

**Executive Summary – Enforcement Matter – Case No. 60328**  
**Lion Elastomers LLC**  
**RN100224799**  
**Docket No. 2021-0186-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

Lion Elastomers, 1615 Main Street, Port Neches, Jefferson County

**Type of Operation:**

Synthetic rubber manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2021-0875-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** October 15, 2021

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$15,000

**Amount Deferred for Expedited Settlement:** \$3,000

**Total Paid to General Revenue:** \$12,000

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

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** December 8, 2020

**Date(s) of NOE(s):** January 12, 2021

**Executive Summary – Enforcement Matter – Case No. 60328**  
**Lion Elastomers LLC**  
**RN100224799**  
**Docket No. 2021-0186-AIR-E**

***Violation Information***

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 20.10 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 342184) that occurred on September 14, 2020 and lasted three hours and 52 minutes. The emissions event occurred due to the barrier oil pressure being low in the tank that caused the Reactor RX 501 duraseal to leak during the startup of Reactor RX 501, 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. 9908, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1224, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 69.30 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 343685) that occurred on October 8, 2020 and lasted two hours and 40 minutes. The emissions event occurred due to overpressurization when the reactor trains were being shut down, 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. 9908, SC No. 1, FOP No. O1224, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

a. Within 30 days:

i. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 342184; and

**Executive Summary – Enforcement Matter – Case No. 60328**  
**Lion Elastomers LLC**  
**RN100224799**  
**Docket No. 2021-0186-AIR-E**

- ii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 343685.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Abigail Lindsey, Enforcement Division, Enforcement Team 5, MC 219, (512) 239-2576; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Tony Wisenbaker, Plant Manager, Lion Elastomers LLC, 1615 Main Street, Port Neches, Texas 77651

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	20-Jan-2021			
	<b>PCW</b>	18-Jun-2021	<b>Screening</b>	22-Jan-2021	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>					
<b>Respondent</b>	Lion Elastomers LLC				
<b>Reg. Ent. Ref. No.</b>	RN100224799				
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b>	Major		

<b>CASE INFORMATION</b>					
<b>Enf./Case ID No.</b>	60328	<b>No. of Violations</b>	2		
<b>Docket No.</b>	2021-0186-AIR-E	<b>Order Type</b>	1660		
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No		
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Abigail Lindsey		
		<b>EC's Team</b>	Enforcement Team 5		
<b>Admin. Penalty \$ Limit</b>	<b>Minimum</b>	\$0	<b>Maximum</b>	\$25,000	

## Penalty Calculation Section

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

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>100.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$7,500</b>
---------------------------	---------------	-------------------	--------------------------------	----------------

Notes: Enhancement for two NOVs with same/similar violations, three NOVs with dissimilar violations, seven orders containing a denial of liability, and one order without a denial of liability.

<b>Culpability</b>	No	<b>0.0%</b>	<b>Enhancement</b>	<b>Subtotal 4</b>	<b>\$0</b>
--------------------	----	-------------	--------------------	-------------------	------------

Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
--	-------------------	------------

<b>Economic Benefit</b>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	<b>\$0</b>
-------------------------	-------------	---------------------	-------------------	------------

Total EB Amounts: \$1,427  
 Estimated Cost of Compliance: \$20,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$15,000</b>
-----------------------------	-----------------------	-----------------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<b>Adjustment</b>	<b>\$0</b>
---	-------------	-------------------	------------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$15,000</b>
-----------------------------	-----------------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$15,000</b>
-----------------------------------	-------------------------------	-----------------

<b>DEFERRAL</b>	<b>20.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	<b>-\$3,000</b>
-----------------	--------------	------------------	-------------------	-----------------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$12,000</b>
------------------------	-----------------

**Screening Date** 22-Jan-2021

**Docket No.** 2021-0186-AIR-E

**PCW**

**Respondent** Lion Elastomers LLC

*Policy Revision 4 (April 2014)*

**Case ID No.** 60328

*PCW Revision March 26, 2014*

**Reg. Ent. Reference No.** RN100224799

**Media** Air

**Enf. Coordinator** Abigail Lindsey

### Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	7	140%
	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	1	25%
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> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 181%

**>> Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%

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

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

**>> Compliance History Summary**

**Compliance History Notes**

Enhancement for two NOVs with same/similar violations, three NOVs with dissimilar violations, seven orders containing a denial of liability, and one order without a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 181%

**>> Final Compliance History Adjustment**

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

Screening Date 22-Jan-2021

Docket No. 2021-0186-AIR-E

PCW

Respondent Lion Elastomers LLC

Policy Revision 4 (April 2014)

Case ID No. 60328

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100224799

Media Air

Enf. Coordinator Abigail Lindsey

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 9908, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1224, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 14, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 20.10 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 342184) that occurred on September 14, 2020 and lasted three hours and 52 minutes. The emissions event occurred due to the barrier oil pressure being low in the tank that caused the Reactor RX 501 duraseal to leak during the startup of Reactor RX 501, 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

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (15.0%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%). Includes Matrix Notes: Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 1

Table with frequency options: daily, weekly, monthly, quarterly (marked with 'x'), semiannual, annual, single event.

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Table with columns: Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer. Rows: Extraordinary, Ordinary, N/A (marked with 'x').

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$730

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

## Economic Benefit Worksheet

**Respondent** Lion Elastomers LLC  
**Case ID No.** 60328  
**Reg. Ent. Reference No.** RN100224799  
**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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	14-Sep-2020	1-Mar-2022	1.46	\$730	n/a	\$730

**Notes for DELAYED costs**

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 342184. The Date Required is the date the emissions event occurred and the Final Date is the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$10,000

**TOTAL**

\$730

**Screening Date** 22-Jan-2021  
**Respondent** Lion Elastomers LLC  
**Case ID No.** 60328  
**Reg. Ent. Reference No.** RN100224799  
**Media** Air  
**Enf. Coordinator** Abigail Lindsey

**Docket No.** 2021-0186-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. 9908, SC No. 1, FOP No. O1224, GTC and STC No. 14, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to prevent unauthorized emissions. Specifically, the Respondent released 69.30 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 343685) that occurred on October 8, 2020 and lasted two hours and 40 minutes. The emissions event occurred due to overpressurization when the reactor trains were being shut down, 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**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text" value="15.0%"/>
Potential	<input type="text"/>	<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" value="0.0%"/>				
<input type="text"/>					

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

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

One quarterly event is recommended.

**Good Faith Efforts to Comply**

Reduction

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

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

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

**Violation Subtotal**

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

**Statutory Limit Test**

**Estimated EB Amount**  **Violation Final Penalty Total**

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

## Economic Benefit Worksheet

**Respondent** Lion Elastomers LLC  
**Case ID No.** 60328  
**Reg. Ent. Reference No.** RN100224799  
**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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### 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	8-Oct-2020	1-Mar-2022	1.39	\$697	n/a	\$697

**Notes for DELAYED costs**

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 343685. The Date Required is the date the emissions event occurred and the Final Date is the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$10,000

**TOTAL**

\$697



# Compliance History Report

Compliance History Report for CN602296287, RN100224799, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

<b>Customer, Respondent, or Owner/Operator:</b>	CN602296287, Lion Elastomers LLC	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	22.41
<b>Regulated Entity:</b>	RN100224799, LION ELASTOMERS	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	22.41
<b>Complexity Points:</b>	17	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	05 - Chemical Manufacturing				
<b>Location:</b>	1615 MAIN STREET, PORT NECHES, JEFFERSON COUNTY, TEXAS				
<b>TCEQ Region:</b>	REGION 10 - BEAUMONT				

## ID Number(s):

<b>AIR OPERATING PERMITS</b> ACCOUNT NUMBER JE0017A	<b>AIR OPERATING PERMITS</b> PERMIT 1224
<b>AIR NEW SOURCE PERMITS</b> PERMIT 9908	<b>AIR NEW SOURCE PERMITS</b> PERMIT 7642
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 9351A	<b>AIR NEW SOURCE PERMITS</b> PERMIT 4132A
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 11481A	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 12381A
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 15069A	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 9100A
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 16309A	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 16456A
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 33357	<b>AIR NEW SOURCE PERMITS</b> AFS NUM 4824500034
<b>AIR NEW SOURCE PERMITS</b> ACCOUNT NUMBER JE0017A	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 70480
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 71804	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 73735
<b>AIR NEW SOURCE PERMITS</b> PERMIT 74010	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 82785
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 93144	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 97956
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 159425	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 157017
<b>IHW CORRECTIVE ACTION</b> SOLID WASTE REGISTRATION # (SWR) 30144	<b>STORMWATER</b> PERMIT TXR05E111
<b>WASTEWATER</b> PERMIT WQ0002487000	<b>WASTEWATER</b> EPA ID TX0087602
<b>AIR EMISSIONS INVENTORY</b> ACCOUNT NUMBER JE0017A	<b>POLLUTION PREVENTION PLANNING</b> ID NUMBER P00026
<b>INDUSTRIAL AND HAZARDOUS WASTE</b> SOLID WASTE REGISTRATION # (SWR) 30144	<b>INDUSTRIAL AND HAZARDOUS WASTE</b> EPA ID TXD000789685
<b>INDUSTRIAL AND HAZARDOUS WASTE</b> OTS REQUEST 41871	<b>INDUSTRIAL AND HAZARDOUS WASTE</b> EPA ID TXP490355184
<b>TAX RELIEF</b> ID NUMBER 16572	<b>TAX RELIEF</b> ID NUMBER 17243
<b>TAX RELIEF</b> ID NUMBER 16563	

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

**Date Compliance History Report Prepared:** June 18, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** June 18, 2016 to June 18, 2021

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

**Name:** Abigail Lindsey

**Phone:** (512) 239-2576

## 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: 07/12/2017 | ADMINORDER | 2016-1884-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: Special Condition 1 PERMIT  
Special Term & Condition 13 OP

Description: Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), Federal Operating Permit ("FOP") No. O1224, Special Terms and Conditions ("STC") No. 13, and New Source Review Permit No. 9908, Special Conditions No. 1. Specifically, the Respondent released 19.42 pounds of 1,3-butadiene during an avoidable emissions event (Incident No. 237458) that began on July 11, 2016 and lasted three hours and

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Term & Condition 2F OP

Description: Failed to submit an initial notification within 24 hours after discovery of the emissions event, in violation of 30 TEX. ADMIN. CODE §§101.201(a)(1)(B) and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), and FOP No. O1224, and STC No. 2.F. Specifically, the initial notification for Incident No. 237458 was due by July 12, 2016 at 12:00 a.m., but was not submitted until July 12, 2016 at 4:41 p.m.

2 Effective Date: 12/05/2017 ADMINORDER 2017-0178-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: General Terms and Conditions OP  
Special Condition 13 OP  
Special Condition 17 PERMIT

Description: Failure to record investigations of monitored concentrations of 25 parts per billion or greater at the facility's fence line.

3 Effective Date: 06/18/2019 ADMINORDER 2018-0687-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: SPECIAL CONDITION 1 PERMIT  
SPECIAL CONDITION 13 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that occurred on September 28, 2017 (Incident 268776).  
MOD 2D A(12)(i)(6)

Classification: Moderate

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

Rqmt Prov: SPECIAL CONDITION 1 PERMIT  
SPECIAL CONDITION 13 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that occurred on January 17, 2018 (Incident 276600).  
MOD 2D A(12)(i)(6)

4 Effective Date: 12/18/2019 ADMINORDER 2018-0868-IHW-E (Findings Order-Agreed Order Without Denial)

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 335, SubChapter A 335.4

Description: Caused, suffered, allowed, or permitted the unauthorized disposal of IHW at the Facility.

5 Effective Date: 12/18/2019 ADMINORDER 2018-1693-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Condition 1 PERMIT

Special Terms and Conditions 13 OP

Description: Failed to prevent unauthorized emissions and nuisance odor conditions. Specifically, the Respondent released 147.6 lbs of styrene and 10.1 lbs of 1,3-butadiene as fugitive emissions during an emissions event (Incident No. 292839) that began on September 22, 2018 and lasted seven hours. The emissions even occurred due to the consumption of the polymerization inhibitor during a delayed turnaround of chemicals in Tank 8 of the Monomer Tank Farm, resulting in a release to the atmosphere.

6 Effective Date: 04/27/2020 ADMINORDER 2019-0490-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 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Condition 1 PERMIT

Special Terms and Conditions 13 OP

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)

30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.165(a)(8)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failure to accurately certify the Annual Permit Compliance Certification.

7 Effective Date: 05/25/2020 ADMINORDER 2019-0282-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Condition 1 PERMIT

Special Terms and Conditions OP

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

STC No. 2.F. OP

Description: Failed to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event,

8 Effective Date: 06/30/2020 ADMINORDER 2019-1771-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Special Terms and Conditions 13 OP

Description: Failure to prevent unauthorized emissions. The Respondent released 361.6 pounds of VOCs as fugitive emissions, during an emissions event (Incident No. 316522) that occurred on July 21, 2019 and lasted 25 minutes. The emissions event occurred due to a leak caused by external corrosion of the latex transfer piping beneath Reactor 410 in the CB Reactor Unit, resulting in the release to the atmosphere. Since the emissions event could have been prevented by better design and/or better operational and

## B. Criminal convictions:

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	September 15, 2016	(1373448)
Item 2	September 21, 2016	(1355342)
Item 3	October 05, 2016	(1379626)
Item 4	November 21, 2016	(1385573)
Item 5	December 19, 2016	(1376139)
Item 6	January 20, 2017	(1398327)
Item 7	February 07, 2017	(1405230)
Item 8	March 16, 2017	(1412303)
Item 9	April 12, 2017	(1418808)
Item 10	May 15, 2017	(1426466)
Item 11	June 15, 2017	(1432457)
Item 12	June 26, 2017	(1421751)
Item 13	July 14, 2017	(1441022)
Item 14	September 18, 2017	(1430813)
Item 15	November 20, 2017	(1462613)
Item 16	December 15, 2017	(1455818)
Item 17	January 09, 2018	(1475714)
Item 18	February 20, 2018	(1487895)
Item 19	March 19, 2018	(1472560)
Item 20	March 20, 2018	(1491583)
Item 21	April 17, 2018	(1494833)
Item 22	April 19, 2018	(1480034)
Item 23	July 11, 2018	(1515205)
Item 24	August 07, 2018	(1521259)
Item 25	August 10, 2018	(1498909)
Item 26	August 12, 2018	(1507290)
Item 27	September 13, 2018	(1528440)
Item 28	September 21, 2018	(1511845)
Item 29	October 11, 2018	(1534779)
Item 30	November 16, 2018	(1542632)
Item 31	December 11, 2018	(1546375)
Item 33	January 16, 2019	(1563204)
Item 34	February 19, 2019	(1544891)
Item 35	February 20, 2019	(1563202)
Item 37	March 13, 2019	(1563203)
Item 38	April 11, 2019	(1572997)
Item 39	May 08, 2019	(1585598)
Item 41	June 20, 2019	(1585599)
Item 42	July 19, 2019	(1594357)
Item 43	August 16, 2019	(1600649)
Item 44	August 28, 2019	(1591224)
Item 45	August 30, 2019	(1583015)
Item 46	September 20, 2019	(1607562)
Item 48	January 29, 2020	(1635203)
Item 49	February 19, 2020	(1630842)
Item 50	February 20, 2020	(1641818)
Item 51	March 13, 2020	(1633017)
Item 52	March 18, 2020	(1648332)
Item 53	April 17, 2020	(1654684)
Item 54	April 21, 2020	(1640051)
Item 55	April 28, 2020	(1645596)
Item 56	May 01, 2020	(1646041)
Item 57	May 04, 2020	(1645698)
Item 58	May 20, 2020	(1661250)
Item 59	June 12, 2020	(1667778)

Item 60	July 17, 2020	(1674724)
Item 61	August 18, 2020	(1681495)
Item 62	September 15, 2020	(1688073)
Item 63	September 24, 2020	(1671553)
Item 64	October 19, 2020	(1694429)
Item 65	December 20, 2020	(1715896)
Item 66	January 20, 2021	(1715897)
Item 67	February 16, 2021	(1728968)
Item 68	February 26, 2021	(1701242)
Item 69	March 26, 2021	(1728969)
Item 70	April 19, 2021	(1728970)
Item 71	April 28, 2021	(1710482)
Item 72	May 12, 2021	(1704394)
Item 73	May 27, 2021	(1706827)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1      Date:      08/30/2020      (1658055)
- Self Report?      NO      Classification:      Minor
- Citation:      MRR, Pg. 6, No. 7(a) PERMIT
- Description:      Failure by the LION to report, in writing, an unauthorized discharge (UD) to the TCEQ Regional Office and Enforcement Division (MC224) within five days after becoming aware of the non-compliance.
- Self Report?      NO      Classification:      Minor
- Citation:      MRR Pg. 6, No. 7(C) PERMIT
- Description:      Failure by LION to submit a report for effluent violations that deviated from the permitted effluent limitation by more than 40% in writing to the Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.
- Self Report?      NO      Classification:      Minor
- Citation:      PC Pg. 7, No. 1 PERMIT
- Description:      Failure by LION to include all analytical results on the discharge monitoring reports (DMRs).
- Self Report?      NO      Classification:      Minor
- Citation:      OR Pg. 14, No. 2 PERMIT
- Description:      Failure by LION to report a value of zero for the parameter on the Discharge Monitoring Reports (DMR) when the analysis of a listed parameter indicates no detectable levels above the Minimum Analytical Level (MAL) and the test method detection level is as sensitive as the specified MAL.
- Self Report?      NO      Classification:      Minor
- Citation:      PC No. 2(g), Pg. 8 PERMIT
- Description:      Failure by Lion Elastomers LLC (Lion) to prevent any Unauthorized Discharge (UD) of wastewater into or adjacent to waters of the state.
- Self Report?      NO      Classification:      Minor
- Citation:      OpR No. 1, Pg. 11 PERMIT
- Description:      Failure by Lion Elastomers LLC (Lion) to properly operate and maintain all units of collection, treatment, and disposal.
- 2      Date:      10/08/2020      (1659729)
- 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)  
General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Term and Condition 14 OP
- Description:      Failure to maintain the annual Volatile Organic Compound (VOC) emissions rate at the South Cooling Tower (Emission Point Number (EPN SOUTH-CT)). EIC Category B18g(1), Moderate (D)
- 3      Date:      10/31/2020      (1715895)
- Self Report?      YES      Classification:      Moderate
- Citation:      2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)
- Description:      Failure to meet the limit for one or more permit parameter

4 Date: 11/20/2020 (1679251)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(3)  
 30 TAC Chapter 115, SubChapter D 115.356(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 19(E) PERMIT  
 Special Condition 19(J) PERMIT  
 Special Term & Condition 1(A) OP  
 Special Term & Condition 14(A) OP  
 Description: Failure to document weekly connector visual, audible, and/or olfactory (AVO) observations on connectors in Volatile Organic Compound (VOC) and 1,3-butadiene service until October 31, 2019.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 115, SubChapter D 115.354(11)  
 30 TAC Chapter 115, SubChapter D 115.354(2)(B)  
 30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 19(E) PERMIT  
 Special Condition 19(F) PERMIT  
 Special Condition 19(G) PERMIT  
 Special Term & Condition 1(A) OP  
 Special Term & Condition 14(A) OP  
 Description: Failure to monitor fugitive components from July 1, 2018 to March 26, 2020.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 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)(2)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 19(E) PERMIT  
 Special Term & Condition 1(A) OP  
 Special Term & Condition 14(A) OP  
 Description: Failure to prevent open-ended lines.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to document daily flare observations for the backup flare, emission point number (EPN) S-BACKUPFLR from December 1, 2019 to December 11, 2019.

5 Date: 01/27/2021 (1698962)  
 Self Report? NO Classification: Minor  
 Citation: OpR No. 1, Pg. 11 PERMIT  
 Description: Failure by Lion Elastomers LLC (Lion) to properly operate and maintain all units of collection, treatment, and disposal.

**F. Environmental audits:** N/A

**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  
LION ELASTOMERS LLC  
RN100224799**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2021-0186-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 Lion Elastomers 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 synthetic rubber manufacturing plant located at 1615 Main Street in Port Neches, Jefferson County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$15,000 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$12,000 of the penalty and \$3,000 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or

required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

## **II. ALLEGATIONS**

During a record review conducted on December 8, 2020, an investigator documented that the Respondent:

1. 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. 9908, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1224, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 20.10 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 342184) that occurred on September 14, 2020 and lasted three hours and 52 minutes. The emissions event occurred due to the barrier oil pressure being low in the tank that caused the Reactor RX 501 duraseal to leak during the startup of Reactor RX 501, 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. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 9908, SC No. 1, FOP No. O1224, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 69.30 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 343685) that occurred on October 8, 2020 and lasted two hours and 40 minutes. The emissions event occurred due to overpressurization when the reactor trains were being shut down, 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: Lion Elastomers LLC, Docket No. 2021-0186-AIR-E" to:

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

2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order:
    - i. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 342184; and
    - ii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 343685.
  - 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. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. 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.
8. 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.

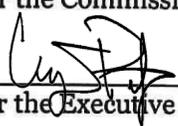
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
3/7/2022

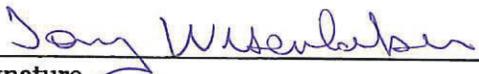
\_\_\_\_\_  
Date

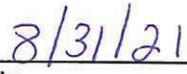
I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date

TONY WISENBAKER  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Lion Elastomers LLC

PLANT MANAGER  
\_\_\_\_\_  
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.