

**Executive Summary – Enforcement Matter – Case No. 60341
Lyondell Chemical Company
RN100633650
Docket No. 2021-0188-AIR-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Lyondell Chemical Channelview, 2502 Sheldon Road, Channelview, Harris County

Type of Operation:

Petrochemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 12, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$74,366

Amount Deferred for Expedited Settlement: \$6,863

Total Paid to General Revenue: \$33,752

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$33,751

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

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014 and January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 27, 2018 through May 8, 2018, October 27, 2020 through January 7, 2021, November 16, 2020 through November 30, 2020, March 16, 2021 through June 7, 2021, August 18, 2021, and February 16, 2024

Date(s) of NOE(s): January 21, 2021, January 29, 2021, February 11, 2021, June 25, 2021, September 20, 2021, and March 20, 2024

Executive Summary – Enforcement Matter – Case No. 60341
Lyondell Chemical Company
RN100633650
Docket No. 2021-0188-AIR-E

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 169.90 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 274190) that began on December 8, 2017 and lasted 18 hours [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 2993, N234, and PSDTX1480, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1387, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 25, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to prevent unauthorized emissions and failed to limit highly reactive volatile organic compounds ("HRVOC") emissions to 1,200 lbs or less per one-hour block period. Specifically, the Respondent experienced 100 percent ("%") opacity and released 1,511.40 lbs of carbon monoxide ("CO"), 2,229 lbs of HRVOC, 284.47 lbs of nitrogen oxides ("NOx"), and 87.40 lbs of VOC from the Emergency Flare (Pilot Gas Only), Emissions Point Number ("EPN") EFL68493, during an emissions event (Incident No. 344154) that occurred on October 15, 2020 and lasted three hours and 40 minutes [30 TEX. ADMIN. CODE §§ 111.111(a)(1)(B), 115.722(c)(1), 116.115(c), and 122.143(4), NSR Permit No. 19613, SC No. 1, FOP No. O1387, GTC and STC No. 28, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not provide the correct estimated total quantities for CO and NOx on the final record for Incident No. 344154 [30 TEX. ADMIN. CODE §§ 101.201(b)(1)(H) and 122.143(4), FOP No. O1387, GTC and STC No. 2.F., and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to provide additional or more detailed information regarding the emissions event when requested by the Executive Director within the time established in the request. Specifically, on October 27, 2020, TCEQ staff requested additional information regarding Incident No. 344154 to be provided by November 10, 2020, but the requested information was not submitted until January 7, 2021 [30 TEX. ADMIN. CODE §§ 101.201(f) and 122.143(4), FOP No. O1387, GTC and STC No. 2.F., and TEX. HEALTH & SAFETY CODE § 382.085(b)].
5. Failed to prevent unauthorized emissions. Specifically, the Respondent released 368.70 lbs of VOC as fugitive emissions and 294.45 lbs of CO, 55.82 lbs of NOx, and 147.58 lbs of VOC from the Continuous Flare, EPN EFL68491, during an emissions event (Incident No. 345209) that began on October 31, 2020 and lasted eight hours [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 19613, SC No. 1, FOP No. O1387, GTC and STC No. 28, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Executive Summary – Enforcement Matter – Case No. 60341
Lyondell Chemical Company
RN100633650
Docket No. 2021-0188-AIR-E

6. Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not identify the estimated total quantities for those compounds or mixtures that were released from the Continuous Flare, EPN EFL68491, on the final record for Incident No. 345209 [30 TEX. ADMIN. CODE §§ 101.201(b)(1)(D), (G), and (H) and 122.143(4), FOP No. O1387, GTC and STC No. 2.F., and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7. Failed to prevent unauthorized emissions. Specifically, the Respondent released 197.50 lbs of CO, 27.30 lbs of NO_x, and 286.40 lbs of VOC, from the Emergency Flare, EPN EFL68493, and released 193.00 lbs of CO, 23.60 lbs of NO_x, and 349.10 lbs of VOC from the Continuous Flare, EPN EFL68491, during an emissions event (Incident No. 352028) that occurred on March 3, 2021 and lasted three hours and 28 minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 19613, SC No. 1, FOP No. O1387, GTC and STC No. 25, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8. Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 100% opacity and released 261.50 lbs of CO, 50.80 lbs of NO_x, and 379.20 lbs of VOC, from the Emergency Flare, EPN EFL68493; experienced 100% opacity and released 721.40 lbs of CO, 140.00 lbs of NO_x, and 1,163.60 lbs of VOC from the Continuous Flare, EPN EFL68491; and released 14.70 lbs of VOC from the Catalytic Incinerator, EPN EF97950, during an emissions event (Incident No. 282756) that began on April 24, 2018 and lasted 25 hours and 35 minutes [30 TEX. ADMIN. CODE §§ 111.111(a)(1)(B), 116.115(c), and 122.143(4), NSR Permit No. 19613, SC No. 1, FOP No. O1387, GTC and STC No. 25, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9. Failed to prevent unauthorized emissions. Specifically, the Respondent released 528.00 lbs of CO, 82.00 lbs of NO_x, and 634.97 lbs of VOC from the Emergency Flare, EPN EFL60730, during an emissions event (Incident No. 409834) that occurred on September 12, 2023 and lasted two hours and 13 minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit Nos. 4121 and N282, SC No. 1, FOP No. O1387, GTC and STC No. 28, 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 September 14, 2018, created a tube plugging checklist and revised the Plant Procedure for Repair and Alteration/Rerates of Boilers, Pressure Vessels and Heat Exchanger Bundles in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 274190;
- b. On January 7, 2021, provided the requested estimated total quantities for CO and NO_x that were released during Incident No. 344154;

Executive Summary – Enforcement Matter – Case No. 60341
Lyondell Chemical Company
RN100633650
Docket No. 2021-0188-AIR-E

c. On January 14, 2021, provide the estimated total quantities for the CO, NOx, and VOC that were released from the Continuous Flare, EPN EFL68491, during Incident No. 345209;

d. By October 14, 2021, conducted training in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 352028;

e. By October 14, 2021, replaced the section of the switchgear involved in the incident that provides adequate spacing and insulation for feeder cable terminations, revised the corporate standards for proper cable spacing in switchgear, acquired partial discharge monitoring tools, and trained appropriate personnel on the equipment and testing procedures in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 282756; and

f. By April 8, 2024, implemented procedures specifically created for swapping the Epoxidizer Propylene Recycle Pumps, lowered the Epoxidizer overhead pressure indicator high-high alarm setpoints to provide additional operator response time, and changed Epoxidizer Pressure Safety Valve PSV-643203A to a new design that implements the most prudent corrective measure to reduce the set pressure variance and extend the blowdown experienced in this event in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 409834.

Technical Requirements:

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

2. The Order will also require the Respondent to:

a. Within 30 days:

i. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 344154;

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

iii. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 345209.

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

Executive Summary – Enforcement Matter – Case No. 60341
Lyondell Chemical Company
RN100633650
Docket No. 2021-0188-AIR-E

Contact Information

TCEQ Attorney: N/A

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

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

SEP Third-Party Administrator: Houston Regional Monitoring Corporation, Amandes Amandes PLLC, 1800 Post Oak Boulevard, Suite 400, Houston, Texas 77056

Respondent: Anthony Wood, Site Manager, Lyondell Chemical Company, P.O. Box 777, Channelview, Texas 77530

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	27-Sep-2021		
	PCW	30-May-2024	Screening	5-Oct-2021
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	Lyondell Chemical Company
Reg. Ent. Ref. No.	RN100633650 (PCW No. 2 of 2)
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60341	No. of Violations	3
Docket No.	2021-0188-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$22,500
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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	88.0%	Adjustment	Subtotals 2, 3, & 7	\$19,800
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Notes: Enhancement for three NOV's with same or similar violations and four orders containing a denial of liability. Reduction for three Notices of Intent to conduct an audit and two Disclosures of Violations.

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	-\$2,250
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$10,323
 Estimated Cost of Compliance: \$81,500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$40,050
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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	\$40,050
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$40,050
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral for orders in which the Respondent has two or more prior administrative penalty orders as set out in Tex. Water Code § 7.105(b)(2), (b)(4), and (b)(6).

PAYABLE PENALTY	\$40,050
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Screening Date 5-Oct-2021

Docket No. 2021-0188-AIR-E

PCW

Respondent Lyondell Chemical Company

Policy Revision 5 (January 28, 2021)

Case ID No. 60341

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100633650 (PCW No. 2 of 2)

Media Air

Enf. Coordinator Yuliya Dunaway

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	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>)	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	2	-4%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 88%

>> 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 three NOVs with same or similar violations and four orders containing a denial of liability. Reduction for three Notices of Intent to conduct an audit and two Disclosures of Violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 88%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 88%

Screening Date 5-Oct-2021	Docket No. 2021-0188-AIR-E	PCW
Respondent Lyondell Chemical Company		Policy Revision 5 (January 28, 2021)
Case ID No. 60341		PCW Revision February 11, 2021
Reg. Ent. Reference No. RN100633650 (PCW No. 2 of 2)		
Media Air		
Enf. Coordinator Yuliya Dunaway		

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 19613, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1387, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 25, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 197.50 pounds ("lbs") of carbon monoxide ("CO"), 27.30 lbs of nitrogen oxides ("NOx"), and 286.40 lbs of volatile organic compounds ("VOC"), from the Emergency Flare, Emissions Point Number ("EPN") EFL68493, and released 193.00 lbs of CO, 23.60 lbs of NOx, and 349.10 lbs of VOC from the Continuous Flare, EPN EFL68491, during an emissions event (Incident No. 352028) that occurred on March 3, 2021 and lasted three hours and 28 minutes.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that did 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="checkbox"/>
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"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input checked="" type="checkbox"/>
N/A	<input type="text"/>	<input type="text"/>

Notes: The Respondent completed the corrective measures by October 14, 2021, after the Notice of Enforcement ("NOE") dated June 25, 2021.

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 Lyondell Chemical Company
Case ID No. 60341
Reg. Ent. Reference No. RN100633650 (PCW No. 2 of 2)
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	3-Mar-2021	14-Oct-2021	0.62	\$46	n/a	\$46
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to conduct training in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 352028. 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

\$1,500

TOTAL

\$46

Screening Date 5-Oct-2021 **Docket No.** 2021-0188-AIR-E **PCW**
Respondent Lyondell Chemical Company *Policy Revision 5 (January 28, 2021)*
Case ID No. 60341 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100633650 (PCW No. 2 of 2)
Media Air
Enf. Coordinator Yuliya Dunaway

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code §§ 111.111(a)(1)(B), 116.115(c), and 122.143(4), NSR Permit No. 19613, SC No. 1, FOP No. O1387, GTC and STC No. 25, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 100 percent ("%") opacity and released 261.50 lbs of CO, 50.80 lbs of NOx, and 379.20 lbs of VOC, from the Emergency Flare, EPN EFL68493; experienced 100% opacity and released 721.40 lbs of CO, 140.00 lbs of NOx, and 1,163.60 lbs of VOC from the Continuous Flare, EPN EFL68491; and released 14.70 lbs of VOC from the Catalytic Incinerator, EPN EF97950, during an emissions event (Incident No. 282756) that began on April 24, 2018 and lasted 25 hours and 35 minutes.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent 0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that did 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 10.0% Reduction \$750

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

Notes The Respondent completed the corrective measures by October 14, 2021, after the NOE dated September 20, 2021.

Violation Subtotal \$6,750

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

Estimated EB Amount \$9,561 **Violation Final Penalty Total** \$13,350

This violation Final Assessed Penalty (adjusted for limits) \$13,350

Economic Benefit Worksheet

Respondent Lyondell Chemical Company
Case ID No. 60341
Reg. Ent. Reference No. RN100633650 (PCW No. 2 of 2)
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$55,000	24-Apr-2018	14-Oct-2021	3.48	\$9,561	n/a	\$9,561

Notes for DELAYED costs

Estimated cost to replace the section of the switchgear involved in the incident that provides adequate spacing and insulation for feeder cable terminations, revise the corporate standards for proper cable spacing in switchgear, acquire partial discharge monitoring tools, and train appropriate personnel on the equipment and testing procedures in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 282756. 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 \$55,000

TOTAL \$9,561

Screening Date 5-Oct-2021 **Docket No.** 2021-0188-AIR-E **PCW**
Respondent Lyondell Chemical Company *Policy Revision 5 (January 28, 2021)*
Case ID No. 60341 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100633650 (PCW No. 2 of 2)
Media Air
Enf. Coordinator Yuliya Dunaway

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit Nos. 4121 and N282, SC No. 1, FOP No. O1387, GTC and STC No. 28, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 528.00 lbs of CO, 82.00 lbs of NOx, and 634.97 lbs of VOC from the Emergency Flare, EPN EFL60730, during an emissions event (Incident No. 409834) that occurred on September 12, 2023 and lasted two hours and 13 minutes.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that did 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 10.0% Reduction \$750

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

Notes The Respondent completed the corrective measures by April 8, 2024, after the NOE dated March 20, 2024.

Violation Subtotal \$6,750

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

Estimated EB Amount \$716 **Violation Final Penalty Total** \$13,350

This violation Final Assessed Penalty (adjusted for limits) \$13,350

Economic Benefit Worksheet

Respondent Lyondell Chemical Company
Case ID No. 60341
Reg. Ent. Reference No. RN100633650 (PCW No. 2 of 2)
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25,000	12-Sep-2023	8-Apr-2024	0.57	\$716	n/a	\$716

Notes for DELAYED costs

Estimated cost to implement procedures specifically created for swapping the Epoxidizer Propylene Recycle Pumps, lower the Epoxidizer overhead pressure indicator high-high alarm setpoints to provide additional operator response time, and change Epoxidizer Pressure Safety Valve PSV-643203A to a new design that implements the most prudent corrective measure to reduce the set pressure variance and extend the blowdown experienced in this event in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 409834. 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 \$25,000

TOTAL \$716



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	25-Jan-2021	Screening	3-Feb-2021	EPA Due	
	PCW	30-May-2024				

RESPONDENT/FACILITY INFORMATION	
Respondent	Lyondell Chemical Company
Reg. Ent. Ref. No.	RN100633650 (PCW No. 1 of 2)
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60341	No. of Violations	6
Docket No.	2021-0188-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$19,250
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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	88.0%	Adjustment	Subtotals 2, 3, & 7	\$16,940
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Notes: Enhancement for three NOVs with same or similar violations and four orders containing a denial of liability. Reduction for three Notices of Intent to conduct an audit and two Disclosures of Violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,874
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$4,719
 Estimated Cost of Compliance: \$25,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$34,316
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	Subtotal	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

Final Penalty Amount	\$34,316
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$34,316
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DEFERRAL	20.0%	Reduction	Adjustment	-\$6,863
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	Final Assessed Penalty	\$27,453
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Screening Date 3-Feb-2021

Docket No. 2021-0188-AIR-E

PCW

Respondent Lyondell Chemical Company

Policy Revision 4 (April 2014)

Case ID No. 60341

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100633650 (PCW No. 1 of 2)

Media Air

Enf. Coordinator Yuliya Dunaway

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	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>)	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	2	-4%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 88%

>> 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 three NOVs with same or similar violations and four orders containing a denial of liability. Reduction for three Notices of Intent to conduct an audit and two Disclosures of Violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 88%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 88%

Screening Date 3-Feb-2021 **Docket No.** 2021-0188-AIR-E **PCW**
Respondent Lyondell Chemical Company *Policy Revision 4 (April 2014)*
Case ID No. 60341 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN100633650 (PCW No. 1 of 2)
Media Air
Enf. Coordinator Yuliya Dunaway

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 2993, N234, and PSDTX1480, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1387, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 25, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 169.90 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 274190) that began on December 8, 2017 and lasted 18 hours.
Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

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

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$937

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

Notes The Respondent completed the corrective measures by September 14, 2018, prior to the Notice of Enforcement ("NOE") dated February 11, 2021.

Violation Subtotal \$2,813

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

Estimated EB Amount \$115 **Violation Final Penalty Total** \$6,113

This violation Final Assessed Penalty (adjusted for limits) \$6,113

Economic Benefit Worksheet

Respondent Lyondell Chemical Company
Case ID No. 60341
Reg. Ent. Reference No. RN100633650 (PCW No. 1 of 2)
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3,000	8-Dec-2017	14-Sep-2018	0.77	\$115	n/a	\$115

Notes for DELAYED costs

Estimated cost to create a tube plugging checklist and revise the Plant Procedure for Repair and Alteration/Rerates of Boilers, Pressure Vessels and Heat Exchanger Bundles in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 274190. 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

\$3,000

TOTAL

\$115

Screening Date 3-Feb-2021
Respondent Lyondell Chemical Company
Case ID No. 60341
Reg. Ent. Reference No. RN100633650 (PCW No. 1 of 2)
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2021-0188-AIR-E

PCW

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

Violation Number 2

Rule Cite(s)
 30 Tex. Admin. Code §§ 111.111(a)(1)(B), 115.722(c)(1), 116.115(c), and 122.143(4), NSR Permit No. 19613, SC No. 1, FOP No. O1387, GTC and STC No. 28, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to prevent unauthorized emissions and failed to limit highly reactive volatile organic compounds ("HRVOC") emissions to 1,200 lbs or less per one-hour block period. Specifically, the Respondent experienced 100 percent opacity and released 1,511.40 lbs of carbon monoxide ("CO"), 2,229 lbs of HRVOC, 284.47 lbs of nitrogen oxides ("NOx"), and 87.40 lbs of VOC from the Emergency Flare (Pilot Gas Only), Emissions Point Number ("EPN") EFL68493, during an emissions event (Incident No. 344154) that occurred on October 15, 2020 and lasted three hours and 40 minutes.

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,151

Violation Final Penalty Total \$14,100

This violation Final Assessed Penalty (adjusted for limits) \$14,100

Economic Benefit Worksheet

Respondent Lyondell Chemical Company
Case ID No. 60341
Reg. Ent. Reference No. RN100633650 (PCW No. 1 of 2)
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

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	15-Oct-2020	1-Feb-2025	4.30	\$2,151	n/a	\$2,151

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 344154. 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

\$2,151

Screening Date 3-Feb-2021
Respondent Lyondell Chemical Company
Case ID No. 60341
Reg. Ent. Reference No. RN100633650 (PCW No. 1 of 2)
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2021-0188-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. 01387, 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 provide the correct estimated total quantities for CO and NOx on the final record for Incident No. 344154.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			x	1.0%

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

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 58 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 \$322

Violation Final Penalty Total \$470

This violation Final Assessed Penalty (adjusted for limits) \$470

Economic Benefit Worksheet

Respondent Lyondell Chemical Company
Case ID No. 60341
Reg. Ent. Reference No. RN100633650 (PCW No. 1 of 2)
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	29-Oct-2020	1-Feb-2025	4.26	\$320	n/a	\$320
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	29-Oct-2020	7-Jan-2021	0.19	\$2	n/a	\$2

Notes for DELAYED costs

Estimated costs to provided the requested estimated total quantities for CO and NOx that were released during Incident No. 344154 and to implement measures designed to ensure that all of the required information is identified on the final records for reportable emissions. The Dates Required is the date the final record was due and the Final Dates are the date the estimated total quantities were provided and 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 \$1,750

TOTAL \$322

Screening Date 3-Feb-2021
Respondent Lyondell Chemical Company
Case ID No. 60341
Reg. Ent. Reference No. RN100633650 (PCW No. 1 of 2)
Media Air

Docket No. 2021-0188-AIR-E

PCW

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

Enf. Coordinator Yuliya Dunaway

Violation Number 4

Rule Cite(s)
 30 Tex. Admin. Code §§ 101.201(f) and 122.143(4), FOP No. O1387, GTC and STC No. 2.F., and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to provide additional or more detailed information regarding the emissions event when requested by the Executive Director within the time established in the request. Specifically, on October 27, 2020, TCEQ staff requested additional information regarding Incident No. 344154 to be provided by November 10, 2020, but the requested information was not submitted until January 7, 2021.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			15.0%

Matrix Notes
 100% of the rule requirements were not met.

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 single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

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

Notes
 The Respondent completed the corrective measures on January 7, 2021, prior to the NOE dated January 21, 2021.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$6,113

This violation Final Assessed Penalty (adjusted for limits) \$6,113

Economic Benefit Worksheet

Respondent Lyondell Chemical Company
Case ID No. 60341
Reg. Ent. Reference No. RN100633650 (PCW No. 1 of 2)
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See the Economic Benefit in Violation No. 3 of PCW No. 1 of 2 for providing the requested estimated total quantities for CO and NOx that were released during Incident No. 344154.

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 \$0

TOTAL \$0

Screening Date 3-Feb-2021
Respondent Lyondell Chemical Company
Case ID No. 60341
Reg. Ent. Reference No. RN100633650 (PCW No. 1 of 2)
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2021-0188-AIR-E

PCW

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

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 19613, SC No. 1, FOP No. O1387, GTC and STC No. 28, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 368.70 lbs of VOC as fugitive emissions and 294.45 lbs of CO, 55.82 lbs of NOx, and 147.58 lbs of VOC from the Continuous Flare, EPN EFL68491, during an emissions event (Incident No. 345209) that began on October 31, 2020 and lasted eight hours.

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	Harm			Percent
		Major	Moderate	Minor	
					0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,129

Violation Final Penalty Total \$7,050

This violation Final Assessed Penalty (adjusted for limits) \$7,050

Economic Benefit Worksheet

Respondent Lyondell Chemical Company
Case ID No. 60341
Reg. Ent. Reference No. RN100633650 (PCW No. 1 of 2)
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

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	31-Oct-2020	1-Feb-2025	4.26	\$2,129	n/a	\$2,129

Notes for DELAYED costs

Estimated delayed cost to implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 345209. The Date Required is the date the emissions event began 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

\$2,129

Screening Date 3-Feb-2021
Respondent Lyondell Chemical Company
Case ID No. 60341
Reg. Ent. Reference No. RN100633650 (PCW No. 1 of 2)
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2021-0188-AIR-E

PCW

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

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(b)(1)(D), (G), and (H) and 122.143(4), FOP No. 01387, 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 estimated total quantities for those compounds or mixtures that were released from the Continuous Flare, EPN EFL68491, on the final record for Incident No. 345209.

Base Penalty \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
				x	1.0%

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

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events: 1 1 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 \$2

Violation Final Penalty Total \$470

This violation Final Assessed Penalty (adjusted for limits) \$470

Economic Benefit Worksheet

Respondent Lyondell Chemical Company
Case ID No. 60341
Reg. Ent. Reference No. RN100633650 (PCW No. 1 of 2)
Media Air
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	14-Nov-2020	14-Jan-2021	0.17	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to provide the estimated total quantities for the CO, NOx, and VOC that were released from the Continuous Flare, EPN EFL68491, during Incident No. 345209. The Date Required is the date the final record was due and the Final Date is the date of compliance.

See the Economic Benefit in Violation No. 3 in PCW No. 1 of 2 for implementing measures designed to ensure that all of the required information is identified on the final records for reportable emissions.

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 \$2



Compliance History Report

Compliance History Report for CN600344402, RN100633650, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN600344402, Lyondell Chemical Company	Classification:	SATISFACTORY	Rating:	4.22
Regulated Entity:	RN100633650, LYONDELL CHEMICAL CHANNELVIEW	Classification:	SATISFACTORY	Rating:	3.23
Complexity Points:	42	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	2502 SHELDON ROAD, CHANNELVIEW, HARRIS COUNTY, TX				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER
HG1575W

AIR NEW SOURCE PERMITS AFS NUM 4820100417

AIR NEW SOURCE PERMITS REGISTRATION 48597

AIR NEW SOURCE PERMITS REGISTRATION 40092

AIR NEW SOURCE PERMITS REGISTRATION 40093

AIR NEW SOURCE PERMITS REGISTRATION 37654

AIR NEW SOURCE PERMITS REGISTRATION 35477

AIR NEW SOURCE PERMITS REGISTRATION 32435

AIR NEW SOURCE PERMITS PERMIT 19613

AIR NEW SOURCE PERMITS PERMIT 18103

AIR NEW SOURCE PERMITS PERMIT 3346

AIR NEW SOURCE PERMITS PERMIT 2993

AIR NEW SOURCE PERMITS REGISTRATION 73851

AIR NEW SOURCE PERMITS REGISTRATION 77723

AIR NEW SOURCE PERMITS REGISTRATION 79199

AIR NEW SOURCE PERMITS REGISTRATION 79542

AIR NEW SOURCE PERMITS REGISTRATION 81465

AIR NEW SOURCE PERMITS REGISTRATION 81958

AIR NEW SOURCE PERMITS REGISTRATION 84090

AIR NEW SOURCE PERMITS REGISTRATION 96529

AIR NEW SOURCE PERMITS REGISTRATION 110744

AIR NEW SOURCE PERMITS REGISTRATION 110759

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1480

AIR NEW SOURCE PERMITS REGISTRATION 110749

AIR NEW SOURCE PERMITS REGISTRATION 108390

AIR NEW SOURCE PERMITS REGISTRATION 110748

AIR NEW SOURCE PERMITS EPA PERMIT N234

AIR NEW SOURCE PERMITS REGISTRATION 110745

AIR NEW SOURCE PERMITS REGISTRATION 154483

AIR NEW SOURCE PERMITS REGISTRATION 151560

AIR NEW SOURCE PERMITS PERMIT AMOC86

AIR NEW SOURCE PERMITS REGISTRATION 167049

AIR NEW SOURCE PERMITS REGISTRATION 169047

AIR NEW SOURCE PERMITS REGISTRATION 165455

AIR NEW SOURCE PERMITS REGISTRATION 167653

AIR NEW SOURCE PERMITS REGISTRATION 163982

AIR NEW SOURCE PERMITS REGISTRATION 169258

AIR NEW SOURCE PERMITS REGISTRATION 166665

AIR OPERATING PERMITS PERMIT 1387

AIR NEW SOURCE PERMITS ACCOUNT NUMBER
HG1575W

AIR NEW SOURCE PERMITS REGISTRATION 42082

AIR NEW SOURCE PERMITS REGISTRATION 40094

AIR NEW SOURCE PERMITS REGISTRATION 38432

AIR NEW SOURCE PERMITS REGISTRATION 36353

AIR NEW SOURCE PERMITS REGISTRATION 34833

AIR NEW SOURCE PERMITS PERMIT 20416

AIR NEW SOURCE PERMITS PERMIT 19155

AIR NEW SOURCE PERMITS PERMIT 4121

AIR NEW SOURCE PERMITS PERMIT 3286A

AIR NEW SOURCE PERMITS REGISTRATION 75719

AIR NEW SOURCE PERMITS REGISTRATION 74852

AIR NEW SOURCE PERMITS REGISTRATION 78756

AIR NEW SOURCE PERMITS REGISTRATION 79945

AIR NEW SOURCE PERMITS REGISTRATION 80344

AIR NEW SOURCE PERMITS REGISTRATION 35412

AIR NEW SOURCE PERMITS PERMIT 83817

AIR NEW SOURCE PERMITS REGISTRATION 98198

AIR NEW SOURCE PERMITS REGISTRATION 100257

AIR NEW SOURCE PERMITS PERMIT 137856

AIR NEW SOURCE PERMITS REGISTRATION 108363

AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX149

AIR NEW SOURCE PERMITS REGISTRATION 110753

AIR NEW SOURCE PERMITS REGISTRATION 110747

AIR NEW SOURCE PERMITS REGISTRATION 131147

AIR NEW SOURCE PERMITS REGISTRATION 107594

AIR NEW SOURCE PERMITS REGISTRATION 150982

AIR NEW SOURCE PERMITS REGISTRATION 154043

AIR NEW SOURCE PERMITS REGISTRATION 153364

AIR NEW SOURCE PERMITS REGISTRATION 154220

AIR NEW SOURCE PERMITS REGISTRATION 169166

AIR NEW SOURCE PERMITS REGISTRATION 167651

AIR NEW SOURCE PERMITS REGISTRATION 164468

AIR NEW SOURCE PERMITS REGISTRATION 166559

AIR NEW SOURCE PERMITS REGISTRATION 163984

AIR NEW SOURCE PERMITS REGISTRATION 167333

AIR NEW SOURCE PERMITS REGISTRATION 166560

AIR NEW SOURCE PERMITS REGISTRATION 167648
AIR NEW SOURCE PERMITS REGISTRATION 146922
AIR NEW SOURCE PERMITS PERMIT AMOC1
AIR NEW SOURCE PERMITS PERMIT AMOC158
AIR NEW SOURCE PERMITS EPA PERMIT N282
AIR NEW SOURCE PERMITS REGISTRATION 159150
AIR NEW SOURCE PERMITS REGISTRATION 158060
AIR NEW SOURCE PERMITS REGISTRATION 162741
AIR NEW SOURCE PERMITS REGISTRATION 171842
AIR NEW SOURCE PERMITS REGISTRATION 167649
AIR NEW SOURCE PERMITS REGISTRATION 169041
IHW CORRECTIVE ACTION SOLID WASTE
REGISTRATION # (SWR) 30676
UNDERGROUND INJECTION CONTROL PERMIT WDW148
WASTEWATER PERMIT WQ0002927000

POLLUTION PREVENTION PLANNING ID NUMBER
P00038
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30676
TAX RELIEF ID NUMBER 24634
TAX RELIEF ID NUMBER 24635
TAX RELIEF ID NUMBER 24639
TAX RELIEF ID NUMBER 25127

AIR NEW SOURCE PERMITS REGISTRATION 166338
AIR NEW SOURCE PERMITS REGISTRATION 146914
AIR NEW SOURCE PERMITS REGISTRATION 159522
AIR NEW SOURCE PERMITS REGISTRATION 156080
AIR NEW SOURCE PERMITS REGISTRATION 157435
AIR NEW SOURCE PERMITS REGISTRATION 161551
AIR NEW SOURCE PERMITS REGISTRATION 159528
AIR NEW SOURCE PERMITS REGISTRATION 160679
AIR NEW SOURCE PERMITS REGISTRATION 171830
AIR NEW SOURCE PERMITS REGISTRATION 174602
AIR NEW SOURCE PERMITS REGISTRATION 176017
UNDERGROUND INJECTION CONTROL PERMIT WDW162
UNDERGROUND INJECTION CONTROL PERMIT WDW438
AIR EMISSIONS INVENTORY ACCOUNT NUMBER
HG1575W
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD083472266
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50288

TAX RELIEF ID NUMBER 24638
TAX RELIEF ID NUMBER 24636
TAX RELIEF ID NUMBER 24637

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023
Date Compliance History Report Prepared: May 01, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 01, 2019 to May 01, 2024

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

Name: Yuliya Dunaway

Phone: (210) 403-4077

Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 09/03/2019 ADMINORDER 2018-1321-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: NSR, SC 1 PERMIT
O1387 OP
Description: Failed to prevent unauthorized emissions.

- 2 Effective Date: 08/24/2021 ADMINORDER 2020-1432-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: FOP O1387 GTC and STC No. 25 OP
NSR Permit 3346, Special Conditions 1 PERMIT
Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on November 5, 2017, TCEQ/STEERS Incident No. 271858. [Category A12.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: FOP No. O1387 OP
NSR Permit No. 19613 ORDER

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,249.80 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 388403) that occurred on September 29, 2022 and lasted 22 minutes. The emissions event occurred when the nitrogen purge was not isolated from the drum prior to the catalyst injection during a catalyst batch process in the Propylene Oxide and Styrene Monomer II Unit that caused higher than normal pressure on the drum during the

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: FOP No. O1387 OP
Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 281.77 lbs of VOC, 214.42 lbs of CO, and 29.95 lbs of NOx from the Emergency Flare, EPN EFL60730, during an emissions event (Incident No. 387852) that occurred on September 22, 2022 and lasted two hours and 31 minutes. The emissions event occurred due to a reduction of heat input to the T-380 tower that caused a high liquid level in Drum D-381 and Compressor C-380 to shut down, resulting in flaring.

See addendum for information regarding federal actions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 20, 2019	(1569397)
Item 2	June 20, 2019	(1584944)
Item 3	July 18, 2019	(1594017)
Item 4	July 31, 2019	(1570312)
Item 5	August 13, 2019	(1580650)
Item 6	August 16, 2019	(1600338)
Item 7	September 20, 2019	(1607230)
Item 8	October 17, 2019	(1614082)
Item 9	October 21, 2019	(1603900)
Item 10	October 30, 2019	(1604267)
Item 11	November 20, 2019	(1619893)
Item 12	December 20, 2019	(1627254)
Item 13	January 06, 2020	(1617209)
Item 14	January 08, 2020	(1617997)
Item 15	January 10, 2020	(1617228)
Item 16	January 20, 2020	(1634889)
Item 17	February 20, 2020	(1641506)
Item 18	February 26, 2020	(1631413)
Item 19	March 19, 2020	(1648015)
Item 20	April 20, 2020	(1654366)
Item 21	May 08, 2020	(1645534)
Item 22	May 13, 2020	(1597711)
Item 23	May 19, 2020	(1660931)
Item 24	June 19, 2020	(1667464)
Item 25	July 17, 2020	(1674413)
Item 26	August 11, 2020	(1666079)
Item 27	August 18, 2020	(1681188)
Item 28	September 17, 2020	(1687757)
Item 29	October 16, 2020	(1678773)
Item 30	October 19, 2020	(1694103)
Item 31	October 28, 2020	(1684474)

Item 32	December 15, 2020	(1696925)
Item 33	December 17, 2020	(1714967)
Item 34	January 29, 2021	(1700621)
Item 35	February 18, 2021	(1728031)
Item 36	February 23, 2021	(1702497)
Item 37	March 16, 2021	(1728032)
Item 38	April 19, 2021	(1728033)
Item 39	May 05, 2021	(1710495)
Item 40	May 19, 2021	(1722072)
Item 41	May 20, 2021	(1741309)
Item 42	June 11, 2021	(1722073)
Item 43	June 18, 2021	(1748026)
Item 44	July 20, 2021	(1739844)
Item 45	July 30, 2021	(1723569)
Item 46	August 20, 2021	(1757961)
Item 47	September 17, 2021	(1767196)
Item 48	October 11, 2021	(1765034)
Item 49	October 18, 2021	(1765269)
Item 50	October 20, 2021	(1777665)
Item 51	October 29, 2021	(1771124)
Item 52	November 05, 2021	(1690263)
Item 53	November 15, 2021	(1771845)
Item 54	November 19, 2021	(1784464)
Item 55	December 20, 2021	(1791494)
Item 56	January 20, 2022	(1799336)
Item 57	January 28, 2022	(1788058)
Item 58	February 16, 2022	(1807154)
Item 59	March 17, 2022	(1814220)
Item 60	April 19, 2022	(1820793)
Item 61	April 26, 2022	(1810549)
Item 62	May 20, 2022	(1829625)
Item 63	June 20, 2022	(1835921)
Item 64	July 19, 2022	(1843122)
Item 65	August 04, 2022	(1773247)
Item 66	August 18, 2022	(1813116)
Item 67	August 19, 2022	(1849290)
Item 68	September 19, 2022	(1857052)
Item 69	October 20, 2022	(1863409)
Item 70	November 01, 2022	(1852698)
Item 71	November 10, 2022	(1854795)
Item 72	November 18, 2022	(1870321)
Item 73	December 06, 2022	(1840374)
Item 74	December 20, 2022	(1876170)
Item 75	January 20, 2023	(1882989)
Item 76	January 30, 2023	(1873511)
Item 77	February 14, 2023	(1875122)
Item 78	February 20, 2023	(1890798)
Item 79	March 20, 2023	(1899368)
Item 80	April 19, 2023	(1906172)
Item 81	May 02, 2023	(1896280)
Item 82	May 12, 2023	(1888396)
Item 83	May 17, 2023	(1913328)
Item 84	May 23, 2023	(1842081)
Item 85	June 01, 2023	(1889235)
Item 86	June 13, 2023	(1904322)
Item 87	June 16, 2023	(1919936)
Item 88	July 05, 2023	(1911335)
Item 89	July 20, 2023	(1926904)
Item 90	August 17, 2023	(1933860)
Item 91	September 20, 2023	(1940004)
Item 92	October 20, 2023	(1946846)

Item 93	October 30, 2023	(1936563)
Item 94	November 16, 2023	(1938957)
Item 95	November 17, 2023	(1952534)
Item 96	December 01, 2023	(1943515)
Item 97	December 20, 2023	(1962306)
Item 98	January 18, 2024	(1968896)
Item 99	February 19, 2024	(1977961)
Item 100	February 23, 2024	(1964978)
Item 101	March 14, 2024	(1967229)
Item 102	March 15, 2024	(1972498)
Item 103	April 30, 2024	(1976607)

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: 12/14/2023 (1925469)
 - 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 14B PERMIT
Special Term & Condition 1A OP
Special Term & Condition 28 OP
 - Description: Failure to maintain the minimum average temperature differential for POSM 2 Catalytic Incinerator F-97950 (EPN: EF97950) (Category C4).
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 19(H)(2) PERMIT
Special Term & Condition 1A OP
Special Term & Condition 28 OP
 - Description: Failure to conduct weekly total dissolved solids (TDS) sampling for POSM Cooling Tower (EPN: ECCOL1) (Category C4).
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Requirement 1.E. PERMIT
Special Condition 8(E) PERMIT
Special Term & Condition 28 OP
Special Term & Condition OP
 - Description: Failure to maintain the minimum net heating value for the MTBE Continuous Flare (EPN: EFL6104) (Category C4).
 - Self Report? NO Classification: Minor
 - Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP
 - Description: Failure to conduct highly reactive volatile organic compound (HRVOC) sampling during HRVOC analyzer downtime for POSM 1 Continuous Flare (EPN: FL60731). (Category C1)
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 4(A) PERMIT
Special Term & Condition 1A OP
Special Term & Condition 28 OP
 - Description: Failure to maintain the minimum net heating value for the BDO Flare (EPN: EFL6105). (Category C4)
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)

Requirement 1.C. PERMIT
Special Condition 2(C) PERMIT
Special Condition 2(E) PERMIT
Special Term & Condition OP
Special Term and Condition 1A OP
Special Term and Condition 28 OP

Description: Failure to prevent visible emissions for POSM 1 Continuous Flare (EPN: EFL60731). (Category B13)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.122(a)(2)
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 G 63.113(a)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 14(A) PERMIT
Special Term & Condition 1A OP
Special Term & Condition 28 OP

Description: Failure to maintain minimum volatile organic compound (VOC) concentration for POSM 2 Catalytic Converter (EPN: EF97950). (Category B18.g.1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to prevent an exceedance of the ammonia concentration for BOILER 3 (EPN: EBOILER). (Category B18.g.1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)
Requirement 1.C. PERMIT
Special Condition 8(C) PERMIT
Special Term & Condition 1A OP
Special Term & Condition 28 OP
Special Term and Condition 38 OP

Description: Failure to prevent visible emissions for the MBTE Emergency Flare (EPN: EFL6103). (Category B13)

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 35 PERMIT
Special Term & Condition 28 OP

Description: Failure to maintain the minimum mixed liquor total suspended solids (MLSS) concentration for TK-127 Aeration Tank (EPN: ETK68127). (Category C4)

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)
Requirement 1.E. PERMIT
Special Condition 2A PERMIT
Special Condition 2E PERMIT
Special Term & Condition 1A OP
Special Term & Condition 28 OP
Special Term & Condition 38 OP

Description: Failure to maintain the minimum net heating value for POSM 1 Continuous Flare (EPN: FL60731). (Category C4)

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)
Requirement 1.E. PERMIT
Special Condition 8E PERMIT
Special Term & Condition 28 OP
Special Term & Condition 38 OP

Description: Failure to maintain the minimum net heating value for the MBTE Emergency Flare (MTBE E-Flare) (EPN: EFL6103). (Category C4)

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 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 2A PERMIT
Special Term & Condition 28 OP

Description: Failure to maintain the minimum net heating value for POSM 1 Continuous Flare (EPN: EFL60731). (Category C4)

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 35 PERMIT
Special Term & Condition 28 OP

Description: Failure to maintain the minimum mixed liquor total suspended solids (MLSS) concentration for TK-128 Aeration Tank (EPN: ETK68128). (Category C4)

2 Date: 04/02/2024 (1886867)

Self Report? NO Classification: Moderate

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

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on February 24, 2023, TCEQ/STEERS Incident No. 396049 [Category B18.g(13)].

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit an accurate final record associated with emissions event, TCEQ/STEERS Incident No. 396049 [Category C3].

Self Report? NO Classification: Minor

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

Description: Failure to submit a notification for a reportable emissions event within 24 hours after the discovery of the event [Category C3].

3 Date: 04/22/2024 (1886870)

Self Report? NO Classification: Moderate

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

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on February 28, 2023, TCEQ/STEERS Incident No. 396291 [Category B18.g(13)].

F. Environmental audits:

Notice of Intent Date: 03/29/2019 (1576010)

Disclosure Date: 07/10/2019

Viol. Minor

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

Description: Failed to conduct quarterly inspections on some PSV monitoring systems as required by the HRVOC Vent Gas Monitoring Plan.

Viol. Minor

Citation:

Classification: 30 TAC Chapter 115, SubChapter D 115.352(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: PERMIT SC 14.E.

PERMIT SC 15.E.

Description: Failed to properly secure three open-ended lines with a second closed valve, blind flange, cap, or plug.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)(1)

Description: Failed to properly fill out manifests Additional information was recorded in Section 9b instead of Section 11.

Notice of Intent Date: 08/10/2020 (1670979)

No DOV Associated

Notice of Intent Date: 05/19/2021 (1723232)

No DOV Associated

Notice of Intent Date: 09/12/2022 (1853071)

Disclosure Date: 01/23/2023

Viol. Minor

Classification:

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(i)

Description: Failed to monitor container.

Viol. Minor

Classification:

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

Rqmt Prov: OP SC 37

Description: Failed to maintain the records required for an appliance containing 50 or more pounds of refrigerant.

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

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: LYONDELL CHEMICAL CHANNELVIEW

Reg Entity Add: 2502 SHELDON RD

Reg Entity City: CHANNELVIEW

Reg Entity No: RN100633650

EPA Case No: 07-2022-3395

Order Issue Date (yyyymmdd): 20211013

Case Result:

Statute: CAA **Sect of Statute:** 110

Classification: Major

Program: Federal Implementation **Citation:**

Violation Type: National Emission Standard
For Hazardous Air Pollutant

Cite Sect: **Cite Part:**

Enforcement Action: Consent Decree or Court Order Resolving a Civil

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
LYONDELL CHEMICAL COMPANY
RN100633650

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-0188-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 Lyondell Chemical Company (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 petrochemical plant located at 2502 Sheldon Road in Channelview, Harris County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$74,366 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$33,752 of the penalty and \$6,863 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 or 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, \$33,751 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 September 14, 2018, created a tube plugging checklist and revised the Plant Procedure for Repair and Alteration/Rerates of Boilers, Pressure Vessels and Heat Exchanger Bundles in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 274190;
 - b. On January 7, 2021, provided the requested estimated total quantities for carbon monoxide ("CO") and nitrogen oxides ("NOx") that were released during Incident No. 344154;
 - c. On January 14, 2021, provide the estimated total quantities for the CO, NOx, and volatile organic compounds ("VOC") that were released from the Continuous Flare, Emissions Point Number ("EPN") EFL68491, during Incident No. 345209;
 - d. By October 14, 2021, conducted training in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 352028;
 - e. By October 14, 2021, replaced the section of the switchgear involved in the incident that provides adequate spacing and insulation for feeder cable terminations, revised the corporate standards for proper cable spacing in switchgear, acquired partial discharge monitoring tools, and trained appropriate personnel on the equipment and testing procedures in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 282756; and
 - f. By April 8, 2024, implemented procedures specifically created for swapping the Epoxidizer Propylene Recycle Pumps, lowered the Epoxidizer overhead pressure indicator high-high alarm setpoints to provide additional operator response time, and changed Epoxidizer Pressure Safety Valve PSV-643203A to a new design that implements the most prudent corrective measure to reduce the set pressure variance and extend the blowdown experienced in this event in order to

prevent the recurrence of emissions events due to the same or similar causes as Incident No. 409834.

II. ALLEGATIONS

1. During a record review for the Plant conducted from April 27, 2018 through May 8, 2018, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 2993, N234, and PSDTX1480, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1387, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 25, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 169.90 pounds ("lbs") of VOC as fugitive emissions, during an emissions event (Incident No. 274190) that began on December 8, 2017 and lasted 18 hours.
2. During a record review for the Plant conducted from October 27, 2020 through January 7, 2021, an investigator documented that the Respondent:
 - a. Failed to prevent unauthorized emissions and failed to limit highly reactive volatile organic compounds ("HRVOC") emissions to 1,200 lbs or less per one-hour block period, in violation of 30 TEX. ADMIN. CODE §§ 111.111(a)(1)(B), 115.722(c)(1), 116.115(c), and 122.143(4), NSR Permit No. 19613, SC No. 1, FOP No. O1387, GTC and STC No. 28, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent experienced 100 percent ("%") opacity and released 1,511.40 lbs of CO, 2,229 lbs of HRVOC, 284.47 lbs of NO_x, and 87.40 lbs of VOC from the Emergency Flare (Pilot Gas Only), EPN EFL68493, during an emissions event (Incident No. 344154) that occurred on October 15, 2020 and lasted three hours and 40 minutes.
 - 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. O1387, GTC and STC No. 2.F., and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not provide the correct estimated total quantities for CO and NO_x on the final record for Incident No. 344154.
 - c. Failed to provide additional or more detailed information regarding the emissions event when requested by the Executive Director within the time established in the request, in violation of 30 TEX. ADMIN. CODE §§ 101.201(f) and 122.143(4), FOP No. O1387, GTC and STC No. 2.F., and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on October 27, 2020, TCEQ staff requested additional information regarding Incident No. 344154 to be provided by November 10, 2020, but the requested information was not submitted until January 7, 2021.
3. During a record review for the Plant conducted from November 16, 2020 through November 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. 19613, SC No. 1, FOP No. O1387, GTC and STC No. 28, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 368.70 lbs of VOC as fugitive emissions and 294.45 lbs of CO, 55.82 lbs of NO_x, and 147.58 lbs of VOC from the Continuous Flare, EPN

EFL68491, during an emissions event (Incident No. 345209) that began on October 31, 2020 and lasted eight hours.

- 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. O1387, GTC and STC No. 2.F., and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not identify the estimated total quantities for those compounds or mixtures that were released from the Continuous Flare, EPN EFL68491, on the final record for Incident No. 345209.
4. During a record review for the Plant conducted from March 16, 2021 through June 7, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 19613, SC No. 1, FOP No. O1387, GTC and STC No. 25, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 197.50 lbs of CO, 27.30 lbs of NO_x, and 286.40 lbs of VOC, from the Emergency Flare, EPN EFL68493, and released 193.00 lbs of CO, 23.60 lbs of NO_x, and 349.10 lbs of VOC from the Continuous Flare, EPN EFL68491, during an emissions event (Incident No. 352028) that occurred on March 3, 2021 and lasted three hours and 28 minutes.
5. During a record review for the Plant conducted on August 18, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 111.111(a)(1)(B), 116.115(c), and 122.143(4), NSR Permit No. 19613, SC No. 1, FOP No. O1387, GTC and STC No. 25, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent experienced 100% opacity and released 261.50 lbs of CO, 50.80 lbs of NO_x, and 379.20 lbs of VOC, from the Emergency Flare, EPN EFL68493; experienced 100% opacity and released 721.40 lbs of CO, 140.00 lbs of NO_x, and 1,163.60 lbs of VOC from the Continuous Flare, EPN EFL68491; and released 14.70 lbs of VOC from the Catalytic Incinerator, EPN EF97950, during an emissions event (Incident No. 282756) that began on April 24, 2018 and lasted 25 hours and 35 minutes.
6. During a record review for the Plant conducted on February 16, 2024, an investigator documented that the Respondent to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit Nos. 4121 and N282, SC No. 1, FOP No. O1387, GTC and STC No. 28, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 528.00 lbs of CO, 82.00 lbs of NO_x, and 634.97 lbs of VOC from the Emergency Flare, EPN EFL60730, during an emissions event (Incident No. 409834) that occurred on September 12, 2023 and lasted two hours and 13 minutes.

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: Lyondell Chemical Company, Docket No. 2021-0188-AIR-E" to:

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

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$33,751 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements at the Plant:
 - a. Within 30 days after the effective date of this Order:
 - i. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 344154;
 - ii. Implement measures designed to ensure that all of the required information is identified on the final records for reportable emissions; and
 - iii. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 345209.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
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

7/16/2024

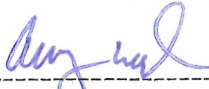
Date

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

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

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

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



Signature

06/07/2024

Date

ANTHONY WOOD

Name (Printed or typed)
Authorized Representative of
Lyondell Chemical Company

SITE 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.

Attachment A
Docket Number: 2021-0188-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Lyondell Chemical Company
Payable Penalty Amount:	\$67,503
SEP Offset Amount:	\$33,751
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston Regional Monitoring Corporation
Project Name:	<i>Houston Area Air Monitoring Project</i>
Location of SEP:	Harris County

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

1. Project Description

a. Project

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

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

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

b. Environmental Benefit

This SEP will provide TCEQ with near real-time access to high quality, short time resolution volatile organic compound, nitrogen oxide, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, conduct source attribution studies, and to assess potential ambient community exposure to a limited number

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

c. Minimum Expenditure

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

2. Performance Schedule

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

Houston Regional Monitoring Corporation
c/o Christopher B. Amandes
Amandes PLLC
1800 Post Oak Boulevard, Suite 400
Houston, Texas 77056

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this 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.