

Executive Summary – Enforcement Matter – Case No. 60392

**Raven Butene-1, LLC
RN110461415
Docket No. 2021-0250-AIR-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Arcanium Baytown Site, 9520 East Freeway, Baytown, Harris County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 7, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$23,750

Amount Deferred for Expedited Settlement: \$4,750

Total Paid to General Revenue: \$19,000

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - High

Major Source: No

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: October 26, 2020 through November 9, 2020, March 17, 2020 through April 6, 2020, September 9, 2021, and November 15, 2021

Date(s) of NOE(s): January 28, 2021, January 29, 2021, October 19, 2021, and November 24, 2021

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Raven Butene-1, LLC

RN110461415

Docket No. 2021-0250-AIR-E

Violation Information

1. Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not properly identify the authorization number and authorized emissions limits for all emission points on the final record for Incident No. 340066 [30 TEX. ADMIN. CODE § 101.201(b)(1)(H) and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 185.00 pounds ("lbs") of volatile organic compounds ("VOC"), 122.20 lbs of carbon monoxide ("CO"), and 16.90 lbs of nitrogen oxides ("NOx"), from the Main Flare, Emissions Point Number ("EPN") FL-1, during an emissions event (Incident No. 340066) that began on August 4, 2020 and lasted 20 hours. The emissions event occurred when the overall system pressure was raised in response to the decreased pressure in the piping that caused the venting flow rate increase through the Flow Control Instrument No. PIT-1901, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 106.6(b), Permit by Rule ("PBR") Registration No. 136004, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,404.59 lbs of VOC, 822.89 lbs of NOx, 22.01 lbs of particulate matter, and 1,642.80 lbs of CO from the Main Flare, EPN FL-1, during an emissions event (Incident No. 329864) that occurred on February 8, 2020 and lasted one hour and 40 minutes. The emissions event occurred due to a loss of power, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 106.6(b), PBR Registration No. 136004, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not identify the correct estimated quantity of emissions, the authorization number, and the authorized emissions limits for all emission points on the final record for Incident No. 392864 [30 TEX. ADMIN. CODE § 101.201(b)(1)(G) and (H) and TEX. HEALTH & SAFETY CODE § 382.085(b)].
5. Failed to comply with the certified emissions rate. Specifically the Respondent exceeded the certified VOC emissions rate of 18.94 pounds per hour ("lbs/hr"), NOx emissions rate of 3.04 lbs/hr, and CO emissions rate of 6.06 lbs/hr from December 2, 2019 through December 16, 2019 for the Main Flare, EPN FL-1, resulting in 11,215.34 lbs of VOC, 512.94 lbs of NOx, and 5,849.06 lbs of CO total unauthorized emissions

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[30 TEX. ADMIN. CODE §§ 106.6(c) and 106.261, PBR Registration No. 136004, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 334756 was due by December 3, 2019 at 4 p.m., but was not submitted until April 30, 2020 at 9.56 a.m. [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7. Failed to comply with the certified emissions rate. Specifically the Respondent exceeded the certified VOC emissions rate of 18.94 lbs/hr and CO emissions rate of 6.06 lbs/hr from December 16, 2019 through December 30, 2019 for the Main Flare, EPN FL-1, resulting in 601.62 lbs of VOC and 1,185.48 lbs of CO total unauthorized emissions [30 TEX. ADMIN. CODE §§ 106.6(c) and 106.261, PBR Registration No. 136004, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 334757 was due by December 17, 2019 at 4 p.m., but was not submitted until April 30, 2020 at 9.56 a.m. [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9. Failed to prevent unauthorized emissions. Specifically, the Respondent released 12 lbs of NO_x, 61.8 lbs of CO, and 163.42 lbs of VOC from Main Flare, Emissions Point Number FL-1, during an emissions event (Incident No. 334771) that began March 3, 2020 and lasted 51 hours. The emissions event occurred due to during cycling of product circulation loops, recycle column overheads were directed to the flare system, resulting in flaring. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 106.6(b), PBR Registration No. 136004, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

10. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 334771 was due by March 4, 2020 at 1 p.m., but was not submitted until April 30, 2020 at 11:50 a.m. [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. On April 30, 2020, submitted the initial notification for Incident No. 334756;
- b. On April 30, 2020, submitted the initial notification for Incident No. 334757;
- c. On April 30, 2020, submitted the initial notification for Incident No. 334771;
- d. On January 25, 2021, provided the authorization number and authorized emissions limits for all of the emission points involved in Incident No. 340056; and
- e. On March 24, 2020, provided the estimated total quantity of emissions released during Incident No. 392864 and the authorization numbers and authorized emissions limits for all of the emission points involved in Incident No. 392864.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Implement measures and/or procedures designed to ensure that all of the required information are identified on the final records for reportable emissions events;
 - ii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 340066;
 - iii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 329864;
 - iv. Implement measures and/or procedures designed to ensure compliance with the VOC, NOx, and CO certified emissions rate for EPN FL-1;
 - v. Implement measures and/or procedures designed to ensure that the initial notifications for reportable emissions events are submitted in a timely manner; and
 - vi. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 334771.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

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Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Danielle Porras, Enforcement Division, Enforcement Team 2, MC R-12, (713) 767-3682; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Nicholas Stewart, Vice President/General Manager, Raven Butene-1, LLC, 9520 East Freeway, Baytown, Texas 77521

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	2-Feb-2021			
	PCW	10-Jan-2023	Screening	9-Feb-2021	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Raven Butene-1, LLC (PCW No. 1)
Reg. Ent. Ref. No.	RN110461415
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60392	No. of Violations	4
Docket No.	2021-0250-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Danielle Porras
		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	\$3,000
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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	0.0% Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: Since the reduction for two notices of intent to conduct an audit and one disclosure of violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

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	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$2,685
 Estimated Cost of Compliance: \$22,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,000
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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: [Empty box]

Final Penalty Amount	\$3,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,000
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DEFERRAL	20.0% Reduction	Adjustment	-\$600
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$2,400
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Screening Date 9-Feb-2021

Docket No. 2021-0250-AIR-E

PCW

Respondent Raven Butene-1, LLC (PCW No. 1)

Policy Revision 4 (April 2014)

Case ID No. 60392

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN110461415

Media Air

Enf. Coordinator Danielle Porras

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 0%

>> 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

Since the reduction for two notices of intent to conduct an audit and one disclosure of violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 9-Feb-2021

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PCW

Respondent Raven Butene-1, LLC (PCW No. 1)

Policy Revision 4 (April 2014)

Case ID No. 60392

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN110461415

Media Air

Enf. Coordinator Danielle Porras

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 101.201(b)(1)(H) 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 properly identify the authorization number and authorized emissions limits for all emission points on the final record for Incident No. 340066.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0.0%
Potential					

>> Programmatic Matrix

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

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 174

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 \$172

Violation Final Penalty Total \$250

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

Economic Benefit Worksheet

Respondent Raven Butene-1, LLC (PCW No. 1)
Case ID No. 60392
Reg. Ent. Reference No. RN110461415
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	\$1,500	19-Aug-2020	10-Nov-2022	2.23	\$167	n/a	\$167
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	19-Aug-2020	25-Jan-2021	0.44	\$5	n/a	\$5

Notes for DELAYED costs

Estimated costs to provide the authorization number and authorized emissions limits for all of the emission points involved in Incident No. 340056 (\$250) and to implement measures and/or procedures designed to ensure that all of the required information are identified on the final records for reportable emissions (\$1,500). The Dates Required is the date the first final record was due and the Final Dates are the date the missing information was 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

\$172

Screening Date 9-Feb-2021

Docket No. 2021-0250-AIR-E

PCW

Respondent Raven Butene-1, LLC (PCW No. 1)

Policy Revision 4 (April 2014)

Case ID No. 60392

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN110461415

Media Air

Enf. Coordinator Danielle Porras

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 106.6(b), Permit by Rule ("PBR") Registration No. 136004, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 185.00 pounds ("lbs") of volatile organic compounds ("VOC"), 122.20 lbs of carbon monoxide ("CO"), and 16.90 lbs of nitrogen oxides ("NOx") from the Main Flare, Emissions Point Number ("EPN") FL-1, during an emissions event (Incident No. 340066) that began on August 4, 2020 and lasted 20 hours. The emissions event occurred when the overall system pressure was raised in response to the decreased pressure in the piping that caused the venting flow rate increase through the Flow Control Instrument No. PIT-1901, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	5.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Matrix Notes

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,134

Violation Final Penalty Total \$1,250

This violation Final Assessed Penalty (adjusted for limits) \$1,250

Economic Benefit Worksheet

Respondent Raven Butene-1, LLC (PCW No. 1)
Case ID No. 60392
Reg. Ent. Reference No. RN110461415
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)	\$10,000	4-Aug-2020	10-Nov-2022	2.27	\$1,134	n/a	\$1,134

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 340066. 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

\$1,134

Screening Date 9-Feb-2021

Docket No. 2021-0250-AIR-E

PCW

Respondent Raven Butene-1, LLC (PCW No. 1)

Policy Revision 4 (April 2014)

Case ID No. 60392

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN110461415

Media Air

Enf. Coordinator Danielle Porras

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 106.6(b), PBR Registration No. 136004, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,404.59 lbs of VOC, 822.89 lbs of NOx, 22.01 lbs of particulate matter, and 1,642.80 lbs of CO from the Main Flare, EPN FL-1, during an emissions event (Incident No. 329864) that occurred on February 8, 2020 and lasted one hour and 40 minutes. The emissions event occurred due to a loss of power, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	5.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,378

Violation Final Penalty Total \$1,250

This violation Final Assessed Penalty (adjusted for limits) \$1,250

Economic Benefit Worksheet

Respondent Raven Butene-1, LLC (PCW No. 1)
Case ID No. 60392
Reg. Ent. Reference No. RN110461415
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)	\$10,000	8-Feb-2020	10-Nov-2022	2.76	\$1,378	n/a	\$1,378

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 329864. 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

\$1,378

Screening Date 9-Feb-2021

Docket No. 2021-0250-AIR-E

PCW

Respondent Raven Butene-1, LLC (PCW No. 1)

Policy Revision 4 (April 2014)

Case ID No. 60392

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN110461415

Media Air

Enf. Coordinator Danielle Porras

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 101.201(b)(1)(G) and (H) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not identify the correct estimated quantity of emissions, the authorization numbers, and the authorized emissions limits for all emission points on the final record for Incident No. 392864.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				x	1.0%

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

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 369 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 \$1 Violation Final Penalty Total \$250

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

Economic Benefit Worksheet

Respondent Raven Butene-1, LLC (PCW No. 1)
Case ID No. 60392
Reg. Ent. Reference No. RN110461415
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	22-Feb-2020	24-Mar-2020	0.08	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to provide the estimated total quantity of emissions released during Incident No. 392864 and the authorization numbers and authorized emissions limits for all of the emission points involved in Incident No. 392864. The Date Required is the date the final record was due and the Final Date is the date the missing information was provided.

See Economic Benefit in Violation No. 1 for the delayed cost to implement measures and/or procedures designed to ensure that all of the required information are identified on the final records for reportable emissions events.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$1



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	25-Oct-2021	Screening	2-Nov-2021	EPA Due	
	PCW	10-Jan-2023				

RESPONDENT/FACILITY INFORMATION	
Respondent	Raven Butene-1, LLC (PCW No. 2)
Reg. Ent. Ref. No.	RN110461415
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60392	No. of Violations	6
Docket No.	2021-0250-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Danielle Porras
		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	\$20,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0% Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: Since the reduction for two notices of intent to conduct an audit and one disclosure of violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

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	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$3,039	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$22,250	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$20,750
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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	\$20,750
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$20,750
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DEFERRAL	20.0% Reduction	Adjustment	-\$4,150
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$16,600
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Screening Date 2-Nov-2021

Docket No. 2021-0250-AIR-E

PCW

Respondent Raven Butene-1, LLC (PCW No. 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 60392

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN110461415

Media Air

Enf. Coordinator Danielle Porras

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 0%

>> 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

Since the reduction for two notices of intent to conduct an audit and one disclosure of violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 2-Nov-2021 **Docket No.** 2021-0250-AIR-E **PCW**
Respondent Raven Butene-1, LLC (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 60392 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN110461415
Media Air
Enf. Coordinator Danielle Porras

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 106.6(c) and 106.261, Permit by Rule ("PBR")
Registration No. 136004, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to comply with the certified emissions rate. Specifically the Respondent exceeded the certified volatile organic compounds ("VOC") emissions rate of 18.94 pounds per hour ("lbs/hr"), nitrogen oxide ("NOx") emissions rate of 3.04 lbs/hr, and carbon monoxide ("CO") emissions rate of 6.06 lbs/hr from December 2, 2019 through December 16, 2019 for the Main Flare, Emissions Point Number ("EPN") FL-1, resulting in 11,215.34 pounds ("lbs") of VOC, 512.94 lbs of NOx, and 5,849.06 lbs of CO total unauthorized emissions.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text" value="25.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Two weekly events are 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 type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

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

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Raven Butene-1, LLC (PCW No. 2)
Case ID No. 60392
Reg. Ent. Reference No. RN110461415
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	2-Dec-2019	10-Nov-2022	2.94	\$736	n/a	\$736

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to ensure compliance with the VOC, NOx, and CO certified emissions rate for EPN FL-1. The Date Required is the initial date of non-compliance 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

\$5,000

TOTAL

\$736

Screening Date 2-Nov-2021 **Docket No.** 2021-0250-AIR-E **PCW**
Respondent Raven Butene-1, LLC (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 60392 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN110461415
Media Air
Enf. Coordinator Danielle Porras

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1)(B) and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 334756 was due by December 3, 2019 at 4 p.m., but was not submitted until April 30, 2020 at 9:56 a.m.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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 1 149 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$250

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

Estimated EB Amount \$225 **Violation Final Penalty Total** \$250

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

Economic Benefit Worksheet

Respondent Raven Butene-1, LLC (PCW No. 2)
Case ID No. 60392
Reg. Ent. Reference No. RN110461415
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	\$1,500	3-Dec-2019	10-Nov-2022	2.94	\$220	n/a	\$220
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	3-Dec-2019	30-Apr-2020	0.41	\$5	n/a	\$5

Notes for DELAYED costs Estimated costs to submit the initial notification for Incident No. 334756 (\$250) and to implement measures and/or procedures designed to ensure that initial notifications for reportable emissions events are submitted in a timely manner (\$1,500). The Dates Required are the date the initial notification was due and the Final Dates are the date the initial notification was submitted 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 \$225

Screening Date 2-Nov-2021 **Docket No.** 2021-0250-AIR-E **PCW**
Respondent Raven Butene-1, LLC (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 60392 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN110461415
Media Air
Enf. Coordinator Danielle Porras

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code §§ 106.6(c) and 106.261, PBR Registration No. 136004, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to comply with the certified emissions rate. Specifically the Respondent exceeded the certified VOC emissions rate of 18.94 lbs/hr and CO emissions rate of 6.06 lbs/hr from December 16, 2019 through December 30, 2019 for the Main Flare, EPN FL-1, resulting in 601.62 lbs of VOC and 1,185.48 lbs of CO total unauthorized emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	15.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 14 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One monthly event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$3,750

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

Estimated EB Amount \$726 **Violation Final Penalty Total** \$3,750

This violation Final Assessed Penalty (adjusted for limits) \$3,750

Economic Benefit Worksheet

Respondent Raven Butene-1, LLC (PCW No. 2)
Case ID No. 60392
Reg. Ent. Reference No. RN110461415
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				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)	\$5,000	16-Dec-2019	10-Nov-2022	2.90	\$726	n/a	\$726

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to ensure compliance with the VOC and CO certified emissions rate for EPN FL-1. The Date Required is the date of non-compliance 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

\$5,000

TOTAL

\$726

Screening Date 2-Nov-2021 **Docket No.** 2021-0250-AIR-E **PCW**
Respondent Raven Butene-1, LLC (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 60392 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN110461415
Media Air
Enf. Coordinator Danielle Porras

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1)(B) and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 334757 was due by December 17, 2019 at 4 p.m., but was not submitted until April 30, 2020 at 9:56 a.m.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
			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: 1 135 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 \$5 **Violation Final Penalty Total** \$250

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

Economic Benefit Worksheet

Respondent Raven Butene-1, LLC (PCW No. 2)
Case ID No. 60392
Reg. Ent. Reference No. RN110461415
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)	\$250	17-Dec-2019	30-Apr-2020	0.37	\$5	n/a	\$5

Estimated costs to submit the initial notification for Incident No. 334757. The Date Required is the date the initial notification was due and the Final Date is the date of compliance.

Notes for DELAYED costs
 See Economic Benefit in Violation No. 2 for additional delayed cost for implementing measures and/or procedures designed to ensure that initial notifications for reportable emissions events are submitted in a timely manner.

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 \$5

Screening Date 2-Nov-2021 **Docket No.** 2021-0250-AIR-E **PCW**
Respondent Raven Butene-1, LLC (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 60392 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN110461415
Media Air
Enf. Coordinator Danielle Porras

Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code § 106.6(b), PBR Registration No. 136004, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 12 pounds ("lbs") of NOx, 61.8 lbs of CO, and 163.42 lbs of VOC from Main Flare, Emissions Point Number FL-1, during an emissions event (Incident No. 334771) that began March 3, 2020 and lasted 51 hours. The emissions event occurred due to during cycling of product circulation loops, recycle column overheads were directed to the flare system, resulting in flaring. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent 15.0%
	Release	Major	Moderate	
	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 do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty \$3,750

One monthly event is recommended.

Good Faith Efforts to Comply Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	<input type="text"/>

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 \$1,345 **Violation Final Penalty Total** \$3,750

This violation Final Assessed Penalty (adjusted for limits) \$3,750

Economic Benefit Worksheet

Respondent Raven Butene-1, LLC (PCW No. 2)
Case ID No. 60392
Reg. Ent. Reference No. RN110461415
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	3-Mar-2020	10-Nov-2022	2.69	\$1,345	n/a	\$1,345

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 334771. 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

\$1,345

Screening Date 2-Nov-2021 **Docket No.** 2021-0250-AIR-E **PCW**
Respondent Raven Butene-1, LLC (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 60392 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN110461415
Media Air
Enf. Coordinator Danielle Porras

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1)(B) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 334771 was due by March 4, 2020 at 1 p.m., but was not submitted until April 30, 2020 at 11:50 a.m.

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 57 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** \$250

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

Economic Benefit Worksheet

Respondent Raven Butene-1, LLC (PCW No. 2)
Case ID No. 60392
Reg. Ent. Reference No. RN110461415
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	4-Mar-2020	30-Apr-2020	0.16	\$2	n/a	\$2

Estimated costs to submit the initial notification for Incident No. 334771. The Date Required is the date the initial notification was due and the Final Date is the date of compliance.

Notes for DELAYED costs

See Economic Benefit in Violation No. 2 for additional delayed cost for implementing measures and/or procedures designed to ensure that initial notifications for reportable emissions events are submitted in a timely manner.

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 CN604933655, RN110461415, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN604933655, Raven Butene-1, LLC **Classification:** SATISFACTORY **Rating:** 0.31
Regulated Entity: RN110461415, Arcanum Baytown Site **Classification:** HIGH **Rating:** 0.00
Complexity Points: 12 **Repeat Violator:** NO
CH Group: 05 - Chemical Manufacturing
Location: 9520 East Freeway, Baytown, Harris County, Texas
TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS PERMIT 4404	AIR NEW SOURCE PERMITS PERMIT 162443
AIR NEW SOURCE PERMITS PERMIT 169700	AIR NEW SOURCE PERMITS AFS NUM 4820102061
AIR NEW SOURCE PERMITS REGISTRATION 136004	AIR NEW SOURCE PERMITS PERMIT AMOC117
STORMWATER PERMIT TXR1559EX	STORMWATER PERMIT TXR05EK94
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HGA215G	POLLUTION PREVENTION PLANNING ID NUMBER P10377
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 97438	INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000084990
TAX RELIEF ID NUMBER 22760	TAX RELIEF ID NUMBER 22884

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

Date Compliance History Report Prepared: December 21, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 21, 2017 to December 21, 2022

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

Name: Danielle Porras **Phone:** (713) 767-3682

Site and Owner/Operator History:

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

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	July 15, 2019	(1595703)
Item 2	August 12, 2019	(1601922)
Item 3	October 16, 2019	(1615692)
Item 4	December 19, 2019	(1628839)
Item 5	May 19, 2020	(1662486)
Item 6	July 20, 2020	(1675995)

Item 7	August 20, 2020	(1682792)
Item 8	September 18, 2020	(1689323)
Item 9	September 28, 2020	(1671869)
Item 10	October 19, 2020	(1695684)
Item 11	November 17, 2020	(1719661)
Item 12	December 18, 2020	(1719662)
Item 13	January 18, 2021	(1719663)
Item 14	March 28, 2021	(1732744)
Item 15	April 16, 2021	(1732745)
Item 16	May 14, 2021	(1743672)
Item 17	June 17, 2021	(1748817)
Item 18	July 08, 2021	(1686766)
Item 19	July 16, 2021	(1686489)
Item 20	November 17, 2021	(1690645)

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.

N/A

F. Environmental audits:

Notice of Intent Date: 03/30/2020 (1640016)

Disclosure Date: 05/29/2020

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)

Description: Failure to notify the Regional Office of a scheduled maintenance, startup, or shutdown(MSS) activity expected to result in unauthorized emissions in excess of an RQ.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

30 TAC Chapter 101, SubChapter F 101.211(a)

Description: Failure to report a reportable emissions event. Three violations over the course of 4/1/2020-4/30/2020.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter D 117.2045(a)(1)

Description: Failure to maintain records of annual fuel usage for each unit subject to 30 TAC § 117.2010. Requirement applies to each of two boilers.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter D 117.2035(e)

30 TAC Chapter 117, SubChapter D 117.2045(a)(6)

Description: Failure to conduct performance testing for two boilers units subject to 30 TAC § 117.2010. Associated records were not maintained.

Disclosure Date: 09/08/2020

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211(a)

Description: Failure to notify the Regional Office of a scheduled maintenance, startup, or shutdown(MSS) activity expected to result in unauthorized emissions in excess of an RQ.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

30 TAC Chapter 101, SubChapter F 101.211(a)

Description: Failure to report a reportable emissions event. Three violations over the course of 4/1/2020-4/30/2020.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter D 117.2045(a)(1)

Description: Failure to maintain records of annual fuel usage for each unit subject to 30 TAC § 117.2010. Requirement applies to each of two boilers.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter D 117.2035(e)

30 TAC Chapter 117, SubChapter D 117.2045(a)(6)

Description: Failure to conduct performance testing for two boilers units subject to 30 TAC § 117.2010. Associated records were not maintained.

Viol. Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(d)

Description: Failure to conduct required sampling and analysis for parameters listed in Attachment A of TPDES permit.

Viol. Classification: Major

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

Description: Failure to obtain a construction permit under 30 TAC Chapter 116, Subchapter B. Varying from the representations of a construction plan resulted in increased emissions.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(b)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(3)

Description: Failure to determine the net heating value of the gas combusted in the flare.

Notice of Intent Date: 05/02/2022 (1812351)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
RAVEN BUTENE-1, LLC
RN110461415

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2021-0250-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 Raven Butene-1, LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 9520 East Freeway in Baytown, 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 \$23,750 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$19,000 of the penalty and \$4,750 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. On April 30, 2020, submitted the initial notification for Incident No. 334756;
 - b. On April 30, 2020, submitted the initial notification for Incident No. 334757;
 - c. On April 30, 2020, submitted the initial notification for Incident No. 334771;
 - d. On January 25, 2021, provided the authorization number and authorized emissions limits for all of the emission points involved in Incident No. 340056; and
 - e. On March 24, 2020, provided the estimated total quantity of emissions released during Incident No. 392864 and the authorization numbers and authorized emissions limits for all of the emission points involved in Incident No. 392864.

II. ALLEGATIONS

1. During a record review for the Plant conducted from October 26, 2020 through November 9, 2020, an investigator documented that the Respondent:
 - a. 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 TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not properly identify the authorization number and authorized emissions limits for all emission points on the final record for Incident No. 340066.
 - b. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 106.6(b), Permit by Rule ("PBR") Registration No. 136004, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 185.00 pounds ("lbs") of volatile organic compounds ("VOC"), 122.20 lbs of carbon monoxide ("CO"), and 16.90 lbs of nitrogen oxides ("NOx"), from the Main Flare, Emissions Point Number ("EPN") FL-1, during an emissions event (Incident No. 340066) that began on August 4, 2020 and lasted 20 hours. The emissions event occurred when the overall system pressure was raised in response to the decreased pressure in the piping that caused the venting flow rate increase through the Flow Control Instrument No. PIT-1901, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or

process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

2. During a record review for the Plant conducted from March 17, 2020 through April 6, 2020, an investigator documented that the Respondent:
 - a. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 106.6(b), PBR Registration No. 136004, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 1,404.59 lbs of VOC, 822.89 lbs of NOx, 22.01 lbs of particulate matter, and 1,642.80 lbs of CO from the Main Flare, EPN FL-1, during an emissions event (Incident No. 329864) that occurred on February 8, 2020 and lasted one hour and 40 minutes. The emissions event occurred due to a loss of power, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
 - 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)(G) and (H) and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not identify the correct estimated quantity of emissions, the authorization number, and the authorized emissions limits for all emission points on the final record for Incident No. 392864.
3. During a record review for the Plant conducted on September 9, 2021, an investigator documented that the Respondent:
 - a. Failed to comply with the certified emissions rate, in violation of 30 TEX. ADMIN. CODE §§ 106.6(c) and 106.261, PBR Registration No. 136004, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically the Respondent exceeded the certified VOC emissions rate of 18.94 pounds per hour ("lbs/hr"), NOx emissions rate of 3.04 lbs/hr, and CO emissions rate of 6.06 lbs/hr from December 2, 2019 through December 16, 2019 for the Main Flare, EPN FL-1, resulting in 11,215.34 lbs of VOC, 512.94 lbs of NOx, and 5,849.06 lbs of CO total unauthorized emissions.
 - b. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the initial notification for Incident No. 334756 was due by December 3, 2019 at 4 p.m., but was not submitted until April 30, 2020 at 9.56 a.m.
 - c. Failed to comply with the certified emissions rate, in violation of 30 TEX. ADMIN. CODE §§ 106.6(c) and 106.261, PBR Registration No. 136004, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically the Respondent exceeded the certified VOC emissions rate of 18.94 lbs/hr and CO emissions rate of 6.06 lbs/hr from December 16, 2019 through December 30, 2019 for the Main Flare, EPN FL-1,

resulting in 601.62 lbs of VOC and 1,185.48 lbs of CO total unauthorized emissions.

- d. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the initial notification for Incident No. 334757 was due by December 17, 2019 at 4 p.m., but was not submitted until April 30, 2020 at 9.56 a.m.
4. During a record review for the Plant conducted on November 15, 2021, an investigator documented that the Respondent:
 - a. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 106.6(b), PBR Registration No. 136004, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 12 lbs of NOx, 61.8 lbs of CO, and 163.42 lbs of VOC from Main Flare, Emissions Point Number FL-1, during an emissions event (Incident No. 334771) that began March 3, 2020 and lasted 51 hours. The emissions event occurred due to during cycling of product circulation loops, recycle column overheads were directed to the flare system, resulting in flaring. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
 - b. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the initial notification for Incident No. 334771 was due by March 4, 2020 at 1 p.m., but was not submitted until April 30, 2020 at 11:50 a.m.

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: Raven Butene-1, LLC, Docket No. 2021-0250-AIR-E" to:

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

2. The Respondent shall undertake the following technical requirements at the Plant:
 - a. Within 30 days after the effective date of this Order:
 - i. Implement measures and/or procedures designed to ensure that all of the required information are identified on the final records for reportable emissions events;
 - ii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 340066;
 - iii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 329864;
 - iv. Implement measures and/or procedures designed to ensure compliance with the VOC, NO_x, and CO certified emissions rate for EPN FL-1;
 - v. Implement measures and/or procedures designed to ensure that the initial notifications for reportable emissions events are submitted in a timely manner; and
 - vi. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 334771.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

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



6/5/2023

For the Executive Director


Date

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

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

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

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



Signature

Date

Nicholas Stewart

Name (Printed or typed)
Authorized Representative of
Raven Butene-1, LLC

03/07/23

VP/General 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.