

**Executive Summary – Enforcement Matter – Case No. 60411**  
**OXY USA Inc.**  
**RN103758470**  
**Docket No. 2021-0281-AIR-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

**Media:**

AIR

**Small Business:**

No

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

Seminole Gas Processing Plant, located approximately 4,000 feet north of the County Road 202D and State Highway 214 intersection, Gaines County

**Type of Operation:**

Natural gas processing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2022-0295-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 6, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$25,467

**Total Paid to General Revenue:** \$25,467

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

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** \$18,000

**Applicable Penalty Policy:** April 2014

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** January 20, 2021

**Date(s) of NOE(s):** February 5, 2021

**Executive Summary – Enforcement Matter – Case No. 60411**  
**OXY USA Inc.**  
**RN103758470**  
**Docket No. 2021-0281-AIR-E**

***Violation Information***

1. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), Federal Operating Permit ("FOP") No. O627, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
  
2. Failed to prevent unauthorized emissions. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Nos. 8414, PSDTX328M4, and PSDTX485M1, Special Conditions No. 1, FOP No. O627, GTC and STC No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

- a. On September 27, 2020, repaired the valve actuator for the automated propylene valves;
  
- b. On September 29, 2020, submitted the initial notification for Incident No. 343039; and
  
- c. On February 22, 2021, modified the staff assignment for the Plant's Flare Reporter role in order to ensure that the initial notifications for reportable emissions events are submitted in a timely manner.

**Technical Requirements:**

N/A

**Executive Summary – Enforcement Matter – Case No. 60411**  
**OXY USA Inc.**  
**RN103758470**  
**Docket No. 2021-0281-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Johnnie Wu, Enforcement Division,  
Enforcement Team 5, MC 219, (512) 239-2524; Michael Parrish, Enforcement Division,  
MC 219, (512) 239-2548

**Respondent:** Femi Serrano, Environmental Lead, OXY USA Inc., 5 Greenway Plaza,  
Suite 110, Houston, Texas 77046

Mario Guerrero, Plant Operations Manager, OXY USA Inc., 1000 U.S. Highway 214,  
Seminole, Texas 79360

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

<b>DATES</b>	<b>Assigned</b>	8-Feb-2021			
	<b>PCW</b>	10-Mar-2022	<b>Screening</b>	12-Feb-2021	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	OXY USA Inc.
<b>Reg. Ent. Ref. No.</b>	RN103758470
<b>Facility/Site Region</b>	7-Midland
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	60411	<b>No. of Violations</b>	2
<b>Docket No.</b>	2021-0281-AIR-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Johnnie Wu
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$25,250</b>
---	-------------------	-----------------

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

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

<b>Compliance History</b>	<b>97.0%</b>	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$24,492</b>
---------------------------	--------------	------------	--------------------------------	-----------------

Notes: Enhancement for five NOV's with same or similar violations, one NOV with dissimilar violations, and three orders without a denial of liability. Reduction for three notices of intent to conduct an audit and one disclosure of violations.

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

Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>-\$6,275</b>
--	-------------------	-----------------

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

Total EB Amounts: \$30  
 Estimated Cost of Compliance: \$11,750  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$43,467</b>
-----------------------------	-----------------------	-----------------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$43,467</b>
-----------------------------	-----------------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$25,467</b>
-----------------------------------	-------------------------------	-----------------

<b>DEFERRAL</b>	<b>0.0%</b>	Reduction	<b>Adjustment</b>	<b>\$0</b>
-----------------	-------------	-----------	-------------------	------------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	<b>\$25,467</b>
------------------------	-----------------

**Screening Date** 12-Feb-2021

**Docket No.** 2021-0281-AIR-E

**PCW**

**Respondent** OXY USA Inc.

*Policy Revision 4 (April 2014)*

**Case ID No.** 60411

*PCW Revision March 26, 2014*

**Reg. Ent. Reference No.** RN103758470

**Media** Air

**Enf. Coordinator** Johnnie Wu

### Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	5	25%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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	3	75%
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> )	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)** 97%

#### >> 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 five NOVs with same or similar violations, one NOV with dissimilar violations, and three orders without a denial of liability. Reduction for three notices of intent to conduct an audit and one disclosure of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 97%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 97%

**Screening Date** 12-Feb-2021  
**Respondent** OXY USA Inc.  
**Case ID No.** 60411  
**Reg. Ent. Reference No.** RN103758470  
**Media** Air  
**Enf. Coordinator** Johnnie Wu

**Docket No.** 2021-0281-AIR-E

**PCW**

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

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 122.143(4), Federal Operating Permit ("FOP") No. O627, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 2.F, 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. 343039 was due by September 28, 2020 at 11:14 a.m., but was not submitted until September 29, 2020 at 3:45 p.m.

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	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 checked="" type="text" value="x"/>	<input type="text" value="1.0%"/>

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

**Adjustment**

**Violation Events**

Number of Violation Events  Number of violation days

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

**Violation Base Penalty**

One single 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="text" value="x"/>
N/A	<input type="text"/>	<input type="text"/>

**Notes** The Respondent achieved compliance on February 22, 2021, after the Notice of Enforcement ("NOE") dated February 5, 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** OXY USA Inc.  
**Case ID No.** 60411  
**Reg. Ent. Reference No.** RN103758470  
**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	\$1,500	28-Sep-2020	22-Feb-2021	0.40	\$30	n/a	\$30
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	28-Sep-2020	29-Sep-2020	0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated costs to submit the initial notification for Incident No. 343039 (\$250) and to modify the staff assignment for the Plant's Flare Reporter role in order to ensure that the initial notifications for reportable emissions events are submitted in a timely manner (\$1,500). The Dates Required is the date the initial notification was due and the Final Dates are the dates 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**

\$30

**Screening Date** 12-Feb-2021 **Docket No.** 2021-0281-AIR-E **PCW**  
**Respondent** OXY USA Inc. *Policy Revision 4 (April 2014)*  
**Case ID No.** 60411 *PCW Revision March 26, 2014*  
**Reg. Ent. Reference No.** RN103758470  
**Media** Air  
**Enf. Coordinator** Johnnie Wu

**Violation Number** 2  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Nos. 8414, PSDTX328M4, and PSDTX485M1, Special Conditions No. 1, FOP No. O627, GTC and STC No. 9, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to prevent unauthorized emissions. Specifically, the Respondent released 3,911.00 pounds ("lbs") of carbon monoxide, 338.40 lbs of hydrogen sulfide, 456.20 lbs of nitrogen oxides, 2,966.00 lbs of volatile organic compounds, and 31,211.00 lbs of sulfur dioxide from the Plant Flare, Emissions Point Number EMERFLARE, during an emissions event (Incident Nos. 343039 and 343042) that occurred on September 27, 2020 and lasted eight hours and three minutes. The emissions event occurred due to faulty vibration probes that caused the automated propylene valves at the Membrane Separation Unit to fail into a closed state, 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 event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	x			100.0%
	Potential				

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

**Matrix Notes** Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$0

\$25,000

**Violation Events**

Number of Violation Events  Number of violation days

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$25,000

One daily event is recommended.

**Good Faith Efforts to Comply**  Reduction \$6,250

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

**Notes** The Respondent completed the corrective actions on September 27, 2020, prior to the NOE dated February 5, 2021.

**Violation Subtotal** \$18,750

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

**Estimated EB Amount** \$0 **Violation Final Penalty Total** \$43,000

**This violation Final Assessed Penalty (adjusted for limits)** \$25,000



## Economic Benefit Worksheet

**Respondent** OXY USA Inc.  
**Case ID No.** 60411  
**Reg. Ent. Reference No.** RN103758470  
**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	27-Sep-2020	27-Sep-2020	0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated costs to repair the valve actuator for the automated propylene valves in order to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 343039 and 343042. The Date Required is the date the emissions events occurred and the Final Date is the date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$10,000

**TOTAL**

\$0

The TCEQ is committed to accessibility.

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



# Compliance History Report

Compliance History Report for CN604677401, RN103758470, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN604677401, OXY USA Inc. **Classification:** SATISFACTORY **Rating:** 1.64  
**Regulated Entity:** RN103758470, SEMINOLE GAS PROCESSING PLANT **Classification:** SATISFACTORY **Rating:** 4.36  
**Complexity Points:** 13 **Repeat Violator:** NO  
**CH Group:** 03 - Oil and Gas Extraction  
**Location:** APPROXIMATELY 4,000 FEET NORTH OF THE COUNTY ROAD 202D AND STATE HIGHWAY 214 INTERSECTION, GAINES COUNTY, TEXAS  
**TCEQ Region:** REGION 07 - MIDLAND

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER GA0085T **AIR OPERATING PERMITS** PERMIT 627  
**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 0830031 **AIR NEW SOURCE PERMITS** PERMIT 8414  
**AIR NEW SOURCE PERMITS** PERMIT 9235 **AIR NEW SOURCE PERMITS** REGISTRATION 25266  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER GA0085T **AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX328M3  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX485M1 **AIR NEW SOURCE PERMITS** REGISTRATION 76036  
**AIR NEW SOURCE PERMITS** AFS NUM 4816500017 **AIR NEW SOURCE PERMITS** REGISTRATION 76908  
**AIR NEW SOURCE PERMITS** REGISTRATION 102941 **AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX328M4  
**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER GA0085T

**Compliance History Period:** September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

**Date Compliance History Report Prepared:** November 02, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** November 02, 2016 to November 02, 2021

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

**Name:** Johnnie Wu

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

## Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 01/17/2019 ADMINORDER 2017-1321-PWS-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: ARS MCL 3Q2017 - During the third quarter of 2017 the system violated the maximum contaminant level for Arsenic with a RAA of 0.014 mg/L.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: ARS MCL 2Q2017 - During the second quarter of 2017 the system violated the maximum contaminant level for Arsenic with a RAA of 0.014 mg/L.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: ARS MCL 1Q2017 - During the first quarter of 2017 the system violated the maximum contaminant level for Arsenic with a RAA of 0.011 mg/L.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: LCR RD MR PN YR2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a distribution lead and copper reduced monitoring and reporting violation for the annual reduced monitoring period from 01/01/2015 to 12/31/2015.

2 Effective Date: 04/02/2020 ADMINORDER 2018-1470-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: ARS MCL 2Q2018 - During the 2nd quarter of 2018 the system violated the maximum contaminant level for Arsenic with a RAA of 0.014 mg/L.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: ARS MCL 1Q2018 - During the 1st quarter of 2018 the system violated the maximum contaminant level for Arsenic with a RAA of 0.014 mg/L.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: ARS MCL 4Q2017 - During the 4th quarter of 2017 the system violated the maximum contaminant level for Arsenic with a RAA of 0.014 mg/L.

3 Effective Date: 11/20/2020 ADMINORDER 2020-0205-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Major

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

Rqmt Prov: 8414, PSDTX328M3, PSDTX485M1/SC No. 1 PERMIT  
FOP No. 0627, GTC and STC No. 9 OP

Description: Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 8414, PSDTX328M3, and PSDTX485M1, Special Conditions No. 1, Federal Operating Permit No. 0627, General Terms and Conditions and Special Terms and Conditions No. 9, and TEX. HEALTH & SAFETY CODE §382.085(b). The emissions event was determined to be an excessive emissions event.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	November 08, 2016	(1371418)
Item 3	December 29, 2016	(1382234)
Item 5	March 22, 2017	(1401559)
Item 6	March 23, 2017	(1389959)
Item 7	April 14, 2017	(1407422)
Item 8	April 25, 2017	(1400846)
Item 10	September 05, 2017	(1435600)
Item 11	September 30, 2017	(1437726)
Item 12	October 25, 2017	(1447387)
Item 13	October 26, 2017	(1447429)
Item 14	October 30, 2017	(1447482)
Item 15	December 07, 2017	(1454979)
Item 16	December 12, 2017	(1453960)
Item 17	December 27, 2017	(1460282)
Item 18	January 18, 2018	(1464485)

Item 19	February 20, 2018	(1471494)
Item 20	March 26, 2018	(1478879)
Item 21	May 11, 2018	(1483282)
Item 22	June 18, 2018	(1496796)
Item 23	July 13, 2018	(1500143)
Item 24	August 03, 2018	(1505372)
Item 25	August 31, 2018	(1505382)
Item 26	September 18, 2018	(1512085)
Item 27	October 24, 2018	(1523910)
Item 28	November 16, 2018	(1530612)
Item 29	May 17, 2019	(1569257)
Item 30	August 05, 2019	(1541978)
Item 31	August 16, 2019	(1551625)
Item 32	October 11, 2019	(1591240)
Item 33	October 30, 2019	(1604141)
Item 34	November 18, 2019	(1610653)
Item 35	November 19, 2019	(1610794)
Item 36	December 04, 2019	(1610852)
Item 37	December 06, 2019	(1612980)
Item 38	March 06, 2020	(1606108)
Item 39	May 07, 2020	(1640181)
Item 40	June 01, 2020	(1646461)
Item 41	June 18, 2020	(1657030)
Item 42	June 26, 2020	(1656947)
Item 43	June 29, 2020	(1653081)
Item 44	July 13, 2020	(1657172)
Item 45	July 22, 2020	(1663333)
Item 46	August 05, 2020	(1665212)
Item 47	August 10, 2020	(1666371)
Item 48	August 17, 2020	(1523919)
Item 49	August 31, 2020	(1669858)
Item 50	September 17, 2020	(1658367)
Item 51	September 30, 2020	(1672870)
Item 52	October 08, 2020	(1658867)
Item 53	October 09, 2020	(1679927)
Item 54	October 16, 2020	(1680026)
Item 55	November 05, 2020	(1653306)
Item 56	November 10, 2020	(1678513)
Item 57	November 13, 2020	(1513478)
Item 58	December 07, 2020	(1692693)
Item 59	December 10, 2020	(1683785)
Item 60	December 17, 2020	(1658184)
Item 61	December 30, 2020	(1666209)
Item 62	January 07, 2021	(1678677)
Item 63	January 20, 2021	(1683787)
Item 64	January 21, 2021	(1684066)
Item 65	January 30, 2021	(1700701)
Item 66	February 05, 2021	(1700566)
Item 67	February 23, 2021	(1702819)
Item 68	February 24, 2021	(1702602)
Item 69	February 25, 2021	(1702696)
Item 70	March 12, 2021	(1704964)
Item 71	March 30, 2021	(1706830)
Item 72	April 08, 2021	(1706919)
Item 73	April 16, 2021	(1708546)
Item 74	April 28, 2021	(1710385)
Item 75	May 21, 2021	(1722322)
Item 76	May 25, 2021	(1723078)
Item 77	June 21, 2021	(1736486)
Item 78	June 24, 2021	(1736917)
Item 79	June 28, 2021	(1737334)

Item 80	June 30, 2021	(1737399)
Item 81	July 01, 2021	(1737724)
Item 82	July 06, 2021	(1737962)
Item 83	July 09, 2021	(1738899)
Item 84	July 13, 2021	(1711807)
Item 85	July 14, 2021	(1700188)
Item 86	July 16, 2021	(1744933)
Item 87	July 27, 2021	(1745400)

**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: 11/13/2020 (1666191)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to report the incident properly to the TCEQ Midland Regional Office within 24 hours after the discovery of the event.
  
- 2 Date: 12/09/2020 (1677722)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)  
Description: Oxy USA Inc submitted the Initial incident report to the TCEQ via the State of Texas Electronic Reporting System (STEERS) on August 2, 2020. The emissions Event occurred at 08/01/2020 at 10:00 A.m. for 5 hours. The initial record was due no later than 10:00 A.M. on August 2, 2020 and was submitted to TCEQ via STEERS at 3:25 P.M. on August 2, 2020.
  
- 3 Date: 01/05/2021 (1698107)  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)  
Description: Failure to report the incident properly to the TCEQ Midland Regional Office within 14 days after the end of the event under 30 TAC 101.201(c), the unauthorized emissions became ineligible for exemption.
  
- 4 Date: 01/08/2021 (1698570)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)  
Description: Oxy USA Inc submitted the final incident report to the TCEQ via the State of Texas Electronic Reporting System (STEERS) on December 11, 2020. The emissions Event occurred at November 24, 2020 at 12:11 p.m. for 2 hours and 35 minutes. The final record was due no later than 12:11 p.m. on December 8, 2020 and was submitted to TCEQ via STEERS at 7:56 a.m. on December 11, 2020.
  
- 5 Date: 04/01/2021 (1704958)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)  
Description: 30 Texas Administrative Code (30 TAC) Rule 101.201 (a)(1) states that as soon as practicable, but not later than 24 hours after the discovery of an emissions event, the owner or operator of a regulated entity shall notify the commission office for the region in which the regulated entity is located, and all appropriate local air pollution control agencies with jurisdiction, if the emissions event is reportable.
  
- 6 Date: 08/31/2021 (1751346)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Description: Failure for permit holder to comply with all special conditions contained in Permit No. 9235 as stated in Title 30 of the Texas Administrative Code Chapter 116.115(c) (30 TAC §116.115(c)). Specifically, for Permit No. 9235, the RE reported 110 deviations of Special Condition 1, 548 deviations of Special Condition 3, 518 deviations of Special Condition 8, and 53 deviations of Special Condition 10.

**F. Environmental audits:**

Notice of Intent Date: 09/13/2017 (1437875)

Disclosure Date: 09/18/2017

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)

Description: Oxy found that an emissions event that appears to be reportable was not reported to the appropriate regional TCEQ office (Region 7 - Midland) or entered in STEERS.

Disclosure Date: 11/03/2017

Viol. Classification: Minor

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

Rqmt Prov: PERMIT SC 8

Description: Oxy found that the O2 analyzer on train 1 is on continuous zero and span, however it is not capable of showing record readings from the control room.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)

Rqmt Prov: PERMIT SC 12.A.(1)

Description: Oxy found that the plant does not have AOV (audible, olfactory, visual) inspection records of the SRU capture system.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)

Rqmt Prov: PERMIT SC 1

Description: Oxy found that the plant is not tracking flare emissions by the hour (lbs/hr), only tracking tons/yr.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT SC 8

Description: Oxy found that the plant is not tracking opacity on turbines and duct burners per EPA Method 9 (Test frequency per Title V is quarterly).

Viol. Classification: Minor

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

Rqmt Prov: PERMIT SC 14C

Description: Oxy found that the plant is not tracking visible emissions on the flare that are over 5 minutes during any two consecutive hours.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

Rqmt Prov: PERMIT SC 15

Description: Oxy found that the allowed MSS Authorizations are extremely limited, and as a result, historically, the plant reported most of the routine maintenance activities as maintenance events/upsets in STEERS. Plant was routing inlet gas to both the field and plant flares.

Notice of Intent Date: 08/21/2020 (1671650)

No DOV Associated

Notice of Intent Date: 03/31/2021 (1736389)

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

## Component Appendices

### Appendix A

#### All NOV's Issued During Component Period 11/2/2016 and 11/2/2021

- 1 Date: 11/30/2016 (1371818) Classification: Minor
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THSC Chapter 382 382.085(b)
- Description: Failure to report initial notification of a reportable emission event within 24 hours of discovery for Incidents 245198 and 245630 under 30 TAC Chapter 101.201(a)(1)(B). Classification: Minor
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)  
5C THSC Chapter 382 382.085(b)
- Description: Failure to submit the final record within 2 weeks of the end of the event duration of a reportable emissions event for Incident 245198 under 30 TAC Chapter §101.201(b).
- 2 Date: 04/21/2017 (1434424) Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
5A THSC Chapter 341, SubChapter A 341.0315(c)
- Description: ARS MCL 2Q2017 - During the second quarter of 2017 the system violated the maximum contaminant level for Arsenic with a RAA of 0.014 mg/L.
- 3 Date: 07/21/2017 (1434424) Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
5A THSC Chapter 341, SubChapter A 341.0315(c)
- Description: ARS MCL 1Q2017 - During the first quarter of 2017 the system violated the maximum contaminant level for Arsenic with a RAA of 0.011 mg/L.
- 4 Date: 08/15/2017 (1434424) Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
5A THSC Chapter 341, SubChapter A 341.0315(c)
- Description: ARS MCL 3Q2017 - During the third quarter of 2017 the system violated the maximum contaminant level for Arsenic with a RAA of 0.014 mg/L.
- 5 Date: 10/26/2017 (1437930) Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
PSD-TX-485M1 Special Condition Number 8 PERMIT
- Description: Twenty-one (21) deviations reported failure to record and monitor the hourly average incinerator stack O2 concentration as stipulated by PSD-TX-485M1 Special Condition Number 8. This is an alleged violation of 30 TAC §116.115 (c) Special conditions.
- 6 Date: 10/31/2017 (1448683) Classification: Minor
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)  
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(B)
- Description: Failure to submit deviation report timely. Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)  
Description: Failure to submit deviation report timely.

7 Date: 01/18/2018 (1522817) Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: ARS MCL 4Q2017 - During the 4th quarter of 2017 the system violated the maximum contaminant level for Arsenic with a RAA of 0.014 mg/L.

8 Date: 03/14/2018 (1522817) Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: ARS MCL 1Q2018 - During the 1st quarter of 2018 the system violated the maximum contaminant level for Arsenic with a RAA of 0.014 mg/L.

9 Date: 05/25/2018 (1484549) Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to report Incident No. 281373 properly to the TCEQ Midland Regional Office within 24 hours after the discovery of the event under 30 TAC 101.201 (a)(1)(B), the unauthorized emissions became ineligible for exemption.

10 Date: 07/25/2018 (1522817) Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: ARS MCL 2Q2018 - During the 2nd quarter of 2018 the system violated the maximum contaminant level for Arsenic with a RAA of 0.014 mg/L.

11 Date: 01/28/2020 (1623856) Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to report Incident Nos. 308613, 308679, and 317929 properly to the TCEQ MRO within 24 hours after the discovery of the event under 30 TAC 101.201(a)(1)(B), the unauthorized emissions became ineligible for exemption

12\* Date: 11/13/2020 (1666191) Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to report the incident properly to the TCEQ Midland Regional Office within 24 hours after the discovery of the event.

13\* Date: 12/09/2020 (1677722) Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)  
Description: Oxy USA Inc submitted the Initial incident report to the TCEQ via the State of Texas Electronic Reporting System (STEERS) on August 2, 2020. The emissions Event occurred at 08/01/2020 at 10:00 A.m. for 5 hours. The initial record was due no later than 10:00 A.M. on August 2, 2020 and was submitted to TCEQ via STEERS at 3:25 P.M. on August 2, 2020.



- 14\* Date: 01/05/2021 (1698107) Classification: Minor  
 Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)  
 Description: Failure to report the incident properly to the TCEQ Midland Regional Office within 14 days after the end of the event under 30 TAC 101.201(c), the unauthorized emissions became ineligible for exemption.
- 15\* Date: 01/08/2021 (1698570) Classification: Moderate  
 Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)  
 Description: Oxy USA Inc submitted the final incident report to the TCEQ via the State of Texas Electronic Reporting System (STEERS) on December 11, 2020. The emissions Event occurred at November 24, 2020 at 12:11 p.m. for 2 hours and 35 minutes. The final record was due no later than 12:11 p.m. on December 8, 2020 and was submitted to TCEQ via STEERS at 7:56 a.m. on December 11, 2020.
- 16\* Date: 04/01/2021 (1704958) Classification: Moderate  
 Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)  
 Description: 30 Texas Administrative Code (30 TAC) Rule 101.201 (a)(1) states that as soon as practicable, but not later than 24 hours after the discovery of an emissions event, the owner or operator of a regulated entity shall notify the commission office for the region in which the regulated entity is located, and all appropriate local air pollution control agencies with jurisdiction, if the emissions event is reportable.
- 17\* Date: 08/31/2021 (1751346) Classification: Moderate  
 Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure for permit holder to comply with all special conditions contained in Permit No. 9235 as stated in Title 30 of the Texas Administrative Code Chapter 116.115(c) (30 TAC §116.115(c)). Specifically, for Permit No. 9235, the RE reported 110 deviations of Special Condition 1, 548 deviations of Special Condition 3, 518 deviations of Special Condition 8, and 53 deviations of Special Condition 10.

\* NOVs applicable for the Compliance History rating period 9/1/2016 to 8/31/2021

## Appendix B

### All Investigations Conducted During Component Period November 02, 2016 and November 02, 2021

- (1371418)  
 Item 1\* November 08, 2016\*\* For Informational Purposes Only
- (1371818)  
 Item 2 November 30, 2016\*\* For Informational Purposes Only
- (1377688)  
 Item 3\* December 14, 2016\*\* For Informational Purposes Only
- (1382234)  
 Item 4\* December 29, 2016\*\* For Informational Purposes Only
- (1363447)  
 Item 5 January 13, 2017\*\* For Informational Purposes Only
- (1387915)  
 Item 6 January 19, 2017\*\* For Informational Purposes Only

Item 7*	March 22, 2017**	(1401559) For Informational Purposes Only
Item 8*	March 23, 2017**	(1389959) For Informational Purposes Only
Item 9	April 06, 2017**	(1402382) For Informational Purposes Only
Item 10*	April 14, 2017**	(1407422) For Informational Purposes Only
Item 11*	April 25, 2017**	(1400846) For Informational Purposes Only
Item 12*	July 14, 2017**	(1422724) For Informational Purposes Only
Item 13	August 29, 2017**	(1434424) For Informational Purposes Only
Item 14	September 01, 2017**	(1436333) For Informational Purposes Only
Item 15*	September 05, 2017**	(1435600) For Informational Purposes Only
Item 16*	September 30, 2017**	(1437726) For Informational Purposes Only
Item 17*	October 25, 2017**	(1447387) For Informational Purposes Only
Item 18	October 26, 2017**	(1437930) For Informational Purposes Only
Item 19*	October 30, 2017**	(1447482) For Informational Purposes Only
Item 20	November 14, 2017**	(1448683) For Informational Purposes Only
Item 21*	December 07, 2017**	(1454979) For Informational Purposes Only
Item 22*	December 12, 2017**	(1453960) For Informational Purposes Only
Item 23*	December 27, 2017**	(1460282) For Informational Purposes Only
Item 24*	January 18, 2018**	(1464485) For Informational Purposes Only
Item 25*	February 20, 2018**	(1471494) For Informational Purposes Only
Item 26*	March 26, 2018**	(1478879) For Informational Purposes Only
Item 27*	May 11, 2018**	(1483282) For Informational Purposes Only
		(1484549)

Item 28	May 25, 2018**	For Informational Purposes Only (1496796)
Item 29*	June 18, 2018**	For Informational Purposes Only (1500084)
Item 30	July 13, 2018**	For Informational Purposes Only (1505372)
Item 31*	August 03, 2018**	For Informational Purposes Only (1505382)
Item 32*	August 31, 2018**	For Informational Purposes Only (1512085)
Item 33*	September 18, 2018**	For Informational Purposes Only (1522817)
Item 34	October 11, 2018**	For Informational Purposes Only (1523484)
Item 35	October 12, 2018**	For Informational Purposes Only (1523910)
Item 36*	October 24, 2018**	For Informational Purposes Only (1530612)
Item 37*	November 16, 2018**	For Informational Purposes Only (1569257)
Item 38*	May 17, 2019**	For Informational Purposes Only (1541978)
Item 39*	August 05, 2019**	For Informational Purposes Only (1551625)
Item 40*	August 16, 2019**	For Informational Purposes Only (1591240)
Item 41*	October 11, 2019**	For Informational Purposes Only (1604141)
Item 42*	October 30, 2019**	For Informational Purposes Only (1610653)
Item 43*	November 18, 2019**	For Informational Purposes Only (1610794)
Item 44*	November 19, 2019**	For Informational Purposes Only (1610852)
Item 45*	December 04, 2019**	For Informational Purposes Only (1612980)
Item 46*	December 06, 2019**	For Informational Purposes Only (1623032)
Item 47	January 17, 2020**	For Informational Purposes Only (1623856)
Item 48	January 24, 2020**	For Informational Purposes Only (1606108)

Item 49*	March 06, 2020**	For Informational Purposes Only (1640181)
Item 50*	May 07, 2020**	For Informational Purposes Only (1646461)
Item 51*	June 01, 2020**	For Informational Purposes Only (1657030)
Item 52*	June 18, 2020**	For Informational Purposes Only (1656947)
Item 53*	June 26, 2020**	For Informational Purposes Only (1653081)
Item 54*	June 29, 2020**	For Informational Purposes Only (1657172)
Item 55*	July 13, 2020**	For Informational Purposes Only (1663333)
Item 56*	July 22, 2020**	For Informational Purposes Only (1665212)
Item 57*	August 05, 2020**	For Informational Purposes Only (1666371)
Item 58*	August 10, 2020**	For Informational Purposes Only (1523919)
Item 59*	August 17, 2020**	For Informational Purposes Only (1669858)
Item 60*	August 31, 2020**	For Informational Purposes Only (1658367)
Item 61*	September 17, 2020**	For Informational Purposes Only (1672870)
Item 62*	September 30, 2020**	For Informational Purposes Only (1658867)
Item 63*	October 08, 2020**	For Informational Purposes Only (1679927)
Item 64*	October 09, 2020**	For Informational Purposes Only (1680026)
Item 65*	October 16, 2020**	For Informational Purposes Only (1679995)
Item 66	October 19, 2020**	For Informational Purposes Only (1653306)
Item 67*	November 05, 2020**	For Informational Purposes Only (1678513)
Item 68*	November 10, 2020**	For Informational Purposes Only (1513478)
Item 69*	November 13, 2020**	For Informational Purposes Only (1692693)
Item 70*	December 07, 2020**	For Informational Purposes Only

Item 71	December 08, 2020**	(1666191) For Informational Purposes Only
Item 72*	December 10, 2020**	(1683785) For Informational Purposes Only
Item 73	December 16, 2020**	(1677722) For Informational Purposes Only
Item 74*	December 17, 2020**	(1658184) For Informational Purposes Only
Item 75*	December 30, 2020**	(1666209) For Informational Purposes Only
Item 76*	January 07, 2021**	(1678677) For Informational Purposes Only
Item 77*	January 20, 2021**	(1683787) For Informational Purposes Only
Item 78*	January 21, 2021**	(1684066) For Informational Purposes Only
Item 79	January 29, 2021**	(1683791) For Informational Purposes Only
Item 80	January 30, 2021**	(1698570) For Informational Purposes Only
Item 81*	February 05, 2021**	(1700566) For Informational Purposes Only
Item 82*	February 23, 2021**	(1702819) For Informational Purposes Only
Item 83*	February 24, 2021**	(1702602) For Informational Purposes Only
Item 84*	February 25, 2021**	(1702696) For Informational Purposes Only
Item 85	March 12, 2021**	(1704958) For Informational Purposes Only
Item 86*	March 30, 2021**	(1706830) For Informational Purposes Only
Item 87*	April 08, 2021**	(1706919) For Informational Purposes Only
Item 88*	April 16, 2021**	(1708546) For Informational Purposes Only
Item 89*	April 28, 2021**	(1710385) For Informational Purposes Only
Item 90*	May 21, 2021**	(1722322) For Informational Purposes Only
Item 91*	May 25, 2021**	(1723078) For Informational Purposes Only

Item 92*	June 21, 2021**	(1736486) For Informational Purposes Only
Item 93*	June 24, 2021**	(1736917) For Informational Purposes Only
Item 94*	June 28, 2021**	(1737334) For Informational Purposes Only
Item 95*	June 30, 2021**	(1737399) For Informational Purposes Only
Item 96*	July 01, 2021**	(1737724) For Informational Purposes Only
Item 97*	July 06, 2021**	(1737962) For Informational Purposes Only
Item 98*	July 09, 2021**	(1738899) For Informational Purposes Only
Item 99*	July 13, 2021**	(1711807) For Informational Purposes Only
Item 100*	July 14, 2021**	(1700188) For Informational Purposes Only
Item 101*	July 16, 2021**	(1744933) For Informational Purposes Only
Item 102*	July 27, 2021**	(1745400) For Informational Purposes Only
Item 103	August 31, 2021**	(1751346) For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2016 and 08/31/2021.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
OXY USA INC.  
RN103758470**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2021-0281-AIR-E**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding OXY USA Inc. (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 presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that 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. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a natural gas processing plant located approximately 4,000 feet north of the County Road 202D and State Highway 214 intersection in Gaines 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. During a record review conducted on January 20, 2021, an investigator documented that:
  - a. The initial notification for Incident No. 343039 was due by September 28, 2020 at 11:14 a.m., but was not submitted until September 29, 2020 at 3:45 p.m.
  - b. The Respondent released 3,911.00 pounds ("lbs") of carbon monoxide, 338.40 lbs of hydrogen sulfide, 456.20 lbs of nitrogen oxides, 2,966.00 lbs of volatile organic compounds, and 31,211.00 lbs of sulfur dioxide from the Plant Flare, Emissions Point Number EMERFLARE, during an emissions event (Incident Nos. 343039 and 343042) that occurred on September 27, 2020 and lasted eight hours and

three minutes. The emissions event occurred due to faulty vibration probes that caused the automated propylene valves at the Membrane Separation Unit to fail into a closed state, resulting in flaring. TCEQ staff determined that the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices.

3. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. On September 27, 2020, repaired the valve actuator for the automated propylene valves;
  - b. On September 29, 2020, submitted the initial notification for Incident No. 343039; and
  - c. On February 22, 2021, modified the staff assignment for the Plant's Flare Reporter role in order to ensure that the initial notifications for reportable emissions events are submitted in a timely manner.

## **II. CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent 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 122.143(4), Federal Operating Permit ("FOP") No. O627, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Finding of Fact No. 2.b, 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 Permit Nos. 8414, PSDTX328M4, and PSDTX485M1, Special Conditions No. 1, FOP No. O627, GTC and STC No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
4. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the



TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

5. An administrative penalty in the amount of \$25,467 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid the \$25,467 penalty.

### **III. ORDERING PROVISIONS**

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 5 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: OXY USA Inc., Docket No. 2021-0281-AIR-E" to:

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

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

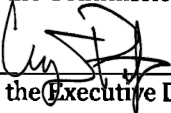
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order 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



6/27/2022

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

\_\_\_\_\_  
Date

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

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

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

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

\_\_\_\_\_  
Signature

3/31/22  
\_\_\_\_\_  
Date

MARIO GONZALEZ  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
OXY USA Inc.

PLANT OPERATIONS 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.