGISTRATION 163155
AIR NEW SOURCE PERMITS REGISTRATION 163536
AIR NEW SOURCE PERMITS REGISTRATION 163934
AIR NEW SOURCE PERMITS REGISTRATION 143047
AIR NEW SOURCE PERMITS REGISTRATION 143941
AIR NEW SOURCE PERMITS REGISTRATION 11745
AIR NEW SOURCE PERMITS REGISTRATION 151044
AIR NEW SOURCE PERMITS PERMIT AMOC35
AIR NEW SOURCE PERMITS PERMIT AMOC24
AIR NEW SOURCE PERMITS REGISTRATION 33328
AIR NEW SOURCE PERMITS REGISTRATION 147211
AIR NEW SOURCE PERMITS REGISTRATION 91437
AIR NEW SOURCE PERMITS REGISTRATION 151709
AIR NEW SOURCE PERMITS REGISTRATION 146082
AIR NEW SOURCE PERMITS REGISTRATION 148451
AIR NEW SOURCE PERMITS REGISTRATION 160123
AIR NEW SOURCE PERMITS REGISTRATION 160424
AIR NEW SOURCE PERMITS REGISTRATION 156861
AIR NEW SOURCE PERMITS REGISTRATION 157136
AIR NEW SOURCE PERMITS REGISTRATION 158919
AIR NEW SOURCE PERMITS REGISTRATION 155917
AIR NEW SOURCE PERMITS REGISTRATION 160125
AIR NEW SOURCE PERMITS REGISTRATION 155732
AIR NEW SOURCE PERMITS REGISTRATION 161493
AIR NEW SOURCE PERMITS REGISTRATION 161007
AIR NEW SOURCE PERMITS REGISTRATION 160367
AIR NEW SOURCE PERMITS REGISTRATION 160824
AIR NEW SOURCE PERMITS REGISTRATION 162999
AIR NEW SOURCE PERMITS REGISTRATION 155640
AIR NEW SOURCE PERMITS REGISTRATION 159685
AIR NEW SOURCE PERMITS REGISTRATION 154143
AIR NEW SOURCE PERMITS REGISTRATION 156211
AIR NEW SOURCE PERMITS REGISTRATION 153654
AIR NEW SOURCE PERMITS REGISTRATION 160901
AIR NEW SOURCE PERMITS REGISTRATION 158223
AIR NEW SOURCE PERMITS REGISTRATION 160393
AIR NEW SOURCE PERMITS REGISTRATION 160136
AIR NEW SOURCE PERMITS REGISTRATION 153268
AIR NEW SOURCE PERMITS REGISTRATION 154771
AIR NEW SOURCE PERMITS REGISTRATION 159347
AIR NEW SOURCE PERMITS REGISTRATION 154713
AIR NEW SOURCE PERMITS REGISTRATION 155567
AIR NEW SOURCE PERMITS REGISTRATION 156408
AIR NEW SOURCE PERMITS REGISTRATION 160380

AIR NEW SOURCE PERMITS REGISTRATION 160504
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 96081
AIR EMISSIONS INVENTORY ACCOUNT NUMBER BLA044R

STORMWATER PERMIT TXR15344S

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50411

POLLUTION PREVENTION PLANNING ID NUMBER
P09721

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 96081
TAX RELIEF ID NUMBER 23709
TAX RELIEF ID NUMBER 23161

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXR000083481
TAX RELIEF ID NUMBER 23708
TAX RELIEF ID NUMBER 23162
TAX RELIEF ID NUMBER 23160

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

Date Compliance History Report Prepared: March 24, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 24, 2016 to March 24, 2021

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

Name: Danielle Porras

Phone: (713) 767-3682

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: 11/13/2018 ADMINORDER 2018-0302-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: General Terms and Conditions OP
Special Condition 1 PERMIT
Specila Terms & Conditions No. 16 OP
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. (Category A12.i(6))
- 2 Effective Date: 05/19/2020 ADMINORDER 2019-1429-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Special Terms and Conditions No. 20 OP
Description: Failure to submit a PCC within 30 days of any certification period.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

- Item 1 July 11, 2016 (1337018)
Item 2 November 29, 2017 (1437656)
Item 3 July 31, 2018 (1447189)
Item 4 October 01, 2018 (1517640)
Item 5 January 25, 2019 (1540343)

Item 6	August 05, 2019	(1580661)
Item 7	November 14, 2019	(1579387)
Item 8	January 21, 2020	(1618497)
Item 9	June 15, 2020	(1656993)
Item 10	July 10, 2020	(1652831)
Item 11	September 30, 2020	(1677369)
Item 12	October 21, 2020	(1626277)

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: 05/28/2020 (1631851)
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term and Condition 11 OP
NSR Special Condition 7A PERMIT
- Description: Failure to meet the scrubber's (EPN: A13SV3) average six-minute exhaust Cl2 concentration limit. (Category C1)
- Self Report? NO Classification: Moderate
- 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 Term and Condition 2F OP
- Description: Failure to create final records for eleven non-reportable emission events during the certification period of October 1, 2018 through March 31, 2019. (Category B3)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term and Condition 3A OP
- Description: Failure to preform quarterly opacity monitoring on four cooling towers (EPNs: A13CT901, A19CT100, B28CT200, B8CT8500). (Category B1)
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term and Condition 11 OP
NSR Special Condition 11A PERMIT
- Description: Failure to complete annual inspections on cooling tower drift eliminator (EPN: A13CT901). (Category C3)
- 2 Date: 07/22/2020 (1633294)
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b)(2)(i)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 9 OP
- Description: Failure conduct the annual calibration for the thermocouple (Unit ID B70S2).
Category C4 Violation
- Self Report? NO Classification: Moderate
- 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)
Special Term & Condition 2 OP
- Description: Failure to complete final release reports within two weeks after the release.
(Category B3 Violation)
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)
5C THSC Chapter 382 382.085(b)
Special Condition 19E PERMIT
Special Term & Condition 1A & 27 OP
- Description: Failure to prevent open-ended lines (OEL) in VOC service (Unit ID: FUG-A).
Category C10 Violation

3 Date: 08/11/2020 (1633302)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 General Terms & Conditions OP
 Description: Failure to report all deviations during the reporting period (Category B3).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Term & Condition 16 OP
 Description: Failure to prevent an exceedance of the CO hourly limit for the FTB-402 THROX
 (EPN: OC5U5B402) (Category B3).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 19 PERMIT
 Special Term & Condition 16 OP
 Description: Failure to analyze a wastewater sample from the T-2444 Wastewater Stripper
 (EPN: OC5SR2444) (Category C1).
 Self Report? NO Classification: Minor
 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)
 Special Term & Condition 2F OP
 Description: Failure to create a final record for a non-reportable emission event within the
 required timeframe (Category C3).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 General Terms & Conditions OP
 Description: Failure to report all deviations during the reporting period (Category B3).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2)
 5C THSC Chapter 382 382.085(b)
 Special Condition 13F PERMIT
 Special Condition 2D PERMIT
 Special Condition 3H PERMIT
 Special Condition 8 PERMIT
 Special Term & Condition 16 OP
 Special Term & Condition 1A OP
 Special Term & Condition 1F OP
 Description: Failure to make a first attempt of repair of a leaking pump (EPN: OC5FU4) within
 the required timeframe (Category C4).

4 Date: 08/14/2020 (1633249)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165(b)(2)
 5C THSC Chapter 382 382.085(b)
 STC 1G OP
 Description: Failure to repair leaking fugitive component within 5 days. (Category C1 Violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(C)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2)
 5C THSC Chapter 382 382.085(b)
 STC 1.A PERMIT
 Description: Failure to perform first repair attempt on time on leaking component within 5
 days. (Category C1 Violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 117, SubChapter B 117.340
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 STC 1A PERMIT

STC 22 PERMIT

Description: Failure to perform CEMS Daily Validation (Category C1 Violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1207(b)
 5C THSC Chapter 382 382.085(b)
 STC 1A PERMIT
 STC 22 PERMIT
 Description: Failure to complete calibration according to the Continuous Monitoring System Performance Evaluation Plan. (Category C1)

5 Date: 12/01/2020 (1672714)
 Self Report? NO Classification: Minor
 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 & Conditions 2.F. OP
 Description: Failure to create a final record of non-reportable emission events within two weeks. (Category C3)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Terms and Conditions 14 OP
 NSR, Special Condition 12 PERMIT
 Description: Failure to conduct NSPS fuel gas sampling technique as per custom fuel sampling plan required by the permit. (Category C1)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(C)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 NSR, Special Condition 13.B. PERMIT
 Description: Failure to maintain a Quality Assurance Plan for the CEMS. (Category C3)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(B)(iii)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Terms and Conditions 14 OP
 NSR, Special Condition 13.A. PERMIT
 Description: Failure to span the CO CEMS to a level equivalent to two times the emission limit in the standard. (Category C4)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 FOP, General Terms and Conditions OP
 Description: Failure to report all instances of deviations. (Category B3)

6 Date: 03/23/2021 (1703489)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
 PROVISION II.C.1.h. PERMIT
 Description: The facility failed to update the Notice of Registration (NOR).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125
 PROVISION III.D. PERMIT
 Description: The facility failed to conduct daily inspections of B-901, B-902 and B-903 on May 31, 2020.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(19)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT CC 264.1084(c)(4)(ii)
 PROVISION II.C.2.j. PERMIT
 Description: The facility failed to conduct an annual visual inspection of the fixed roof and its closure devices of all tanks applicable to Subpart CC.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(18)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1052

PROVISION II.C.2.i. PERMIT

Description: The facility failed to inspect each pump in light liquid each calendar week for indications of liquids dripping from the pump seal and monthly by Method 21.

F. Environmental audits:

Notice of Intent Date: 01/13/2016 (1306514)

Disclosure Date: 04/26/2016

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b)(2)

Description: Failure to update process control code on replacement stack gas flow meter on FTB-603 to account for a change in the meter that resulted in inaccurate flow data. The differential pressure meter installed did not apply a square root filter to the signal input to the process control code, resulting in flow rates which were not properly calculated. It is possible that the stack gas operating limits may have been exceeded during the time this flow meter was in place. Preliminary estimates of stack f

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)(1)

30 TAC Chapter 335, SubChapter B 335.43(b)

Rqmt Prov: PERMIT NSR Permit 3434, SC 1

Description: Failure to control chlorine emissions while prepping for compliance burn testing. During preparations for compliance burn testing, F-210 exceeded the RCRA permit emission limit for free chlorine during approximately a 9 hour period (based on sampling data from 2- two hour pre-test runs). While trying to establish new lower limits for scrubber pH and L/G parameters, too much chlorine was emitted into the atmosphere.

Notice of Intent Date: 01/12/2016 (1306516)

Disclosure Date: 04/26/2016

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Part 63, Subpart H 63.174

Rqmt Prov: PERMIT NSR Permit No. 3434, SC 6

Description: Failure to monitor leak from a connector in light liquid service. A leak from a connector in light liquid service subject to a 28 MID fugitive program, 30 TAC Subchapter D, Division 3 and 40 CFR Part 63, Subpart H was discovered by AVO means by Phenol/ Acetone personnel. It was discovered on February 25, 2016 and the visual leak was repaired that day. It was not monitored to confirm the repair.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.8

Description: Failure to include heavy oil pressure transmitters in the Continuous Monitoring System Performance Evaluation Plan (CMSPEP). A minimum pressure differential of 10 psig is maintained between the heavy oil pressure and the atomizing steam pressure at B-901, B-902, and B-903 boilers when heavy oil is fed to them. It has been determined that the heavy oil pressure transmitters were not included in the CMSPEP. The transmitters do meet the accuracy and calibration requirements included in the plan.

Viol. Classification: Moderate

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

40 CFR Chapter 265, SubChapter I, PT 265, SubPT CC 265.1088(b)(3)(ii)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)(B)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172(j)(2)

Rqmt Prov: PERMIT NSR PERmit No. 3434, SC 39.D.ii

Description: Failure to lock and/ or include car-seal on valve to vent pipe going to flare (FL-100). The vent pipe and flame arrestor were removed from the closed-vent system going to the flare (FL-100), on 09/18/15. The valve that went to the vent pipe was closed, blinded, and the valve handle and car-seal were removed. The valve was also tagged indicating that is should not be operated. NSR permit, Benzene Waste Operations, NESHAP and HON all require that the valve have a car-seal or be locked in some way.

Disclosure Date: 10/25/2016

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Part 63, Subpart H 63.174

Rqmt Prov: PERMIT NSR Permit No. 3434, SC 6

Description: Failure to monitor leak from a connector in light liquid service. A leak from a connector in light liquid service subject to a 28 MID fugitive program, 30 TAC Subchapter D, Division 3 and 40 CFR Part 63, Subpart H was discovered by AVO means by Phenol/ Acetone personnel. It was discovered on February 25, 2016 and the visual leak was repaired that day. It was not monitored to confirm the repair.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.8

- Description: Failure to include heavy oil pressure transmitters in the Continuous Monitoring System Performance Evaluation Plan (CMSPEP). A minimum pressure differential of 10 psig is maintained between the heavy oil pressure and the atomizing steam pressure at B-901, B-902, and B-903 boilers when heavy oil is fed to them. It has been determined that the heavy oil pressure transmitters were not included in the CMSPEP. The transmitters do meet the accuracy and calibration requirements included in the plan.
- Viol. Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT CC 265.1088(b)(3)(ii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)(B)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172(j)(2)
- Rqmt Prov: PERMIT NSR PERmit No. 3434, SC 39.D.ii
- Description: Failure to lock and/ or include car-seal on valve to vent pipe going to flare (FL-100). The vent pipe and flame arrestor were removed from the closed-vent system going to the flare (FL-100), on 09/18/15. The valve that went to the vent pipe was closed, blinded, and the valve handle and car-seal were removed. The valve was also tagged indicating that is should not be operated. NSR permit, Benzene Waste Operations, NESHAP and HON all require that the valve have a car-seal or be locked in some way.
- Viol. Classification: Minor
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
- Description: Failure to complete records that identify components exempted from fugitive monitoring.
- Viol. Classification: Moderate
- Citation: 30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(c)
- Rqmt Prov: PERMIT NSR Permit 3434, SC 6
- Description: Failure to tag leaking components discovered by AVO means.
- Viol. Classification: Minor
- Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(d)
- Description: Failure to document management of leaking components in heavy liquid service that were discovered by AVO means
- Disclosure Date: 11/03/2016
- Viol. Classification: Moderate
- Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 63, Subpart H 63.174
- Rqmt Prov: PERMIT NSR Permit No. 3434, SC 6
- Description: Failure to monitor leak from a connector in light liquid service. A leak from a connector in light liquid service subject to a 28 MID fugitive program, 30 TAC Subchapter D, Division 3 and 40 CFR Part 63, Subpart H was discovered by AVO means by Phenol/ Acetone personnel. It was discovered on February 25, 2016 and the visual leak was repaired that day. It was not monitored to confirm the repair.
- Viol. Classification: Minor
- Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.8
- Description: Failure to include heavy oil pressure transmitters in the Continuous Monitoring System Performance Evaluation Plan (CMSPEP). A minimum pressure differential of 10 psig is maintained between the heavy oil pressure and the atomizing steam pressure at B-901, B-902, and B-903 boilers when heavy oil is fed to them. It has been determined that the heavy oil pressure transmitters were not included in the CMSPEP. The transmitters do meet the accuracy and calibration requirements included in the plan.
- Viol. Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT CC 265.1088(b)(3)(ii)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)(B)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172(j)(2)
- Rqmt Prov: PERMIT NSR PERmit No. 3434, SC 39.D.ii
- Description: Failure to lock and/ or include car-seal on valve to vent pipe going to flare (FL-100). The vent pipe and flame arrestor were removed from the closed-vent system going to the flare (FL-100), on 09/18/15. The valve that went to the vent pipe was closed, blinded, and the valve handle and car-seal were removed. The valve was also tagged indicating that is should not be operated. NSR permit, Benzene Waste Operations, NESHAP and HON all require that the valve have a car-seal or be locked in some way.
- Viol. Classification: Minor
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
- Description: Failure to complete records that identify components exempted from fugitive monitoring.
- Viol. Classification: Moderate
- Citation: 30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(c)

Rqmt Prov: PERMIT NSR Permit 3434, SC 6

Description: Failure to tag leaking components discovered by AVO means.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(d)

Description: Failure to document management of leaking components in heavy liquid service that were discovered by AVO means

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(e)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(c)

Rqmt Prov: PERMIT NSR 3434, SC 6

Description: Failure to actively quantify fugitive components and report identified components in LDAR system.

Approximately 550 fugitive components in light liquid or gas/ vapor service were not in the LDAR system or were improperly identified in the LDAR system, and they have not been properly managed.

Notice of Intent Date: 02/17/2016 (1314170)

Disclosure Date: 05/26/2016

Viol. Classification: Moderate

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

Description: Failed to correctly represent the fugitive component in the NSR Permit No. 19041 renewal application.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)

Description: Failed to adhere to the fugitive tagging and monitoring requirements for applicable components in VOC service (SC 20) in NSR Permit No. 1041.

Notice of Intent Date: 03/02/2016 (1315503)

Disclosure Date: 10/18/2016

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(2)(A)

Description: Failure to include accurate fugitive component representation in NSR Permit No.5340 and Permit No. 2606.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)

Description: Failure to properly identify fugitive component representation in the fugitive monitoring program for NSR permit No. 5340 and Permit No. 2606.

Notice of Intent Date: 03/14/2016 (1321997)

Disclosure Date: 04/26/2016

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)

30 TAC Chapter 106, SubChapter A 106.6(c)

Rqmt Prov: PERMIT Title V Permit 0-02217, SC 17

Description: Failure to maintain maximum hourly and annual fill rates represented in the PBR for the transfer of phenol into TK-20 and TK-22. The actual tank temperatures of these tanks are higher than the temperature used to calculate the PBR emission calculations. This resulted in exceeding the hourly and annual emission limits on tanks TK-20 (EPN A30ST20) and TK-22 (EPN A30ST20). It is also believed that the transfer rates from the production facility to the tanks had exceedances during normal operations.

Notice of Intent Date: 04/28/2016 (1330231)

No DOV Associated

Notice of Intent Date: 04/28/2016 (1330921)

Disclosure Date: 11/02/2016

Viol. Classification: Moderate

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

Description: Failure to maintain water flow rate to scrubber T-170. The water flow rate to scrubber T-170 (EPN B39SV170) was below the minimum flow rate limit 240(2,131 lb/hr) when process vents were routed to the scrubber on September 2, 2015 between 5:00 - 7:00am.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter D 115.354(2)(D)
30 TAC Chapter 115, SubChapter D 115.354(3)
30 TAC Chapter 115, SubChapter D 115.356(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)

Description: Failure to monitor 53 valves, 9 relief devices, and 76 connectors. The 53 valves, 9 relief devices, and 76 connectors were identified as not being monitored and/or not reported or included in the emissions calculations.

Notice of Intent Date: 05/19/2016 (1330197)

Disclosure Date: 10/20/2016

Viol. Classification: Moderate

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

Description: Failure to include a flow monitoring device for the Chlorine Scrubber (EPN B22SV8) in a calibration program.

Notice of Intent Date: 05/26/2016 (1336375)

No DOV Associated

Notice of Intent Date: 05/27/2016 (1336445)

Disclosure Date: 10/26/2016

Viol. Classification: Minor

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.195
30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)

Description: Failure to record daily inspection for <90-day RCRA storage tank. One daily inspection for < 90 day RCRA storage tank (D-195) was missing for October 8, 2015.

Disclosure Date: 11/07/2016

Viol. Classification: Minor

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.195
30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)

Description: Failure to record daily inspection for <90-day RCRA storage tank. One daily inspection for < 90 day RCRA storage tank (D-195) was missing for October 8, 2015.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT NSR permit 104092, SC 21.E

Description: Failure to identify open ended line. One open ended line was identified during audit.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(D)
30 TAC Chapter 115, SubChapter D 115.356(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162

Rqmt Prov: PERMIT NSR Permit 104092, SC 21, 28VHP

Description: Failure to monitor or report 61 connectors.

61 connectors identified that were not monitored as required and/or not reported or included in the % leaker calculations.

Notice of Intent Date: 05/27/2016 (1336594)

Disclosure Date: 11/03/2016

Viol. Classification: Moderate

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

Description: Failed to prevent unauthorized emissions. The relief devices on Acetone tank V-36 are lifting and releasing unauthorized emissions to atmosphere intermittently.

Notice of Intent Date: 06/01/2016 (1337547)

Disclosure Date: 12/14/2016

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1050(b)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT W 60.482-1(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2346(c)

Description: Failure to identify 37 valves, 1 Relief Device, and 96 connectors that were required to be monitored, reported, and/or included in % leaker calculations for the same facility. The numbers listed are the sum of Blue Cube and Dow equipment and that only a portion of the total belong to Blue Cube.

Notice of Intent Date: 06/06/2016 (1338064)

Disclosure Date: 11/06/2017

Viol. Classification: Moderate

Citation: 30 TAC Chapter 336, SubChapter A 336.5

30 TAC Chapter 336, SubChapter A 336.5(a)

5C THSC Chapter 389, SubChapter F 401.106

Description: Failure to obtain exemption from radiation licensing requirements. Blue Cube receives streams from the Dow Chemical Company that do not have a documented exemption from radiation licensing requirements and therefore have the potential to be applicable to TCEQ radiation regulations including 30 Tex. Admin. Code chs. 335 and 336.

Notice of Intent Date: 06/14/2016 (1342409)

Disclosure Date: 10/12/2016

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.335(a)(1)

Description: Failure to conduct initial stack testing for carbon monoxide (CO) on Furnace F-201.

Notice of Intent Date: 06/21/2016 (1337982)

Disclosure Date: 10/18/2016

Viol. Classification: Major

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

Description: Failure to obtain authorization prior to the construction of the T-101 Re-boiler Project. There were fugitive modifications associated with this project.

Notice of Intent Date: 06/29/2016 (1344612)

Disclosure Date: 04/20/2017

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)

Description: Failure to include accurate representation for PBR 98440. The representation for PBR Registration 98440 is not correct. However, there have been no exceedances of the certified emissions rates.

Notice of Intent Date: 07/08/2016 (1345372)

No DOV Associated

Notice of Intent Date: 07/13/2016 (1350183)

Disclosure Date: 05/31/2017

Viol. Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.16(b)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.16(c)

Description: Failure to complete training assignments and associated recordkeeping. Implementation of existing training programs and recordkeeping revealed 1340 training assignments were not triggered for completion at the site as a result of the separation of Blue Cube's training system from The Dow Chemical Company. Of the trainings identified (76) of these assignment were RCA training.

Notice of Intent Date: 08/10/2016 (1356106)

Disclosure Date: 10/11/2016

Viol. Classification: Major

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

Description: Failure to obtain emissions authorization for EPN A70ECLR1. Emission losses from the capture system for one loading rack were not authorized.

Notice of Intent Date: 08/25/2016 (1358588)

No DOV Associated

Notice of Intent Date: 08/23/2016 (1358589)

Disclosure Date: 10/27/2016

Viol. Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

Description: Failure to conduct flare observations at appropriate time of day to accurately conduct visible emissions observations.
Disclosure Date: 04/25/2017
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)

Description: Failure to maintain hourly flowrate during the loading of acetone. Containerized Tank Truck loading of acetone has exceeded the hourly flowrate representations in NSR 22070 (PBR 11745).
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)

Description: Failure to properly identify flare type. Flare 400 (EPN is noted as a steam or air-assisted flare in NSR 48892 but is unassisted).
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)

Description: Failure to maintain flare flowrate and 12 month throughput representations in accordance with permit. Specifically Flare 2202 (EPN A22FLAR1) has exceeded the hourly fuel gas representation in NSR 19720.
Disclosure Date: 10/11/2017
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)

Description: Failure to monitor 12 month throughput for Epichlorohydrin barge loading. The Epichlorohydrin barge loading exceeded the 12 month throughput represented in NSR 19720.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)

Description: Failure to maintain Methylene chloride fugitive component count under the permit application representations. Methylene chloride fugitive component count exceeded the permit application representation for NSR 19720.
Viol. Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.121

Description: Failure to obtain authorization Epoxy Resin tank T-4042.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)

Description: Failure to maintain hourly flowrate for Tank 6003 per representations in NSR 19720. Tank 6003, a third party tank venting to Blue Cubes control device, has exceeded the hourly flowrate representations.

Notice of Intent Date: 09/30/2016 (1365345)
Disclosure Date: 10/25/2016
Viol. Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter G 122.602(a)
Rqmt Prov: OP Federal Operating Permit O2202

Description: Failure to record required monthly inspections of Degreaser B-623(SK105)(ID No. B28LBSC623)

Notice of Intent Date: 10/26/2016 (1371361)
Disclosure Date: 04/20/2017
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to include data from stack testing in the calculation of hourly emission rates. The flow rates from the most recent stack tests were not used to determine the hourly emission rates for scrubbers T-4500 and T-4700.

Notice of Intent Date: 11/30/2016 (1381471)
Disclosure Date: 12/12/2016
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(e)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(c)

Description: Failure to tag approximately 140 fugitive components in light liquid service. They are not in the LDAR monitoring system and they have not been managed in accordance with the applicable regulatory requirements.
Viol. Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)

Description: Failure to obtain permit for two rental diesel driven air compressors brought on site for temporary service. The compressors were used for backup/supplemental purposes at Unit 3 for over 12 months without permitting.
Disclosure Date: 01/05/2017
Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to include 6 connectors and 2 valves in VOC light liquid service in the fugitive monitoring system. These components have not been managed in accordance with the applicable requirements.
Disclosure Date: 04/17/2017

Viol. Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
Description: Failure to authorize 14 fugitive components with a PBR or permit amendment.

Notice of Intent Date: 01/31/2017 (1393689)
Disclosure Date: 07/20/2017
Viol. Classification: Minor
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.9(j)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT NNNNN 63.9065(a)
Description: Failure to submit a change in monitored parameters within 15 days. The TCEQ approved a request to use alternative monitoring methods for control device T-2 on July 8, 2016 (refer to Alternative method of compliance # 34 and TCEQ project No. 244724).

Notice of Intent Date: 02/14/2017 (1396235)
No DOV Associated

Notice of Intent Date: 03/06/2017 (1401145)
No DOV Associated

Notice of Intent Date: 04/17/2017 (1408884)
Disclosure Date: 10/10/2017
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.766(i)
Description: Failure to complete annual inspection of cooling tower Y strainer. Inspections of Y strainer were not completed annually as described in the HRVOC CEMS Analyzer Quality Assurance Plan for Allyl Cooling Tower CT-950 and Epi III Cooling Tower CT-960.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2450(j)(1)
Description: Failure to maintain specified ranges of audit gases. Audit Gases used for quarterly cylinder gas audits of Epoxy 1 PSA CEMS and Epoxy 2 PSA CEMS do not meet the ranges specified.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2450(j)(1)
Description: Failure to maintain audit gas ranges used for daily calibration. Audit gases used for daily calibration drift checks of Epoxy 1 PSA CEMS and Epoxy 2 PSA CEMS does not meet the range specified.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to use appropriate span for audit gases. Audit gases used for quarterly cylinder gas audits of B-15 Trichlor PSA CEMS are based on incorrect span because no span is defined in PS 9 for Gas Chromatographic CEMS.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to maintain mid-level gas concentration for audit gases. Audit gases used for daily calibration checks of B-15 Trichlor PSA CEMS are outside the mid-level gas concentration specified in PS 9 for Gas Chromatographic CEMS.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to implement calibration procedures. Daily zero not completed on B-15 Trichlor PSA CEMS.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to use appropriate span for audit gases. Audit gases used for quarterly cylinder gas audits of A-22 PSA CEMS are based on incorrect span because no span is defined in PS 9 for Gas Chromatographic CEMS.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to implement calibration procedures. Daily zero not completed on A-22 PSA CEMS.

Notice of Intent Date: 04/28/2017 (1410547)
Disclosure Date: 10/11/2017
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)

Description: Failure to monitor and report 44 valves and 266 connectors as required. These components were not included in the % leaker calculations.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.217(a)(1)

Description: Failure to accurately record loading/ unloading activities. Facility records incorrectly indicated that 7 loading and unloading activities involving VOCs were not subject to Regulation V.

Notice of Intent Date: 05/18/2017 (1417311)

No DOV Associated

Notice of Intent Date: 05/24/2017 (1417349)

Disclosure Date: 10/25/2017

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10(e)

Description: Failure to include four fugitive areas (EPNS, AHCLFU1, BHCLFU1, BHCLFU2, and OHCLFU1) in the 2016 and 2017 emissions inventories.

Notice of Intent Date: 05/26/2017 (1417371)

Disclosure Date: 10/11/2017

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.166(1)

30 TAC Chapter 115, SubChapter B 115.166(1)(A)(iii)

Description: Failure to maintain water temperature used on scrubber T-600; temperature exceeded maximum limit.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2450(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2450(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2450(e)

Description: Failure to properly use a control device to reduce organic HAP. HON Group 1 process vents from reactors R600-A and R600B were not vented to a control device to reduce organic HAP to an outlet concentration less than or equal to 20 ppmv during some batch steps.

Notice of Intent Date: 06/01/2017 (1421058)

Disclosure Date: 10/25/2017

Viol. Classification: Moderate

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

Description: Failure to include fugitive components in permit representations. 250 fugitive components (EPN OC1FU2) that were still in service were not transferred to NSR Permit 19041 before NSR 941 was voided.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)

Description: Failure to include accurate representations in PBR Registration 78008. No exceedances of the certified emissions rates have been recorded.

Viol. Classification: Minor

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

Description: Failure to record on inspection check list the time of each audio, visual, and olfactory (AVO) check for chlorine leaks.

Disclosure Date: 11/13/2017

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.114(a)(4)(ii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.127(a)(4)(ii)

Description: Failure to determine gas flow rate. Gas flow rate was not being determined using one of the procedures specified in HON for the liquid to gas ratio for the scrubbers following the Thermal Oxidizer (THROX) units and the Flameless Thermal Oxidizer (FTO) units that control halogenated streams.

Disclosure Date: 04/11/2018

Viol. Classification: Major

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

Description: Failed to authorize emissions from the loading of ISOs/ Trucks from D-2250 Recovery Drum at the A14 PSA (covered by Permit No. 93978).

Notice of Intent Date: 06/26/2017 (1423740)

No DOV Associated

Notice of Intent Date: 07/27/2017 (1430688)

No DOV Associated

Notice of Intent Date: 08/14/2017 (1435639)

Disclosure Date: 04/25/2018

Viol. Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.354
 Description: Failure to monitor 13 valves and 50 connectors as required. These components were not included in the % leaker calculations.
 Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354
 Description: Failure to identify 8 screwed connectors as being greater than 2 inches.
 Disclosure Date: 10/24/2018
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.354
 Description: Failure to monitor 104 valves, 1187 connectors, and 1 relief valve as required. These components were not included in the % leaker calculations.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Description: Failure to identify 18 screwed connectors as being greater than 2 inches.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.10(b)
 Description: Failure to update the fugitive emissions data base to removed incorrect components. 154 valves, 947 connectors and 4 relief valves were inadvertently included in the fugitive emissions database.
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)
 Description: Failure to update the HON Notification of Compliance Status (NOCS) that was previously submitted in November 2018 with an accurate fugitive component count

Notice of Intent Date: 08/14/2017 (1435640)
 Disclosure Date: 10/11/2017
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.354
 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)
 Description: Failure to identify and monitor 9 valves and 43 connectors as required. These valves and connectors were not included or reported in the % leaker calculations.
 Disclosure Date: 09/28/2018
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.354
 Description: Failure to identify and monitor 102 valves and 383 connectors.
 Viol. Classification: Minor
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(a)(2)
 Description: Failure to update the hazardous organic NESHAPS (HON) Notification of Compliance Status (NOCS) dated November 19, 2016 with an updated fugitive component count.

Notice of Intent Date: 08/16/2017 (1438297)
 Disclosure Date: 04/09/2018
 Viol. Classification: Moderate
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GG 60.334(i)
 Description: Failure to submit semi-annual excess emissions reports as required by 40 CFR 60, Subpart GG. The fuel gas sulfur monitoring conducted for the GT-61, GT-63, GT-66, GT-67 gas turbines at the Power 6 unit have not been submitted by Blue Cube.

Notice of Intent Date: 10/16/2017 (1448300)
 Disclosure Date: 04/23/2018
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.10(e)
 Description: Failure to maintain records for a 500 gallon diesel fuel tank and the associated emissions. Records were not being kept for a 500 gallon diesel fuel tank and fuel tank emissions were not included in the 2017 annual emissions inventory.

Notice of Intent Date: 12/14/2017 (1460580)
 Disclosure Date: 04/24/2018
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)
 Description: Failure to manage process equipment utilized on R-701 vessel under equipment leak provisions of MON and/or NSR permit. A funnel attached to the top of the R-701 vessel in the Epoxy Polyglycol Resin process is used to introduce additives to a reactor. the lid to the funnel is not being managed under the equipment leak provisions of MON or the NSR Permit.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)
Description: Failure to equip railcar and tank truck loading lines in service for VOC chemicals with dry connects. Railcars and tank trucks in service for VOC chemicals with vapor pressures greater than 0.5 psia are not equipped with dry disconnects
Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2550(i)
Description: Failure to evaluate emission episodes on R-600A, R-600B, K-452, k-601 and R705 reactors in the Solid Epoxy Resin process to introduce additives. The reactors are regulated at a Group 1 batch process vents under MON and have the mission episodes have not been evaluated to determine if they meet the definition of a batch process vent under the regulation.

Notice of Intent Date: 12/14/2017 (1460620)
Disclosure Date: 04/25/2018
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(a)(1)
Description: Failure to accurately calculate the minimum BTU value and flare tip velocity for FS-400 Flare.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
Description: Failure to protect FS-400 Flare from elements. The FS-400 Flare pilots will occasionally go out during cold and windy weather.

Notice of Intent Date: 12/14/2017 (1460635)
No DOV Associated

Notice of Intent Date: 05/03/2018 (1485712)
No DOV Associated

Notice of Intent Date: 05/16/2018 (1485708)
Disclosure Date: 04/26/2019
Viol. Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter U 106.478
Description: Failure to authorize one portable diesel storage tank that remained stationary greater than 12 months.

Notice of Intent Date: 06/06/2018 (1498773)
Disclosure Date: 10/11/2018
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110
Description: Failure to obtain authorization for 105 fugitive components.

Notice of Intent Date: 06/15/2018 (1504111)
Disclosure Date: 10/24/2018
Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.10(b)(2)
30 TAC Chapter 101, SubChapter A 101.10(c)
Description: Failure to accurately calculate and report Particulate Matter (PM) emissions for Cooling Tower B52CT1 located at Epoxy 1. Emissions for Cooling tower B52CT1 located at Epoxy 1 are being estimated for AEI calculations with an incorrect drift factor resulting in incorrect reporting of PM emissions a drift factor of 0.0005% is being used instead of the vendor supplied factor of 0.0015%.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)(2)
30 TAC Chapter 116, SubChapter B 116.116(a)
Description: Failure to accurately represent PM emissions in NSR permit 104152 for Cooling Tower B52CT1 located at Epoxy 1. The previous NSR permit submittal used a drift factor of 0.5% instead of the vendor supplied factor of 0.0015%.

Notice of Intent Date: 06/28/2018 (1504106)
Disclosure Date: 10/23/2018
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)
Description: Failure to maintain annual particulate matter emissions for EPNs B22SV9 -B22SV17 below required limit for a 12 month rolling period due a workbook linking error.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)

Description: Failure to maintain annual particulate matter emissions for EPNs B22SV9 -B22SV17 below required limit for 2 months out of a 12 month rolling period due a workbook tracking error.

Notice of Intent Date: 08/16/2018 (1517392)
No DOV Associated

Notice of Intent Date: 09/06/2018 (1517400)
No DOV Associated

Notice of Intent Date: 09/06/2018 (1517414)
No DOV Associated

Notice of Intent Date: 09/28/2018 (1524413)
Disclosure Date: 04/23/2019
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)

Description: Failure to identify and monitor 243 valves, 886 connectors, 15 relief valves, and 3 pumps as required.
Disclosure Date: 10/11/2019
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to identify 5 screwed connectors as being greater than 2".
Viol. Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

Description: Failure to perform visible observations on cooling tower OC3CT201.

Notice of Intent Date: 10/08/2018 (1524408)
Disclosure Date: 04/22/2019
Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.8(c)(6)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.8(c)(8)

Description: Failure to set the daily calibration set points/alarms at 5 ppmv propane as listed in the Epoxy 1 PSA CEMS Quality assurance Plan Appendix F Procedure 1, Section 4.1.

Notice of Intent Date: 10/17/2018 (1525323)
Disclosure Date: 04/23/2019
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to demonstrate compliance with the hourly emission rate limits for two engines (EPN BSTGRFW1 AND BSRGEGFW2). The facility was recording total run time hours.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to demonstrate compliance with the 12 month rolling emission rate limits for EPN BSTST101, BSRPSR2, BSRST4. The facility was calculating annual emissions on calendar year frequency instead of a 12 month rolling period.

Notice of Intent Date: 12/03/2018 (1533002)
Disclosure Date: 10/15/2019
Viol. Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

Description: Failure to perform visible emissions observations for cooling towers B68CT950, B21CT960, and B62CT301.

Notice of Intent Date: 01/14/2019 (1548434)
Disclosure Date: 12/19/2019
Viol. Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter D 106.122
30 TAC Chapter 106, SubChapter E 106.141
30 TAC Chapter 106, SubChapter J 106.244
30 TAC Chapter 106, SubChapter K 106.265
30 TAC Chapter 106, SubChapter K 106.266
30 TAC Chapter 106, SubChapter N 106.333
30 TAC Chapter 106, SubChapter P 106.371

30 TAC Chapter 106, SubChapter P 106.372

30 TAC Chapter 106, SubChapter P 106.373

30 TAC Chapter 106, SubChapter S 106.432

30 TAC Chapter 106, SubChapter S 106.433

Description: Failure to maintain permit by rule documentation to demonstrate compliance with 30 TAC 106 authorizations for the following: Bench scale laboratory equipment; batch mixing; ovens, barbecue pits and

cookers; handheld and manually operated machines; vacuum cleaning systems; water based adhesive mixers; cooling water units; industrial gases; refrigeration systems; dipping tanks and containers; surface coat facility.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter E 115.468(b)(2)

Description: Failure to maintain records required by 30 TAC 115.468(b)(2) to demonstrate continuous compliance with the exemption criteria in 30 TAC 115.461(d)(7).

Notice of Intent Date: 01/29/2019 (1548461)

Disclosure Date: 04/15/2019

Viol. Classification: Minor

Citation: 40 CFR Chapter 82, SubChapter C, PT 82, SubPT F 82.166(o)

Description: Failure to document the full charge capacity of each of the industrial Process Refrigeration systems in accordance with one of the four options within 40 CFR 82 Subpart F.

Viol. Classification: Minor

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT M 61.144(b)(3)

Description: Failure to document sufficient information used for process wastewater group determinations by process knowledge for the A-1800 and A-2400 blocks.

Viol. Classification: Minor

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)

Description: Failure to keep records demonstrating the total annual benzene concentration and flow rate for waste streams generated from the process contain greater than 10% water.

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)

Description: Failure to demonstrate compliance with requirements of the determination of response factors for each of the chemical compounds that are measured in the Leak Detection and Repair program.

Disclosure Date: 10/11/2019

Viol. Classification: Moderate

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

Description: Failure to perform visible observations on a cooling tower.

Notice of Intent Date: 03/08/2019 (1553058)

Disclosure Date: 04/23/2019

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Failure to accurately report NOx emissions from the hydrogen flare due to an error in the NOx emission formula within the air emission reporting tool. The unreported emissions represent approximately 5% of the facility wide annual total.

Viol. Classification: Moderate

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

Description: Failure to perform quarterly visible emissions observations on the equipment listed below during the third quarter of 2018. The observations were delayed due to an unplanned plant outage and performed later during the first week of the fourth quarter.

Viol. Classification: Moderate

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

Description: Failure to operate the chlorine monitor on T-206B per manufacturer's recommendation. The chlorine monitor's low voltage alarm was set below the minimum recommended value, thus not alerting the plant when the voltage fell below the minimum recommended voltage. The monitor was also operated at a voltage below the minimum voltage recommendation.

Viol. Classification: Moderate

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

Description: Failure to conduct visible emission observations for the Chlorine 4 equipment units B22SV8 and B22SV9 at the appropriate time. Observations were conducted earlier than one hour after sunrise during two instances.

Viol. Classification: Moderate

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

Description: Failure to conduct visible emission observations for the Chlorine 3 equipment units B6SV8, B6SV9, B6SV10, B6SV11, B6SV12, B6SV13, B6SV14, B6SV15, B6SV16, and B6SV17 at the appropriate time. Observations were conducted earlier than one hour after sunrise.

Disclosure Date: 05/23/2019
Viol. Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
Description: Failure to perform visible emission observations on four cooling towers (B6CT201, B6CT401, B22CT201, B22CT401).
Disclosure Date: 10/22/2019
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to perform annual inspections of drift eliminators within a year from the previous inspection date for the cooling towers; B6CT201, B6CT401, and B22CT401.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to perform annual calibrations on liquid flow monitoring devices within a year from the previous calibration date date for the following scrubbers; B6Sv6, B6SV7, B6SV8.

Notice of Intent Date: 04/01/2019 (1554973)
Disclosure Date: 10/15/2019
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)
Description: Failure to monitor and/or report 5 valves and 5 connectors. These components were not included in the % leaker calculations.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Description: Failure to accurately record visible emissions observations as required by Title V Permit O2207.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
Description: Failure to perform visible observations on cooling tower B52CT1.

Notice of Intent Date: 04/17/2019 (1557095)
Disclosure Date: 10/16/2019
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)
Description: Failure to monitor and report 2 valves, 198 connectors, and 32 pumps as required. These components were also not included in the % leaker calculations.

Notice of Intent Date: 04/29/2019 (1559094)
No DOV Associated

Notice of Intent Date: 04/30/2019 (1559109)
Disclosure Date: 09/11/2019
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)
Description: Failure to estimate the emissions from the use of a vacuum truck to empty an anhydrous HCL line. the activity was recorded, but the estimated emissions of less than 0.01 lb VOC were omitted from the record.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
Description: Failure to include all citations in the Title V Deviation Report dated October 29, 2018. Deviation Item # 5 did not include all applicable citations.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)
Description: Failure to report a violation for a tank temporarily not routed to control in the HON Report submitted on November 19, 2019.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.10(b)(1)
30 TAC Chapter 101, SubChapter A 101.10(b)(2)
Description: Failure to report in the Title V Deviation report dated April 24, 2019 the unauthorized emission of <.01lb of VOC from a < 1 gallon spill occurring on Mach 22, 2019, A final record was also not created.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.10(b)(1)
30 TAC Chapter 101, SubChapter A 101.10(b)(2)
Description: Failure to correctly report the pound per day emissions for the ozone season for every emission source at the Trichloroethylene and HCL Adsorption plants that emitted in 2016 and 2017. The tool used to transfer the

data to state data base had a calculation error.

Viol. Classification: Moderate

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

Description: Failure to repair, isolate the leak or use a leak collection system within one hour of detection a leak from a component in HCL service.

Viol. Classification: Minor

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

Description: Failure to correctly document the creation and closure of open ended lines during maintenance of the E-6 reboiler.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1056

40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1057

Description: Failure to identify fugitive components on a small vessel as being subject to RCRA BB requirements.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1056

40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1057

Description: Failure the equip an open-ended line on a small vessel with an appropriately sized cap, blind flange, plug, or second valve to seal the line. the Open ended line has a cap/cover, but upon examination it was found not to be tight-fitting.

Notice of Intent Date: 06/12/2019 (1577954)

Disclosure Date: 10/07/2019

Viol. Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111

Description: Failure to maintain quarterly visible emission logs for the firewater pump engine (EPN A70ECGE503) and NPA Lab vents for two quarters in 2016 and two quarters in 2017.

Disclosure Date: 04/16/2020

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)

Description: Failure to monitor fugitive components as required. Specifically, three components (one valve and two connectors) were tagged in the field, but not included in the LDAR database and four valves and eight connectors were in the LDAR database, but not monitored due to misclassification.

Notice of Intent Date: 06/28/2019 (1579420)

No DOV Associated

Notice of Intent Date: 07/01/2019 (1579234)

Disclosure Date: 10/09/2019

Viol. Classification: Moderate

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

Description: Failure to isolate, repair, or contain a leak more than one hour after discovery. A review of the HCL and CL2 Audit, Visual, and Olfactory (AVO) written leak log showed recordkeeping errors which indicate a first attempt to, repair, or contain a leak occurred more than one hour after discovery.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)(5)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(1)

Description: Failure to include accurate information in semi-annual HON Report. The May 2019 semi-annual HON report incorrectly stated that the unit does not have any pressure relieve valves (PVRs) in HON service which vent directly to the atmosphere. The report did not include all instances of malfunctions to a HON control device, including recent which do not result in a specific HON reportable event.

Viol. Classification: Moderate

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

Description: Failure to accurately track Maintenance, Startup, and Shutdown (MSS) emissions. Several issues were identified in the Tool used to track MSS emissions within the unit including calculation errors and rolling total emissions not calculating for all pollutants.

Viol. Classification: Minor

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

Description: Failure to recorded the date, time and location on several occasions during quarterly visible emissions monitoring checks.

Disclosure Date: 04/17/2020

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.111

Description: Failure to authorize FTO and Catoxid REactor startup heaters in NSR permit 19041.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.111
Description: Failure to include ethylene in the VOC composition basis for the cooling tower on site (EPN OC5CT4).
Notice of Intent Date: 07/18/2019 (1580944)
No DOV Associated

Notice of Intent Date: 08/01/2019 (1589841)
Disclosure Date: 11/21/2019
Viol. Classification: Moderate
Citation: 25 TAC Chapter 295, SubChapter H 295.182

Description: Failure to report diesel fuel for the following storage locations: B6201, A-1200, B-2414, B-2300, B-6804, OC-501, A-7001, A-1800, and B-1502.

Viol. Classification: Moderate
Citation: 25 TAC Chapter 295, SubChapter H 295.182

Description: Failure to report chlorodifluoromethane for the following storage locations: A-1800, B-6201, A-1200, B-2414, OC-301, OC-900, B-2300, B-1500, B-5201, B-6804, B-7510, OC-501, and A-7001.

Viol. Classification: Moderate
Citation: 25 TAC Chapter 295, SubChapter H 295.182

Description: Failure to report Safety-Kleen 105 Solvent-MS for the following storage locations: OC-501.

Viol. Classification: Moderate
Citation: 25 TAC Chapter 295, SubChapter H 295.182

Description: Failure to report 1,1,1,2-Tetrafluoroethane for the following storage locations: OC-301.

Viol. Classification: Moderate
Citation: 25 TAC Chapter 295, SubChapter H 295.182

Description: Failure to report 4-Methoxyphenol for the following storage location: A-1800. As a result of this finding, 4-Methoxyphenol exceeded the maximum inventory threshold of 10,000 pounds.

Viol. Classification: Moderate
Citation: 25 TAC Chapter 295, SubChapter H 295.182

Description: Failure to report Nalco 3DT230 for the following storage location: B-1500

Viol. Classification: Moderate
Citation: 25 TAC Chapter 295, SubChapter H 295.182

Description: Failure to report accurate inventory of chlorodifluoromethane stored at the B-2800 storage location.

Notice of Intent Date: 08/05/2019 (1589813)
Disclosure Date: 04/17/2020
Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.10(b)(1)

Description: Failure to include PM and VOC emissions associated with some maintenance activities in annual Emissions Inventory. Specifically, emissions from welding operations and some aerosol can usage were not reported.

Notice of Intent Date: 09/11/2019 (1597537)
No DOV Associated

Notice of Intent Date: 09/13/2019 (1597552)
Disclosure Date: 01/21/2020
Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.10(e)

Description: Failure to include fugitive emissions from some non-monitored components in the 2015, 2016, 2017, and 2018 annual emissions reports.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201
30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to report all instances of deviations on Title V Deviation report. Specifically, an accumulation of polymer in the vent header to the A22PSA control device restricted vent flow and caused the relief devices on Epichlorohydrin tanks V-4003 (ST4003) and V-4005 (ST4005) to lift and release to the atmosphere intermittently.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2346(a)(4)(vi)

Description: Failure to create final event records within 14 days for unauthorized emissions events associated with activation of relief devices on tanks V-4003 (ST4300) and V-4005 (ST4005). Specifically, an accumulation of polymer in the vent header to the A22PSA control device restricted vent flow and caused the relief devices on Epichlorohydrin tanks V-4003 (ST4003) and V-4005 (ST4005) to lift and release to the

atmosphere intermittently.

Notice of Intent Date: 09/26/2019 (1598486)

Disclosure Date: 04/23/2020

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354
40 CFR Part 60, Subpart VV 60.482-7
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)

Description: Failure to monitor or report fugitive components. Specifically, 9 valves and 22 connectors were identified as not being monitored as required and/or not reported or included in the % leaker calculations for fugitive area associated with EPN B34FU01.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)

30 TAC Chapter 116, SubChapter B 116.116(b)

Description: Failure to include all fugitive components in the fugitive area in permit representations for EPN B34FU01.

Notice of Intent Date: 09/23/2019 (1599202)

No DOV Associated

Notice of Intent Date: 01/21/2020 (1624908)

Disclosure Date: 04/17/2020

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10(b)(1)
30 TAC Chapter 101, SubChapter A 101.10(b)(2)

Description: Failure to correctly report the ozone season pound per day emissions for the 2018 emission inventory, failure to correctly report methylene chloride emissions from tank NV-351 for the 2018 emissions inventory, and failure to correctly report chloroform emissions from tank NV-352 for the 2018 emission inventory.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2382(d)(2)(i)

Description: Failure to accurately report emissions from Tanks NV-351 and NV-352 in the 2019 MACT EEEE NOCS.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to correctly report an emission event in the Title V Deviation Report submitted on 9/19/2019. The facility experienced a release from a filter seal on Filter Pot FFL-33 and released 75 lb of methylene chloride. The Title V Deviation Report incorrectly reported this release as 75 lb of VOC.

Viol. Classification: Moderate

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

Description: Failure to record that a corrective action on a leak from a valve in AqHCl service was taken within an hour. The leak log documented the valve was isolated, but did not document that the action was taken no later than one hour after detecting the leak.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(2)

Description: Failure to include loading rack A24CEPUHW (Process Area Wagon Loading) in the Semi-Annual reports for MACT Subpart G (HON) from 2018 and 2019.

Notice of Intent Date: 02/13/2020 (1632838)

Disclosure Date: 10/16/2020

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.151(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.9(h)

Description: Failure to include storage tanks PT-9 and PT-21 in the HON MACT NOCS.

Notice of Intent Date: 03/06/2020 (1639930)

No DOV Associated

Notice of Intent Date: 05/14/2020 (1650766)

No DOV Associated

Notice of Intent Date: 05/14/2020 (1657013)

No DOV Associated

Notice of Intent Date: 07/27/2020 (1670538)

No DOV Associated

Notice of Intent Date: 08/07/2020 (1676904)

Disclosure Date: 10/23/2020

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(3)

Description: Failure to include all required PRVs in the monitoring plan for atmospheric vented PRVs in HRVOC service. Specifically, PRV ID 469707 and 469717 were not included in this document.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.8(e)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.8(e)(5)

Description: Failure to submit the CO CEMS RATA 60 days before scheduled test date. Specifically, the January 2019 CO CEMS RATA notification to the regulatory agency was not submitted at least 60days prior as required by 40 CFR 63.8(e)(2).

Viol. Classification: Moderate

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

Description: Failure to obtain authorization for a portable diesel tank operating as a permanent tank.

Viol. Classification: Moderate

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

Description: Failure to maintain hourly and annual load rates of Allyl Chloride below permit limits. Specifically, the hourly and annual loading rates of Allyl Chloride are being exceeded at load spot B68LR1 due to incorrect permit calculations.

Disclosure Date: 01/22/2021

Viol. Classification: Major

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

30 TAC Chapter 116, SubChapter B 116.110(b)

Description: Failure to obtain authorization for the loading of hot oil, compressor oil, and Isopar. Specifically, hot oil and compressor oil were discovered to be loaded into isocontainers and/or drums without being permitted. In addition, Isopar was discovered to be loaded at EPN B68LR1 instead of Nopar 12, both which are heavy solvents.

Notice of Intent Date: 08/18/2020 (1671426)

Disclosure Date: 10/23/2020

Viol. Classification: Major

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

Description: Failure to obtain authorization for a portable diesel tank was discovered to be operating as a permanent tank.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172(f)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2485(f)

Description: Failure to complete the closed vent system annual AVO inspection on time. During 2019, it was completed on 9/19/2019 and in 2020 it was not completed until 9/24/2020.

Notice of Intent Date: 09/25/2020 (1684743)

No DOV Associated

Notice of Intent Date: 10/06/2020 (1684740)

No DOV Associated

Notice of Intent Date: 10/22/2020 (1684741)

No DOV Associated

Notice of Intent Date: 10/29/2020 (1691738)

No DOV Associated

Notice of Intent Date: 11/10/2020 (1697566)

No DOV Associated

Notice of Intent Date: 01/28/2021 (1701989)

No DOV Associated

Notice of Intent Date: 03/04/2021 (1704555)

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
BLUE CUBE OPERATIONS LLC
RN108772245**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2021-0011-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 Blue Cube Operations LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 2301 North Brazosport Boulevard in Freeport, Brazoria 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 \$22,613 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$9,046 of the penalty and \$4,522 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$9,045 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment

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

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. By June 30, 2018, modified the design of the instrumentation to allow for improved nitrogen drying and upgraded the metallurgy of the plug in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 271914.
 - b. By September 25, 2018, repaired the control valve integrated positioner, updated the process control logic to prevent propylene flow during plant outage, and confirmed proper operation of all critical valves post-freeze to ensure normal operations in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 276597.
 - c. By October 23, 2018, replaced the retaining nut on the valve, added epoxy to one side of the nut assembly to detect thread slippage, added thread lock or epoxy on all existing valves on the refrigeration system to detect nut movement, added new alarms to the process code to alert operations of issues with the refrigeration system, developed inspection and installation procedures for Parker Valves, had the manufacturer verify that all tube assembly nuts are in compliance with manufacturer standards, analyzed vibration data for the refrigeration system to determine that vibration levels are within tolerance, and updated the code for the control valve to incorporate a reset span to reduce cycling of the valve in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 280972.

- d. By April 5, 2019, shut down the downstream reactor, installed a clamp to reduce the leak rate, bagged and routed the pressure transmitter to a caustic solution to scrub the chlorine, used site scrubbers to de-pressure the entire chlorine header, replaced the pressure transmitter and associated piping, inspected the chlorine header before the line was put back in service, and implemented a new technique for instrument checks in dry service which eliminated the need to open the instrument to atmosphere and expose it to moisture in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 289618.
- e. On September 9, 2020, provided the authorization for the facilities involved in Incident No. 280972.
- f. By September 16, 2020, created a new shutdown alarm to automatically respond and minimize amount of reactant in the reactor and implemented a procedure for Operations response and actions on startup after a loss of reaction scenario to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 341984.
- g. On October 15, 2020, provided the estimated quantity of carbon monoxide ("CO") released during Incident No. 276597 and the authorization for the facilities involved in Incident No. 276597.

II. ALLEGATIONS

1. During a record review conducted from August 11, 2020 through August 25, 2020, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 19041, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O2204, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 5.00 pounds ("lbs") of ethylene dichloride, 1.00 lb of hydrogen chloride ("HCl"), and 2.00 lbs of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 271914) that occurred on November 5, 2017 and lasted five minutes. The emissions event occurred due to moisture in the pressure transmitter that caused the pressure transmitter plug to fail, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. During a record review conducted from August 6, 2020 through October 15, 2020, an investigator documented that the Respondent:
 - a. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 104098, SC No. 1, FOP No. O2208, GTC and STC No. 26, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 3,439.48 lbs of VOC, 2,990.38 lbs of CO, and 501.15 lbs of nitrogen oxides from Flare Stack 101, Emissions Point Number

("EPN") B70F1, during an emissions event (Incident No. 276597) that began on January 16, 2018 and lasted 96 hours and 47 minutes. The emissions event occurred due to freezing temperatures that caused moisture in the externally supplied utility air line to condense, resulting in the loss of instrumentation and in flaring. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

- b. Failed to identify all required information on the final record for a reportable emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(b)(1)(H) and 122.143(4), FOP No. O2208, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not identify the correct estimated total quantity of CO and the proper authorization on the final record for Incident No. 276597.
3. During a record review conducted from August 27, 2020 through September 9, 2020, an investigator documented that the Respondent:
 - a. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 2606, SC No. 6, FOP No. O1388, GTC and STC No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 8,570 lbs of chlorodifluoromethane as fugitive emissions, during an emissions event (Incident No. 280972) that occurred on March 25, 2018 and lasted eight hours. The emissions event occurred when the retaining nut holding the valve internals in place became loose that caused refrigerant to leak, resulting in the release to the atmosphere. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
 - b. Failed to identify all required information on the final record for a reportable emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(b)(1)(H) and 122.143(4), FOP No. O1388, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not identify the proper authorization on the final record for Incident No. 280972.
4. During a record review conducted from October 16, 2020 through October 30, 2020, an investigator documented that the Respondent:
 - a. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 2606, SC No. 1, FOP No. O1388, GTC and STC No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b).

Specifically, the Respondent released 76.30 lbs of VOC, 553.50 lbs of ethylene dichloride, and 1,278.80 lbs of HCl as fugitive emissions, during an emissions event (Incident No. 341984) that began on September 9, 2020 and lasted 30 hours and 21 minutes. The emissions event occurred due excess chlorine that was present during the chlorine removal process following the shut down of the R-7 Reactor and caused an overpressure event, resulting in the release to the atmosphere. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

- b. Failed to identify all required information on the final record for a reportable emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(b)(1)(D), (G), and (H) and 122.143(4), FOP No. O1388, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not identify all emissions points, the compounds or mixtures for all emissions points, and the total estimated quantities for those compounds or mixtures for all emissions points on the final record for Incident No. 341984.
5. During a record review conducted from October 21, 2020 through November 4, 2020, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 19041, SC No. 1, FOP No. O2204, GTC and STC No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 227 lbs of chlorine as fugitive emissions, during an emissions event (Incident No. 289618) that occurred on August 4, 2018 and lasted eight hours and 15 minutes. The emissions event occurred due to internal corrosion on the pressure transmitter located on the chlorine header in Unit 5 that caused a leak, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

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

and shall be sent with the notation "Re: Blue Cube Operations LLC, Docket No. 2021-0011-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 amount of \$9,045 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Provide all emissions points involved in Incident No. 341984, the compounds or mixtures for all emissions points released during Incident No. 341984, and the total estimated quantities for those compounds or mixtures for all emissions points released during Incident No. 341984; and
 - ii. Implement measures and/or procedures designed to ensure that all of the required information is identified on the final records for reportable emissions events.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
6. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or

issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



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.

Kyle W. Shelton
Signature

5/18/2021
Date

Kyle W. Shelton
Name (Printed or typed)
Authorized Representative of
Blue Cube Operations LLC

Site Operation Director
Title

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

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

Attachment A
Docket Number: 2021-0011-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Blue Cube Operations LLC
Payable Penalty Amount:	\$18,091
SEP Offset Amount:	\$9,045
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO
Project Name:	<i>Clean Vehicles Partnership Project</i>
Location of SEP: Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

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

1. Project Description

a. Project

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

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for purchase of New Buses or conversion or retrofit equipment and contract labor for

installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards. Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months. All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

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

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

b. Environmental Benefit

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

c. Minimum Expenditure

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

2. Performance Schedule

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

Houston-Galveston Area Council-AERCO
Attn: Air Quality Program Manager
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

Blue Cube Operations LLC
Agreed Order - Attachment A

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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