

**Executive Summary – Enforcement Matter – Case No. 60465
LCY ELASTOMERS LP
RN102325974
Docket No. 2021-0351-AIR-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

LCY Elastomers LP, 4803 Decker Drive, Baytown, Harris County

Type of Operation:

Synthetic rubber 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: June 17, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$99,378

Amount Deferred for Expedited Settlement: \$19,875

Total Paid to General Revenue: \$79,503

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014 and January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 6, 2020 through January 5, 2021 and April 15, 2021 through May 25, 2021

Date(s) of NOE(s): January 7, 2021 and May 26, 2021

Executive Summary – Enforcement Matter – Case No. 60465

LCY ELASTOMERS LP

RN102325974

Docket No. 2021-0351-AIR-E

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 440 pounds of 1,3-butadiene as fugitive emissions, during an emissions event (Incident No. 277952) that occurred on February 5, 2018 and lasted 14 hours and four minutes. The emissions event occurred due to corrosion at the outer lip of the filter housing that contributed to the O-ring gasket failure, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX.

ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 20311, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1756, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not identify the estimated total quantities of the carbon monoxide ("CO"), nitrogen oxides ("NOx"), and volatile organic compounds ("VOC") emissions that were released from the High Pressure Flare H7902, Emissions Point Number ("EPN") VE-12, on the final record for Incident No. 277952 [30 TEX. ADMIN. CODE §§ 101.201(b)(1)(G) and (H) and 122.143(4), FOP No. O1756, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to comply with the differential pressure limits. Specifically, the Respondent did not meet the Compliance Assurance Monitoring ("CAM") minimum pressure drop limit of eight inches of water when the pressure drop ranged from 0.07 inch to 7.93 inches of water for a total of 1,890 hours from March 17, 2020 to September 30, 2020 and exceeded the CAM maximum pressure drop limit of 12 inches of water when the pressure drop ranged from 12.03 inches to 17.35 inches of water for a total of 148 hours from March 17, 2020 to July 16, 2020 for Wet Cyclone CY-7720 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 20311, SC No. 35.A, FOP No. O1756, GTC and STC No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented a corrective measure by providing the estimated total quantities of the CO, NOx, and VOC emissions that were released from the High Pressure Flare H7902, EPN VE-12, during Incident No. 277952 on October 20, 2020.

Technical Requirements:

The Respondent shall undertake the following technical requirements:

Executive Summary – Enforcement Matter – Case No. 60465

LCY ELASTOMERS LP

RN102325974

Docket No. 2021-0351-AIR-E

a. Within 30 days:

i. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 277952; and

ii. Implement measures and/or procedures designed to comply with the CAM pressure drop limits for Wet Cyclone CY-7720.

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Amanda Diaz, Enforcement Division, Enforcement Team 2, MC R-12, (713) 422-8912; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Garry Osan, Plant Manager, LCY ELASTOMERS LP, 4803 Decker Drive, Baytown, Texas 77520

Nolan A. Smith, General Manager, LCY ELASTOMERS LP, 4803 Decker Drive, Baytown, Texas 77520

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	12-Jan-2021	Screening	11-Feb-2021	EPA Due	
	PCW	22-Apr-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	LCY ELASTOMERS LP
Reg. Ent. Ref. No.	RN102325974
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60465	No. of Violations	2
Docket No.	2021-0351-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Amanda Diaz
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$4,000
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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	76.0%	Adjustment	Subtotals 2, 3, & 7	\$3,040
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Notes: Enhancement for one NOV with the same or similar violations, four NOVs with dissimilar violations, two agreed orders containing a denial of liability, and one agreed order without a denial of liability. Reduction for one Disclosure of Violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$62
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$2,444
Estimated Cost of Compliance	\$10,250

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$6,978
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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	\$6,978
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$6,978
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DEFERRAL	20.0%	Reduction	Adjustment	-\$1,395
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$5,583
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Screening Date 11-Feb-2021

Docket No. 2021-0351-AIR-E

PCW

Respondent LCY ELASTOMERS LP

Policy Revision 4 (April 2014)

Case ID No. 60465

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102325974

Media Air

Enf. Coordinator Amanda Diaz

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>)	1	5%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	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) 76%

>> 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 one NOV with the same or similar violations, four NOVs with dissimilar violations, two agreed orders containing a denial of liability, and one agreed order without a denial of liability. Reduction for one Disclosure of Violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 76%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 76%

Screening Date 11-Feb-2021
Respondent LCY ELASTOMERS LP
Case ID No. 60465
Reg. Ent. Reference No. RN102325974
Media Air
Enf. Coordinator Amanda Diaz

Docket No. 2021-0351-AIR-E

PCW

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

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit No. 20311, Special Conditions No. 1, Federal Operating Permit ("FOP") No. O1756, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 10, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 440 pounds of 1,3-butadiene as fugitive emissions, during an emissions event (Incident No. 277952) that occurred on February 5, 2018 and lasted 14 hours and four minutes. The emissions event occurred due to corrosion at the outer lip of the filter housing that contributed to the O-ring gasket failure, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual	<input type="text"/>	<input type="text"/>	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

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

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

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 LCY ELASTOMERS LP
Case ID No. 60465
Reg. Ent. Reference No. RN102325974
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	5-Feb-2018	1-Dec-2022	4.82	\$2,411	n/a	\$2,411

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. 277952. The Date Required is the date the emissions event occurred and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$2,411

Screening Date 11-Feb-2021
Respondent LCY ELASTOMERS LP
Case ID No. 60465
Reg. Ent. Reference No. RN102325974
Media Air
Enf. Coordinator Amanda Diaz

Docket No. 2021-0351-AIR-E

PCW

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

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(b)(1)(G) and (H) and 122.143(4), FOP No. 01756, GTC and STC No. 2.F, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not identify the estimated total quantities of the carbon monoxide ("CO"), nitrogen oxides ("NOx"), and volatile organic compounds ("VOC") emissions that were released from the High Pressure Flare H7902, Emissions Point Number ("EPN") VE-12, on the final record for Incident No. 277952.

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

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text" value="1.0%"/>
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 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" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>

Notes
 The Respondent completed the corrective action by October 20, 2020, prior to the Notice of Enforcement dated January 7, 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 LCY ELASTOMERS LP
Case ID No. 60465
Reg. Ent. Reference No. RN102325974
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)	\$250	19-Feb-2018	20-Oct-2020	2.67	\$33	n/a	\$33

Notes for DELAYED costs

Estimated cost to provide the estimated total quantities of the CO, NOx, and VOC emissions that were released from the High Pressure Flare H7902, EPN VE-12, during Incident No. 277952. The Date Required is the date the final record was due 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

\$250

TOTAL

\$33



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	1-Jun-2021	Screening	15-Jul-2021	EPA Due	
	PCW	22-Apr-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	LCY ELASTOMERS LP
Reg. Ent. Ref. No.	RN102325974
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60465	No. of Violations	1
Docket No.	2021-0351-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Amanda Diaz
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$52,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	76.0% Adjustment	Subtotals 2, 3, & 7	\$39,900
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Notes: Enhancement for one NOV with the same or similar violations, four NOVs with dissimilar violations, two agreed orders containing a denial of liability, and one agreed order without a denial of liability. Reduction for one Disclosure of Violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,355	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$10,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$92,400
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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	\$92,400
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$92,400
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DEFERRAL	20.0%	Reduction	Adjustment	-\$18,480
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$73,920
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Screening Date 15-Jul-2021

Docket No. 2021-0351-AIR-E

PCW

Respondent LCY ELASTOMERS LP

Policy Revision 5 (January 28, 2021)

Case ID No. 60465

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102325974

Media Air

Enf. Coordinator Amanda Diaz

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>)	1	5%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	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) 76%

>> 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 one NOV with the same or similar violations, four NOVs with dissimilar violations, two agreed orders containing a denial of liability, and one agreed order without a denial of liability. Reduction for one Disclosure of Violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 76%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 76%

Screening Date 15-Jul-2021 **Docket No.** 2021-0351-AIR-E **PCW**
Respondent LCY ELASTOMERS LP *Policy Revision 5 (January 28, 2021)*
Case ID No. 60465 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102325974
Media Air
Enf. Coordinator Amanda Diaz

Violation Number

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit No. 20311, Special Conditions No. 35.A, Federal Operating Permit No. O1756, General Terms and Conditions and Special Terms and Conditions No. 10, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the differential pressure limits. Specifically, the Respondent did not meet the Compliance Assurance Monitoring ("CAM") minimum pressure drop limit of eight inches of water when the pressure drop ranged from 0.07 inch to 7.93 inches of water for a total of 1,890 hours from March 17, 2020 to September 30, 2020 and exceeded the CAM maximum pressure drop limit of 12 inches of water when the pressure drop ranged from 12.03 inches to 17.35 inches of water for a total of 148 hours from March 17, 2020 to July 16, 2020 for Wet Cyclone CY-7720.

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" value="x"/>	<input type="text" value="30.0%"/>
	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 insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Seven monthly events are recommended for the instances of non-compliance that occurred from March 17, 2020 to September 30, 2020.

Good Faith Efforts to Comply Reduction

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

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

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent LCY ELASTOMERS LP
Case ID No. 60465
Reg. Ent. Reference No. RN102325974
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	17-Mar-2020	1-Dec-2022	2.71	\$1,355	n/a	\$1,355

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to comply with the CAM pressure drop limits for Wet Cyclone CY-7720. 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

\$10,000

TOTAL

\$1,355



Compliance History Report

Compliance History Report for CN602579542, RN102325974, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN602579542, LCY ELASTOMERS LP **Classification:** SATISFACTORY **Rating:** 5.77
Regulated Entity: RN102325974, LCY ELASTOMERS **Classification:** SATISFACTORY **Rating:** 5.77
Complexity Points: 22 **Repeat Violator:** NO
CH Group: 05 - Chemical Manufacturing
Location: 4803 DECKER DRIVE, BAYTOWN, HARRIS COUNTY, TEXAS
TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG3757A	AIR OPERATING PERMITS PERMIT 1756
AIR NEW SOURCE PERMITS PERMIT 20311	AIR NEW SOURCE PERMITS PERMIT 42213
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG3757A	AIR NEW SOURCE PERMITS AFS NUM 4820101298
AIR NEW SOURCE PERMITS REGISTRATION 112539	AIR NEW SOURCE PERMITS REGISTRATION 149215
AIR NEW SOURCE PERMITS REGISTRATION 156229	AIR NEW SOURCE PERMITS REGISTRATION 155008
STORMWATER PERMIT TXR05T536	WASTEWATER PERMIT WQ0004772000
WASTEWATER EPA ID TX0128015	AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG3757A
POLLUTION PREVENTION PLANNING ID NUMBER P01973	INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD988067070
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 23457	TAX RELIEF ID NUMBER 23899
TAX RELIEF ID NUMBER 23901	TAX RELIEF ID NUMBER 23902
TAX RELIEF ID NUMBER 23898	TAX RELIEF ID NUMBER 23900
TAX RELIEF ID NUMBER 22604	TAX RELIEF ID NUMBER 22422
TAX RELIEF ID NUMBER 22605	TAX RELIEF ID NUMBER 22607

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

Date Compliance History Report Prepared: April 05, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 05, 2017 to April 05, 2022

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

Name: Amanda Diaz

Phone: (713) 422-8912

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: 08/15/2018 | ADMINORDER 2017-0615-IWD-E (Findings Order-Agreed Order Without Denial) |
| | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1) | |
| | 30 TAC Chapter 305, SubChapter F 305.125(1) | |
| | Rqmt Prov: Eff. Lim. & Mon. Req. No. 1 PERMIT | |
| | Description: Failed to comply with permitted effluent limitations | |
| 2 | Effective Date: 05/25/2020 | ADMINORDER 2018-1104-IWD-E (1660 Order-Agreed Order With Denial) |
| | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1) | |
| | 30 TAC Chapter 305, SubChapter F 305.125(1) | |

Rqmt Prov: Effluent Limits PERMIT

Description: Failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE §305.125(1), TEX. WATER CODE §26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004772000, Effluent Limitations and Monitoring Requirements No. 1.

3 Effective Date: 05/11/2021 ADMINORDER 2020-1091-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

30 TAC Chapter 117, SubChapter G 117.8010

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP Special Term & Condition 10 OP

NSR Special Condition 12 PERMIT

Description: Failure to submit a compliance stack test report that included the minimum contents.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 02, 2017	(1427362)
Item 2	June 12, 2017	(1433356)
Item 3	August 06, 2017	(1445601)
Item 4	August 13, 2017	(1458064)
Item 5	November 02, 2017	(1463494)
Item 6	June 18, 2018	(1509808)
Item 7	August 15, 2018	(1522165)
Item 8	November 16, 2018	(1543545)
Item 9	November 28, 2018	(1526611)
Item 10	December 14, 2018	(1547249)
Item 11	March 18, 2019	(1565956)
Item 12	April 18, 2019	(1573899)
Item 13	May 20, 2019	(1587391)
Item 14	August 12, 2019	(1601539)
Item 15	September 17, 2019	(1608450)
Item 16	January 17, 2020	(1636082)
Item 17	August 11, 2020	(1670071)
Item 18	November 10, 2020	(1684478)
Item 19	February 25, 2021	(1699845)
Item 20	April 12, 2021	(1731592)
Item 21	July 07, 2021	(1738374)
Item 22	August 13, 2021	(1746354)
Item 23	August 18, 2021	(1759080)
Item 24	October 18, 2021	(1779202)
Item 25	November 10, 2021	(1679530)
Item 26	November 16, 2021	(1785633)
Item 27	December 13, 2021	(1792682)
Item 28	January 18, 2022	(1800519)

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: 04/30/2021 (1743077)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 05/26/2021 (1704198)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 35A PERMIT
Special Term & Condition 8 OP

Description: Failure to maintain differential pressure for Cyclone CY-7703. (CATEGORY B18.g.1 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 12 PERMIT
Special Term & Condition 1A OP
Special Term & Condition 8 OP

Description: Failure to prevent visible emissions for Flare (Unit ID: H-7901). (CATEGORY C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 23A PERMIT
Special Term & Condition 8 OP

Description: Failure to maintain flow rate for Coupling Agent Scrubber (Unit ID: VE-2). (CATEGORY B19.g.1 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP

Description: Failure to continuously operate Cooling Tower (Unit ID: H-7624) monitoring system at least 95 percent of the required time. (CATEGORY B19.g.1 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 33 PERMIT
Special Term & Condition 8 OP

Description: Failure to maintain combustion zone net heating values (NHV) for High Pressure Flare (Unit ID: H-7901). (CATEGORY C4 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 33 PERMIT
Special Term & Condition 8 OP

Description: Failure to maintain combustion zone net heating values (NHV) for Low Pressure Flare (Unit ID: H-7902). (CATEGORY C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 12B PERMIT
Special Term & Condition 1A OP
Special Term & Condition 8 OP

Description: Failure to maintain Low Pressure Flare (Unit ID: H-7902) pilot. (CATEGORY C4 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 12 PERMIT
Special Term & Condition 1A OP
Special Term & Condition 8 OP

Description: Failure to prevent visible emissions Flare (Unit ID: H-7902). (CATEGORY C4 Violation)

- 3 Date: 05/31/2021 (1748614)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
- 4 Date: 06/30/2021 (1753698)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
- 5 Date: 08/31/2021 (1768453)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

- Notice of Intent Date: 02/28/2017 (1396808)
 Disclosure Date: 11/03/2017
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PERMIT SC 10G
 Description: Failed to have all new and replacement pumps shall be equipped with a shaft sealing system such as dual seals with a barrier fluid at higher pressure than the process pressure.
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.782
 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PERMIT SC 10H
 Description: Delay of repair components are listed but emissions are not being calculated.
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
 Description: At the finishing area vent to Boiler air feed line there is deteriorated ductwork that needs repair.
 Viol. Classification: Minor
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6603(a)
 Description: Emergency generator maintenance records do not indicate that spark plugs are being checked at least annually.
 Viol. Classification: Major
 Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)
 Description: A rework grinder including pneumatic conveyor and cyclone system is being operated without proper authorization.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
 Description: The bag filter from the antioxidant dump station filter vent VE-10 has been discovered to be missing.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PERMIT SC 9D
 Description: The HP Flare flow meter and the HP Flare GC does not provide measurement of the total flow rate and composition of the gas being vented to the HP Flare if there is flow from these sources.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 205, SubChapter A 205.2
 Rqmt Prov: PERMIT Part III, Section B.1.
 Description: The Multi-Sector General Permit requires a certification of non-storm water discharges and basis for the evaluation. This certification is not present in the storm water pollution prevention plan. It must also be signed by a responsible corporate official.
 Viol. Classification: Minor
 Citation: 40 CFR Chapter 205, SubChapter G, PT 205, SubPT A 205.2
 Rqmt Prov: PERMIT Part III, Section A.1.
 Description: The SW3P certification must be signed by a responsible corporate official. It is currently signed by the EHS manager.
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 205, SubChapter A 205.2
 Rqmt Prov: PERMIT Part III, Section B.5.
 Description: The MSGP requires an annual comprehensive site compliance inspection with significantly more detail than

the quarterly visual inspections. Currently the SW3P basically relies on a quarterly visual inspection for the more comprehensive annual inspection. This is insufficient.

Viol. Classification: Minor

Citation: 30 TAC Chapter 205, SubChapter A 205.2

Rqmt Prov: PERMIT Part IV, Section B. 1

PERMIT Part IV, Section B. 2

Description: The MSGP requires semi-annual benchmarking for zinc and the annual submittal of the Benchmark Monitoring Analyses Report since the facility is SIC Code 2822.

Viol. Classification: Minor

Citation: 40 CFR Chapter 205, SubChapter G, PT 205, SubPT A 205.2

Description: The MSGP requires annual hazardous metals (Inland) analyses and the annual submittal of the Discharge Monitoring Report (DMR).

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
LCY ELASTOMERS LP
RN102325974

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-0351-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 LCY ELASTOMERS LP (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a synthetic rubber manufacturing plant located at 4803 Decker Drive 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 \$99,378 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$79,503 of the penalty and \$19,875 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 a corrective measure at the Plant by providing the estimated total quantities of the carbon monoxide ("CO"), nitrogen oxides ("NOx"), and volatile organic compounds ("VOC") emissions that were released from the High Pressure Flare H7902, Emissions Point Number ("EPN") VE-12, during Incident No. 277952 on October 20, 2020.

II. ALLEGATIONS

1. During a record review conducted from October 6, 2020 through January 5, 2021, an investigator documented that the Respondent:
 - a. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 20311, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1756, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 440 pounds of 1,3-butadiene as fugitive emissions, during an emissions event (Incident No. 277952) that occurred on February 5, 2018 and lasted 14 hours and four minutes. The emissions event occurred due to corrosion at the outer lip of the filter housing that contributed to the O-ring gasket failure, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
 - 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 122.143(4), FOP No. O1756, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not identify the estimated total quantities of the CO, NOx, and VOC emissions that were released from the High Pressure Flare H7902, EPN VE-12, on the final record for Incident No. 277952.
2. During a record review conducted from April 15, 2021 through May 25, 2021, an investigator documented that the Respondent failed to comply with the differential pressure limits, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 20311, SC No. 35.A, FOP No. O1756, GTC and STC No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not meet the Compliance Assurance Monitoring ("CAM") minimum pressure drop limit of eight inches of water

when the pressure drop ranged from 0.07 inch to 7.93 inches of water for a total of 1,890 hours from March 17, 2020 to September 30, 2020 and exceeded the CAM maximum pressure drop limit of 12 inches of water when the pressure drop ranged from 12.03 inches to 17.35 inches of water for a total of 148 hours from March 17, 2020 to July 16, 2020 for Wet Cyclone CY-7720.

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: LCY ELASTOMERS LP, Docket No. 2021-0351-AIR-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 277952; and
 - ii. Implement measures and/or procedures designed to comply with the CAM pressure drop limits for Wet Cyclone CY-7720.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

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

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

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



9/14/2022

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

5/19/2022

Date

Nolan A. Smith

Name (Printed or typed)

Authorized Representative of
LCY ELASTOMERS LP

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.