

Executive Summary – Enforcement Matter – Case No. 60568
Lyondell Chemical Company
RN102523107
Docket No. 2021-0462-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Lyondell Chemical Bayport Choate Plant, 10801 Choate Road, Pasadena, Harris County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2024-1144-AIR-E
and 2023-0891-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 11, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$49,538

Amount Deferred for Expedited Settlement: \$840

Total Paid to General Revenue: \$24,349

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$24,349

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

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014 and January 2021

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Lyondell Chemical Company
RN102523107
Docket No. 2021-0462-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 30, 2020 through December 14, 2020, August 5, 2021, August 9, 2021, September 21, 2021 through October 5, 2021, November 18, 2021, and February 10, 2022 through June 9, 2022

Date(s) of NOE(s): March 12, 2021, September 20, 2021, October 18, 2021, November 19, 2021, December 7, 2021, and July 5, 2022

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 110.00 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 346160) that occurred on November 17, 2020 and lasted 57 minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 1409, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1421, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 23, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,545.34 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 289813) that occurred on August 6, 2018 and lasted one minute [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 9395, SC No. 1, FOP No. O1421, GTC and STC No. 23, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,030.91 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 290691) that occurred on August 21, 2018 and lasted one minute [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 9395, SC No. 1, FOP No. O1421, GTC and STC No. 23, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to prevent unauthorized emissions. Specifically, the Respondent released 475.76 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 281227) that occurred on March 27, 2018 and lasted seven hours and 43 minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 9395, SC No. 1, FOP No. O1421, GTC and STC No. 23, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5. Failed to prevent unauthorized emissions. Specifically, the Respondent released 206.05 lbs of VOC, 86.08 lbs of carbon monoxide, and 41.82 lbs of nitrogen oxides from the Emergency Flare Plant 2 Pilot, Emissions Point Number E-B1501B, and released 2.10 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 366308) that occurred on September 8, 2021 and lasted 58 minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 9395, SC No. 1, FOP No. O1421, GTC and STC No. 23, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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6. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 9395, SC No. 1, FOP No. O1421, GTC and STC No. 23, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 294.40 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 340636) that occurred on August 13, 2020 and lasted one hour and 45 minutes.

7. Failed to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve. Specifically, from January 28, 2021 through December 8, 2021, the Respondent did not equip four open-ended lines (Tag Nos. 63319.1, 63320.1, 19670.2, and 2000-0085.2) in VOC service with a cap, blind flange, plug, or second valve [30 TEX. ADMIN. CODE §§ 101.20(1) and (2), 113.130, 115.352(4), 115.783(5), 116.115(c), 116.715(a), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS §§ 60.482-6(a)(1), 60.482-6a(a)(1), 61.242-6(a)(1), and 63.167(a)(1), NSR Permit No. 9395, SC No. 26.E., NSR Permit No. 18327, SC No. 7.E., FOP No. O1421, GTC and STC Nos. 1.A. and 23, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8. Failed to report all instances of deviations. Specifically, the deviation reports for the February 1, 2017 through July 31, 2017, August 1, 2017 through January 31, 2018, February 1, 2018 through June 30, 2018, July 1, 2018 through December 31, 2018, January 1, 2019 through June 30, 2019, July 1, 2019 through December 31, 2019, January 1, 2020 through June 30, 2020, July 1, 2020 through December 31, 2020, and January 1, 2021 through June 30, 2021 reporting periods did not include the deviation for failing to conduct quarterly monitoring for a valve in the Propylene Oxide/Tert-Butyl-Alcohol and Derivative Fugitives [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O1421, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

a. By November 8, 2018, replaced the check valve in order to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 289813 and 290691;

b. By November 25, 2020, reinforced the importance of pre-use inspections with the Tank Farm personnel in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 340636;

c. By June 10, 2021, replaced the carbon steel valve with a stainless-steel valve in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 281227;

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Lyondell Chemical Company
RN102523107
Docket No. 2021-0462-AIR-E

- d. By August 4, 2021, implemented a procedure for transferring from the test tank or product tank; evaluated the Distributive Control System ("DCS") graphics to visualize vapor and liquid space of the Tert Butylhydroperoxide Product Tanks on the DCS screen; evaluated lighting levels in the product tank area against engineering guidelines, tank labeling, and valves for outside operators; entered the work notifications to resolve identified lighting issues; and held safety meetings to reinforce the requirement of reviewing active alarms in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 346160;
- e. By December 8, 2021, equipped the four open-ended lines (Tag Nos. 63319.1, 63320.1, 19670.2, and 2000-0085.2) with a cap, blind flange, plug, or second valve; and
- f. By April 5, 2022, held meetings to review the DCS alarm and shutdown procedure; re-trained the Operations personnel on the expectations regarding the DCS alarms, shutdown procedure adherence, and Operator rounds during a unit shutdown; and added open and closed positions for the Emergency Tert-butanol control valve on the DCS graphic in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 366308.

Technical Requirements:

- 1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
- 2. The Order will also require the Respondent to:
 - a. Within 30 days:
 - i. Submit revised deviation reports for the February 1, 2017 through July 31, 2017, August 1, 2017 through January 31, 2018, February 1, 2018 through June 30, 2018, July 1, 2018 through December 31, 2018, January 1, 2019 through June 30, 2019, July 1, 2019 through December 31, 2019, January 1, 2020 through June 30, 2020, July 1, 2020 through December 31, 2020, and January 1, 2021 through June 30, 2021 reporting periods to report the deviation for failing to conduct quarterly monitoring for a valve in the Propylene Oxide/Tert-Butyl-Alcohol and Derivative Fugitives; and
 - ii. Implement measures designed to ensure that all instances of deviations are reported in a timely manner.
 - b. Within 45 days, submit written certification to demonstrate compliance with a.

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Docket No. 2021-0462-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Mackenzie Mehlmann, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2572; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

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

Respondent: Amy Caldwell, Complex Site Manager, Lyondell Chemical Company, 10801 Choate Road, Pasadena, Texas 77507-1503

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	17-Mar-2021	Screening	26-Mar-2021	EPA Due	
	PCW	19-Aug-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	Lyondell Chemical Company				
Reg. Ent. Ref. No.	RN102523107 (PCW No. 1 of 2)				
Facility/Site Region	12-Houston		Major/Minor Source	Major	

CASE INFORMATION

Enf./Case ID No.	60568	No. of Violations	1
Docket No.	2021-0462-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Mackenzie Mehlmann
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$3,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	22.0%	Adjustment	Subtotals 2, 3, & 7	\$825
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Notes: Enhancement for one NOV with same/similar violations and one order containing a denial of liability. Reduction for one Notice of Intent to conduct an audit and 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	-\$375
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$214
Estimated Cost of Compliance \$6,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,200
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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	\$4,200
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,200
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DEFERRAL	20.0%	Reduction	Adjustment	-\$840
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$3,360
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Screening Date	26-Mar-2021	Docket No.	2021-0462-AIR-E	PCW
Respondent	Lyondell Chemical Company			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	60568			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN102523107 (PCW No. 1 of 2)			
Media	Air			
Enf. Coordinator	Mackenzie Mehlmann			

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	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	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) 22%

>> 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 same/similar violations and one order containing a denial of liability. Reduction for one Notice of Intent to conduct an audit and one Disclosure of Violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 22%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 22%

Screening Date	26-Mar-2021	Docket No.	2021-0462-AIR-E	PCW	
Respondent	Lyondell Chemical Company	Policy Revision 4 (April 2014)			
Case ID No.	60568	PCW Revision March 26, 2014			
Reg. Ent. Reference No.	RN102523107 (PCW No. 1 of 2)				
Media	Air				
Enf. Coordinator	Mackenzie Mehlmann				
Violation Number	1				
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit No. 1409, Special Conditions No. 1, Federal Operating Permit No. O1421, General Terms and Conditions and Special Terms and Conditions No. 23, and Tex. Health & Safety Code § 382.085(b)				
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 110.00 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 346160) that occurred on November 17, 2020 and lasted 57 minutes.				
Base Penalty				\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual			x	
	Potential				
				Percent	15.0%
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that did not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
Adjustment				\$21,250	
				\$3,750	
Violation Events					
Number of Violation Events		1	Number of violation days		
		1			
	daily				
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				
Violation Base Penalty		\$3,750			
One quarterly event is recommended.					
Good Faith Efforts to Comply		10.0%	Reduction		
		\$375			
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary				
	Ordinary		x		
	N/A				
	Notes	The Respondent completed the corrective measures by August 4, 2021, after the Notice of Enforcement dated March 12, 2021.			
Violation Subtotal				\$3,375	
Economic Benefit (EB) for this violation		Statutory Limit Test			
Estimated EB Amount		\$214	Violation Final Penalty Total		
		\$4,200			
This violation Final Assessed Penalty (adjusted for limits)				\$4,200	

Economic Benefit Worksheet

Respondent Lyondell Chemical Company
Case ID No. 60568
Reg. Ent. Reference No. RN102523107 (PCW No. 1 of 2)
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$6,000	17-Nov-2020	4-Aug-2021	0.71	\$214	n/a	\$214

Notes for DELAYED costs

Estimated cost to implement a procedure for transferring from the test tank or product tank; evaluate the Distributive Control System ("DCS") graphics to visualize vapor and liquid space of the Tert Butylhydroperoxide Product Tanks on the DCS screen; evaluate lighting levels in the product tank area against engineering guidelines, tank labeling, and valves for outside operators; enter the work notifications to resolve identified lighting issues; and hold safety meetings to reinforce the requirement of reviewing active alarms in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 346160. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$6,000

TOTAL

\$214



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	17-Mar-2021	Screening	26-Mar-2021	EPA Due	
	PCW	19-Aug-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	Lyondell Chemical Company				
Reg. Ent. Ref. No.	RN102523107 (PCW No. 2 of 2)				
Facility/Site Region	12-Houston	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	60568	No. of Violations	7
Docket No.	2021-0462-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Mackenzie Mehlmann
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$45,000
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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	22.0%	Adjustment	Subtotals 2, 3, & 7	\$9,900
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Notes: Enhancement for one NOV with same/similar violations and one order containing a denial of liability. Reduction for one notice of intent to conduct an audit and 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	-\$9,562
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$6,163
Estimated Cost of Compliance	\$65,750

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$45,338
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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	\$45,338
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$45,338
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

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

PAYABLE PENALTY	\$45,338
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Screening Date	26-Mar-2021	Docket No.	2021-0462-AIR-E	PCW
Respondent	Lyondell Chemical Company			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	60568			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN102523107 (PCW No. 2 of 2)			
Media	Air			
Enf. Coordinator	Mackenzie Mehlmann			

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	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	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) 22%

>> 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 same/similar violations and one order containing a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 22%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 22%

Screening Date	26-Mar-2021	Docket No.	2021-0462-AIR-E	PCW
Respondent	Lyondell Chemical Company	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	60568	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN102523107 (PCW No. 2 of 2)			
Media	Air			
Enf. Coordinator	Mackenzie Mehlmann			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 9395, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. 01421, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 23, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,545.34 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 289813) that occurred on August 6, 2018 and lasted one minute.			
Base Penalty				\$25,000
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			x
	Potential			
				Percent 30.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				Percent 0.0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that did not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
Adjustment				\$17,500
				\$7,500
Violation Events				
Number of Violation Events		1	Number of violation days	
	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
Violation Base Penalty				\$7,500
One monthly event is recommended.				
Good Faith Efforts to Comply		25.0%	Reduction	\$1,875
	<small>Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer</small>			
	Extraordinary			
	Ordinary	x		
	N/A			
Notes	The Respondent completed the corrective measures by November 8, 2018, prior to the Notice of Enforcement ("NOE") dated October 18, 2021.			
Violation Subtotal				\$5,625
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount		\$322	Violation Final Penalty Total	\$7,275
This violation Final Assessed Penalty (adjusted for limits)				\$7,275

Economic Benefit Worksheet

Respondent Lyondell Chemical Company
Case ID No. 60568
Reg. Ent. Reference No. RN102523107 (PCW No. 2 of 2)
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25,000	6-Aug-2018	8-Nov-2018	0.26	\$322	n/a	\$322

Notes for DELAYED costs

Estimated cost to replace the check valve in order to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 289813 and 290691. The Date Required is the date the first emissions event occurred and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

TOTAL

\$322

Screening Date 26-Mar-2021 Respondent Lyondell Chemical Company Case ID No. 60568 Reg. Ent. Reference No. RN102523107 (PCW No. 2 of 2) Media Air Enf. Coordinator Mackenzie Mehlmann Violation Number 2	Docket No. 2021-0462-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 9395, SC No. 1, FOP No. O1421, GTC and STC No. 23, and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,030.91 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 290691) that occurred on August 21, 2018 and lasted one minute.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					
					Percent 0.0%

Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that did not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1	1 Number of violation days	
---	---	--

	daily		
	weekly		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

	25.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary	x		
N/A			

Notes	The Respondent completed the corrective measures by November 8, 2018, prior to the NOE dated October 18, 2021.
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Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount \$0	Violation Final Penalty Total \$7,275
This violation Final Assessed Penalty (adjusted for limits) \$7,275	

Economic Benefit Worksheet

Respondent Lyondell Chemical Company
Case ID No. 60568
Reg. Ent. Reference No. RN102523107 (PCW No. 2 of 2)
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

See the Economic Benefit in Violation No. 1 of PCW No. 2 of 2.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 26-Mar-2021 Respondent Lyondell Chemical Company Case ID No. 60568 Reg. Ent. Reference No. RN102523107 (PCW No. 2 of 2) Media Air Enf. Coordinator Mackenzie Mehlmann Violation Number 3	Docket No. 2021-0462-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>																
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 9395, SC No. 1, FOP No. O1421, GTC and STC No. 23, and Tex. Health & Safety Code § 382.085(b)																		
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 475.76 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 281227) that occurred on March 27, 2018 and lasted seven hours and 43 minutes.																		
Base Penalty		\$25,000																
>> Environmental, Property and Human Health Matrix																		
OR	Release	Harm																
		Major Moderate Minor																
	Actual Potential	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 33%; height: 15px;"></td><td style="width: 33%; height: 15px;"></td><td style="width: 33%; height: 15px; text-align: center;">x</td></tr> <tr><td style="width: 33%; height: 15px;"></td><td style="width: 33%; height: 15px;"></td><td style="width: 33%; height: 15px;"></td></tr> </table>			x				Percent	30.0%								
		x																
>> Programmatic Matrix																		
	Falsification Major Moderate Minor																	
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 25%; height: 15px;"></td><td style="width: 25%; height: 15px;"></td><td style="width: 25%; height: 15px;"></td><td style="width: 25%; height: 15px;"></td></tr> </table>					Percent	0.0%											
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that did not exceed levels that are protective of human health or environmental receptors as a result of the violation.																	
Adjustment		\$17,500																
		\$7,500																
Violation Events																		
Number of Violation Events		1																
		1 Number of violation days																
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 30%; text-align: center;">daily</td><td style="width: 70%; height: 15px;"></td></tr> <tr><td style="text-align: center;">weekly</td><td style="height: 15px;"></td></tr> <tr><td style="text-align: center;">monthly</td><td style="text-align: center;">x</td></tr> <tr><td style="text-align: center;">quarterly</td><td style="height: 15px;"></td></tr> <tr><td style="text-align: center;">semiannual</td><td style="height: 15px;"></td></tr> <tr><td style="text-align: center;">annual</td><td style="height: 15px;"></td></tr> <tr><td style="text-align: center;">single event</td><td style="height: 15px;"></td></tr> </table>	daily		weekly		monthly	x	quarterly		semiannual		annual		single event		Violation Base Penalty		
daily																		
weekly																		
monthly	x																	
quarterly																		
semiannual																		
annual																		
single event																		
		\$7,500																
One monthly event is recommended.																		
Good Faith Efforts to Comply		25.0%																
		Reduction																
		\$1,875																
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer																
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 33%; text-align: center;">Extraordinary</td><td style="width: 33%; height: 15px;"></td><td style="width: 33%; height: 15px;"></td></tr> <tr><td style="text-align: center;">Ordinary</td><td style="text-align: center;">x</td><td style="height: 15px;"></td></tr> <tr><td style="text-align: center;">N/A</td><td style="height: 15px;"></td><td style="height: 15px;"></td></tr> </table>	Extraordinary			Ordinary	x		N/A										
Extraordinary																		
Ordinary	x																	
N/A																		
	Notes	The Respondent completed the corrective measures by June 10, 2021, prior to the NOE dated September 20, 2021.																
Violation Subtotal		\$5,625																
Economic Benefit (EB) for this violation Statutory Limit Test																		
Estimated EB Amount		\$4,010																
Violation Final Penalty Total		\$7,275																
This violation Final Assessed Penalty (adjusted for limits)		\$7,275																

Economic Benefit Worksheet

Respondent Lyondell Chemical Company
Case ID No. 60568
Reg. Ent. Reference No. RN102523107 (PCW No. 2 of 2)
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25,000	27-Mar-2018	10-Jun-2021	3.21	\$4,010	n/a	\$4,010

Notes for DELAYED costs

Estimated cost to replace the carbon steel valve with a stainless-steel valve in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 281227. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

TOTAL

\$4,010

Screening Date 26-Mar-2021 Respondent Lyondell Chemical Company Case ID No. 60568 Reg. Ent. Reference No. RN102523107 (PCW No. 2 of 2) Media Air Enf. Coordinator Mackenzie Mehlmann	Docket No. 2021-0462-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>																
Violation Number 4																		
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 9395, SC No. 1, FOP No. O1421, GTC and STC No. 23, and Tex. Health & Safety Code § 382.085(b)																		
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 206.05 lbs of VOC, 86.08 lbs of carbon monoxide, and 41.82 lbs of nitrogen oxides from the Emergency Flare Plant 2 Pilot, Emissions Point Number E-B1501B, and released 2.10 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 366308) that occurred on September 8, 2021 and lasted 58 minutes.																		
Base Penalty		\$25,000																
>> Environmental, Property and Human Health Matrix																		
OR	<table border="1" style="margin: auto;"> <tr> <td></td> <th colspan="3">Harm</th> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td style="text-align: center;">x</td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td></td> <td></td> </tr> </table>		Harm			Release	Major	Moderate	Minor	Actual			x	Potential				Percent 30.0%
		Harm																
	Release	Major	Moderate	Minor														
Actual			x															
Potential																		
>> Programmatic Matrix																		
<table border="1" style="margin: auto;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td></td> <td></td> <td></td> </tr> </table>		Major	Moderate	Minor	Falsification				Percent 0.0%									
	Major	Moderate	Minor															
Falsification																		
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that did not exceed levels that are protective of human health or environmental receptors as a result of the violation.																	
Adjustment		\$17,500																
		\$7,500																
Violation Events																		
Number of Violation Events 1		1 Number of violation days																
<table border="1" style="margin: auto;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td style="text-align: center;">x</td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly	x	quarterly		semiannual		annual		single event		Violation Base Penalty \$7,500			
daily																		
weekly																		
monthly	x																	
quarterly																		
semiannual																		
annual																		
single event																		
One monthly event is recommended.																		
Good Faith Efforts to Comply		Reduction \$750																
<table border="1" style="margin: auto;"> <tr> <td></td> <td style="text-align: center;">10.0%</td> </tr> <tr> <td></td> <td style="text-align: center;">Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td style="text-align: center;">x</td> </tr> <tr> <td style="text-align: center;">N/A</td> <td></td> </tr> </table>			10.0%		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	Extraordinary		Ordinary	x	N/A								
	10.0%																	
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer																	
Extraordinary																		
Ordinary	x																	
N/A																		
Notes The Respondent completed the corrective measures by April 5, 2022, after the NOE dated November 19, 2021.																		
Violation Subtotal		\$6,750																
Economic Benefit (EB) for this violation																		
Statutory Limit Test																		
Estimated EB Amount	\$129	Violation Final Penalty Total																
		\$8,400																
This violation Final Assessed Penalty (adjusted for limits)		\$8,400																

Economic Benefit Worksheet

Respondent Lyondell Chemical Company
Case ID No. 60568
Reg. Ent. Reference No. RN102523107 (PCW No. 2 of 2)
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$4,500	8-Sep-2021	5-Apr-2022	0.57	\$129	n/a	\$129

Notes for DELAYED costs

Estimated cost to hold meetings to review the Distributive Control System ("DCS") alarm and shutdown procedure; re-train the Operations personnel on the expectations regarding the DCS alarms, shutdown procedure adherence, and Operator rounds during a unit shutdown; and add open and closed positions for the Emergency Tert-butanol control valve on the DCS graphic in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 366308. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$4,500

TOTAL

\$129

Screening Date 26-Mar-2021 Respondent Lyondell Chemical Company Case ID No. 60568 Reg. Ent. Reference No. RN102523107 (PCW No. 2 of 2) Media Air Enf. Coordinator Mackenzie Mehlmann Violation Number 5	Docket No. 2021-0462-AIR-E Base Penalty \$25,000	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 9395, SC No. 1, FOP No. O1421, GTC and STC No. 23, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 294.40 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 340636) that occurred on August 13, 2020 and lasted one hour and 45 minutes.

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events <div style="border: 1px solid black; padding: 2px 10px;">1</div>		Number of violation days <div style="border: 1px solid black; padding: 2px 10px;">1</div>
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	daily				
	weekly				
	monthly		x		Violation Base Penalty \$7,500
	quarterly				
	semiannual				
	annual				
	single event				

One monthly event is recommended.

Good Faith Efforts to Comply

25.0%

Before NOE/NOV
NOE/NOV to EDPRP/Settlement Offer

Extraordinary				
Ordinary		x		
N/A				

Notes The Respondent completed the corrective measures by November 25, 2020, prior to the NOE dated December 7, 2021.

Reduction \$1,875

\$5,625

Economic Benefit (EB) for this violation

Estimated EB Amount <div style="border: 1px solid black; padding: 2px 10px;">\$21</div>	Statutory Limit Test
	Violation Final Penalty Total <div style="border: 1px solid black; padding: 2px 10px;">\$7,275</div>
This violation Final Assessed Penalty (adjusted for limits) <div style="border: 1px solid black; padding: 2px 10px;">\$7,275</div>	

Economic Benefit Worksheet

Respondent Lyondell Chemical Company
Case ID No. 60568
Reg. Ent. Reference No. RN102523107 (PCW No. 2 of 2)
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	13-Aug-2020	25-Nov-2020	0.28	\$21	n/a	\$21
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to reinforce the importance of pre-use inspections with the Tank Farm personnel in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 340636. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$21

Screening Date 26-Mar-2021 Respondent Lyondell Chemical Company Case ID No. 60568 Reg. Ent. Reference No. RN102523107 (PCW No. 2 of 2) Media Air Enf. Coordinator Mackenzie Mehlmann Violation Number 6	Docket No. 2021-0462-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(1) and (2), 113.130, 115.352(4), 115.783(5), 116.115(c), 116.715(a), and 122.143(4), 40 Code of Federal Regulations §§ 60.482-6(a)(1), 60.482-6a(a)(1), 61.242-6(a)(1), and 63.167(a)(1), NSR Permit No. 9395, SC No. 26.E., NSR Permit No. 18327, SC No. 7.E., FOP No. O1421, GTC and STC Nos. 1.A. and 23, and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failed to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve. Specifically, from January 28, 2021 through December 8, 2021, the Respondent did not equip four open-ended lines (Tag Nos. 63319.1, 63320.1, 19670.2, and 2000-0085.2) in VOC service with a cap, blind flange, plug, or second valve.

Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR		Release	Harm		
		Major	Moderate	Minor	
	Actual				
	Potential			x	Percent 7.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$23,250
	\$1,750

Violation Events

Number of Violation Events	3		218	Number of violation days
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	daily	weekly	monthly	quarterly	semiannual	annual	single event	
				x				Violation Base Penalty \$5,250

Three quarterly events are recommended for the instances of non-compliance that occurred from January 28, 2021 to June 10, 2021 and from September 14, 2021 to December 8, 2021.
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Good Faith Efforts to Comply

	25.0%	
		Reduction \$1,312

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

Notes	The Respondent completed the corrective measures by December 8, 2021, prior to the NOE dated July 5, 2022.
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Violation Subtotal	\$3,938
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Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$258
	Violation Final Penalty Total \$5,093
	This violation Final Assessed Penalty (adjusted for limits) \$5,093

Economic Benefit Worksheet

Respondent Lyondell Chemical Company
Case ID No. 60568
Reg. Ent. Reference No. RN102523107 (PCW No. 2 of 2)
Media Air
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$6,000	28-Jan-2021	8-Dec-2021	0.86	\$258	n/a	\$258

Notes for DELAYED costs

Estimated cost to equip the four open-ended lines (Tag Nos. 63319.1, 63320.1, 19670.2, and 2000-0085.2) with a cap, blind flange, plug, or second valve. The Date Required is the first date of non-compliance 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

\$6,000

TOTAL

\$258

Screening Date 26-Mar-2021 Respondent Lyondell Chemical Company Case ID No. 60568 Reg. Ent. Reference No. RN102523107 (PCW No. 2 of 2) Media Air Enf. Coordinator Mackenzie Mehlmann	Docket No. 2021-0462-AIR-E <div style="text-align: right;"> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> </div>	PCW
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Violation Number	7	
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. 01421, GTC, and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to report all instances of deviations. Specifically, the deviation reports for the February 1, 2017 through July 31, 2017, August 1, 2017 through January 31, 2018, February 1, 2018 through June 30, 2018, July 1, 2018 through December 31, 2018, January 1, 2019 through June 30, 2019, July 1, 2019 through December 31, 2019, January 1, 2020 through June 30, 2020, July 1, 2020 through December 31, 2020, and January 1, 2021 through June 30, 2021 reporting periods did not include the deviation for failing to conduct quarterly monitoring for a valve in the Propylene Oxide/Tert-Butyl-Alcohol and Derivative Fugitives.	

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential				
					Percent 0.0%

>> Programmatic Matrix

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

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events	9	1786	Number of violation days
	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
Violation Base Penalty \$2,250			

Nine single events are recommended (one event for each incomplete deviation report).

Good Faith Efforts to Comply

	0.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	
Notes	The Respondent does not meet the good faith criteria for this violation.	
Violation Subtotal \$2,250		

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount \$1,423	Violation Final Penalty Total \$2,745
This violation Final Assessed Penalty (adjusted for limits) \$2,745	

Economic Benefit Worksheet

Respondent Lyondell Chemical Company
Case ID No. 60568
Reg. Ent. Reference No. RN102523107 (PCW No. 2 of 2)
Media Air
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	30-Aug-2017	1-Apr-2025	7.59	\$569	n/a	\$569
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,250	30-Aug-2017	1-Apr-2025	7.59	\$854	n/a	\$854

Notes for DELAYED costs

Estimated costs to submit revised deviation reports for the February 1, 2017 through July 31, 2017, August 1, 2017 through January 31, 2018, February 1, 2018 through June 30, 2018, July 1, 2018 through December 31, 2018, January 1, 2019 through June 30, 2019, July 1, 2019 through December 31, 2019, January 1, 2020 through June 30, 2020, July 1, 2020 through December 31, 2020, and January 1, 2021 through June 30, 2021 reporting periods to report the deviation for failing to conduct quarterly monitoring for a valve in the Propylene Oxide/Tert-Butyl-Alcohol and Derivative Fugitives (\$250/report) and implement measures designed to ensure that all instances of deviations are reported in a timely manner (\$1,500). The Dates Required is the date the first deviation report was due and the Final Dates are 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

\$3,750

TOTAL

\$1,423

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 CN600344402, RN102523107, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN600344402, Lyondell Chemical Company

Classification: SATISFACTORY

Rating: 4.22

Regulated Entity: RN102523107, Lyondell Chemical Bayport Choate Plant

Classification: SATISFACTORY

Rating: 3.59

Complexity Points: 29

Repeat Violator: NO

CH Group: 13 - Pipeline Transportation of Natural Gas, Refined Petroleum, and All Other Products

Location: 10801 Choate Road, Pasadena, Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG05370

AIR QUALITY NON PERMITTED ID NUMBER

LGL102523107

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION

1011527

AIR NEW SOURCE PERMITS REGISTRATION 11035

AIR NEW SOURCE PERMITS PERMIT 18327

AIR NEW SOURCE PERMITS ACCOUNT NUMBER

HG05370

AIR NEW SOURCE PERMITS AFS NUM 4820100477

AIR NEW SOURCE PERMITS REGISTRATION 87890

AIR NEW SOURCE PERMITS REGISTRATION 95547

AIR NEW SOURCE PERMITS REGISTRATION 112544

AIR NEW SOURCE PERMITS EPA PERMIT N244

AIR NEW SOURCE PERMITS REGISTRATION 164645

AIR NEW SOURCE PERMITS REGISTRATION 169629

AIR NEW SOURCE PERMITS REGISTRATION 147097

AIR NEW SOURCE PERMITS REGISTRATION 152730

AIR NEW SOURCE PERMITS REGISTRATION 172780

AIR NEW SOURCE PERMITS REGISTRATION 173699

AIR NEW SOURCE PERMITS REGISTRATION 172429

UNDERGROUND INJECTION CONTROL PERMIT

5X2600218

WASTEWATER EPA ID TX0030228

POLLUTION PREVENTION PLANNING ID NUMBER

P00039

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TXD058265067

TAX RELIEF ID NUMBER 25862

TAX RELIEF ID NUMBER 25858

TAX RELIEF ID NUMBER 25859

TAX RELIEF ID NUMBER 25860

AIR OPERATING PERMITS PERMIT 1421

AIR QUALITY NON PERMITTED ID NUMBER

R12102523107

AIR NEW SOURCE PERMITS PERMIT 1409

AIR NEW SOURCE PERMITS PERMIT 9395

AIR NEW SOURCE PERMITS PERMIT 20122

AIR NEW SOURCE PERMITS REGISTRATION 75541

AIR NEW SOURCE PERMITS REGISTRATION 78478

AIR NEW SOURCE PERMITS REGISTRATION 87076

AIR NEW SOURCE PERMITS REGISTRATION 112543

AIR NEW SOURCE PERMITS PERMIT 137789

AIR NEW SOURCE PERMITS REGISTRATION 168606

AIR NEW SOURCE PERMITS REGISTRATION 168560

AIR NEW SOURCE PERMITS REGISTRATION 171184

AIR NEW SOURCE PERMITS PERMIT AMOC16

AIR NEW SOURCE PERMITS REGISTRATION 172545

AIR NEW SOURCE PERMITS REGISTRATION 175370

AIR NEW SOURCE PERMITS REGISTRATION 175915

IHW CORRECTIVE ACTION SOLID WASTE

REGISTRATION # (SWR) 30368

WASTEWATER PERMIT WQ0002756000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER

HG05370

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50275

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE

REGISTRATION # (SWR) 30368

TAX RELIEF ID NUMBER 25861

TAX RELIEF ID NUMBER 25863

TAX RELIEF ID NUMBER 25865

TAX RELIEF ID NUMBER 25864

Compliance History Period: September 01, 2018 to August 31, 2023

Rating Year: 2023

Rating Date: 09/01/2023

Date Compliance History Report Prepared: April 03, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 03, 2019 to April 03, 2024

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

Name: Mackenzie Mehlmann

Phone: (512) 239-2572

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: 11/29/2021 ADMINORDER 2020-1403-AIR-E (1660 Order-Agreed Order With Denial)
- Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: GTC and STC No. 22 OP
Special Condition 1 PERMIT
- Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on January 16, 2018, TCEQ/STEERS Incident No. 276521. (Category A12.i.6)
- Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
- Rqmt Prov: GTC and STC No. 22 OP
NSR PERMIT 9395, Special Conditions 1 PERMIT
- Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on March 16, 2018, TCEQ/STEERS Incident No. 280546. [Category A12.i.(6)]

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	April 04, 2019	(1553266)
Item 2	April 17, 2019	(1572243)
Item 3	May 16, 2019	(1584095)
Item 4	June 17, 2019	(1584096)
Item 5	July 17, 2019	(1593582)
Item 6	August 06, 2019	(1582035)
Item 7	August 19, 2019	(1599912)
Item 8	September 18, 2019	(1606813)
Item 9	October 17, 2019	(1613656)
Item 10	October 24, 2019	(1575793)
Item 11	November 15, 2019	(1619470)
Item 12	December 18, 2019	(1626823)
Item 13	January 15, 2020	(1634464)
Item 14	February 18, 2020	(1641080)
Item 15	March 16, 2020	(1647597)
Item 16	April 08, 2020	(1653941)
Item 17	May 07, 2020	(1643836)
Item 18	June 17, 2020	(1667034)
Item 19	July 20, 2020	(1673982)
Item 20	August 19, 2020	(1680761)
Item 21	September 17, 2020	(1687330)
Item 22	October 14, 2020	(1693670)
Item 23	November 28, 2020	(1713702)
Item 24	December 11, 2020	(1713703)
Item 25	January 19, 2021	(1713704)

Item 26	February 18, 2021	(1726766)
Item 27	March 10, 2021	(1726767)
Item 28	March 22, 2021	(1704542)
Item 29	April 13, 2021	(1726768)
Item 30	May 12, 2021	(1740691)
Item 31	June 03, 2021	(1711274)
Item 32	June 14, 2021	(1672361)
Item 33	June 17, 2021	(1747805)
Item 34	July 15, 2021	(1752119)
Item 35	August 05, 2021	(1745172)
Item 36	August 11, 2021	(1757571)
Item 37	September 14, 2021	(1766689)
Item 38	October 18, 2021	(1777246)
Item 39	November 15, 2021	(1771602)
Item 40	December 14, 2021	(1791072)
Item 41	January 17, 2022	(1798858)
Item 42	January 25, 2022	(1782677)
Item 43	February 16, 2022	(1806734)
Item 44	March 10, 2022	(1813798)
Item 45	April 14, 2022	(1820372)
Item 46	May 11, 2022	(1829212)
Item 47	May 17, 2022	(1760555)
Item 48	June 13, 2022	(1835503)
Item 49	July 11, 2022	(1842704)
Item 50	August 31, 2022	(1840864)
Item 51	September 16, 2022	(1856635)
Item 52	October 17, 2022	(1862993)
Item 53	November 08, 2022	(1845865)
Item 54	November 15, 2022	(1869906)
Item 55	December 15, 2022	(1875754)
Item 56	January 18, 2023	(1882574)
Item 57	February 15, 2023	(1890388)
Item 58	March 03, 2023	(1788445)
Item 59	March 07, 2023	(1652708)
Item 60	March 08, 2023	(1898954)
Item 61	April 13, 2023	(1905741)
Item 62	May 09, 2023	(1912918)
Item 63	May 15, 2023	(1841151)
Item 64	June 14, 2023	(1919524)
Item 65	June 15, 2023	(1908922)
Item 66	July 18, 2023	(1926490)
Item 67	August 10, 2023	(1933447)
Item 68	September 19, 2023	(1939588)
Item 69	October 09, 2023	(1946436)
Item 70	November 09, 2023	(1952127)
Item 71	November 16, 2023	(1925397)
Item 72	December 11, 2023	(1961894)
Item 73	January 18, 2024	(1968488)
Item 74	February 16, 2024	(1961369)

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:	05/12/2023	(1841153)	
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 115, SubChapter H 115.783(5) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)		

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 29E PERMIT
 Special Condition 4D PERMIT
 Special Condition 7E PERMIT
 Special Term and Condition 1A OP
 Special Term and Condition 23 OP
 Description: Failure to prevent 12 OELs for the PO/TBA Derivative Fugitives (EPN: BLOFUG) (Category C10).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failure to report all deviations for the reporting period of July 1, 2021 through December 31, 2021 (Category B3).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 29F PERMIT
 Special Condition 29G PERMIT
 Special Term and Condition 1A OP
 Special Term and Condition 23 OP
 Description: Failure to conduct quarterly monitoring for fugitive emissions related components for the PO/TBA Derivative Fugitives (EPN: BLOFUG) (Category B1).
 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 29E PERMIT
 Special Term and Condition 23 OP
 Description: Failure to re-monitor a connector within 15 days of repair for the PO/TBA Derivative Fugitives (EPN: BLOFUG) (Category B1).
 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 3A PERMIT
 Special Condition 6A PERMIT
 Special Term and Condition 1A OP
 Special Term and Condition 23 OP
 Description: Failure to maintain the pilot lights in operation for the BPlll Emergency Flare (EPN: B1501C) (Category C4).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 3A(iv)(1) OP
 Description: Failure to conduct quarterly visible emissions monitoring for the Stationary RICE (EPN: G-1414A) (Category B1).

F. Environmental audits:

Notice of Intent Date: 06/30/2022 (1839104)

Disclosure Date: 08/31/2022

Viol. Minor

Classification:

Citation: 30 TAC Chapter 115, SubChapter B 115.112(e)(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.110b(d)(2)

Rqmt Prov: PERMIT SC 1

Description: F-1920 Isobutylene Bullet is continuously over-pressuring and relieving to the site's continuous flare (E-B 1550). The overpressure causes the unit to exceed the hourly VOC MAERT limit for the continuous flare (E-B 1550) from NSR Permit 137789 and N244.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)

Description: Upon review of operating data, the wastewater tanks F- 1685A/B were able to receive wastewater at a higher temperature than what was represented in NSR Permit 137789 and N244 application.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)

Description: Upon review of operating data, the cooling tower pump flow rate was higher at actual discharge pressure than what was represented in NSR Permit 137789 and N244 application.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(2)

30 TAC Chapter 115, SubChapter H 115.764(a)(6)

Description: Review of process data revealed trace amounts of Ethylene that has the potential to be present in some process streams. The existing HRVOC analyzers on the Continuous Flare (E-81550) and the Cooling Towers (E-UI801, E-UI802, E-UI803) are not currently calibrated for Ethylene.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)(B)

30 TAC Chapter 115, SubChapter D 115.352(2)

30 TAC Chapter 115, SubChapter H 115.781(b)(7)

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC 29 D & F

Description: Some fugitive components on the Catalyst line in 8PII pipe rack, were found to be not identified in LeakDas database. This resulted in ninety-six (96) fugitive components missing Method 21 monitoring.

Disclosure Date: 09/29/2022

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter B 115.112(e)(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.110b(d)(2)

Description: Upon startup, to purge the small amount of unwanted isobutane that is a constituent in the feed and ends up in the intermediate isobutylene, the F-3940 Debutenizer Reflux Drum requires a manual line up to the site's continuous flare (E-B1550). The combustion of this material in the flare contributes to the exceedance of the hourly VOC MAERT limit for the continuous flare (E-B 1550) from NSR Permit 137789 and N244 (Violation #1, disclosed on August 31, 2022).

Disclosure Date: 05/31/2023

Viol. Minor

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(r)

Description: Failed to comply with the following reporting requirements for equipment associated with the RTBE Unit: Notification of initial start-up for distillation columns subject to NSPS NNN will be combusted in a flare that meets 60.18 and a process design description was not included with the initial notice of start-up for Reactors for reactor process vent streams routed to a distillation unit subject to NSPS NNN.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.999(b)(3)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.999(c)

Description: Failed to meet the reporting requirements for Closed Vent Systems under 40 CFR Part 63, Subpart SS due to improper classification of Group 1 and Group 2 sources in the 40 CFR Part 63, Subpart FFFF NOCS.

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
LYONDELL CHEMICAL COMPANY
RN102523107

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-0462-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Lyondell Chemical Company (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 10801 Choate Road in Pasadena, 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 \$49,538 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$24,349 of the penalty and \$840 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$24,349 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. By November 8, 2018, replaced the check valve in order to prevent the recurrence of emissions events due to the same or similar causes as Incident Nos. 289813 and 290691;
 - b. By November 25, 2020, reinforced the importance of pre-use inspections with the Tank Farm personnel in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 340636;
 - c. By June 10, 2021, replaced the carbon steel valve with a stainless-steel valve in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 281227;
 - d. By August 4, 2021, implemented a procedure for transferring from the test tank or product tank; evaluated the Distributive Control System ("DCS") graphics to visualize vapor and liquid space of the Tert Butylhydroperoxide Product Tanks on the DCS screen; evaluated lighting levels in the product tank area against engineering guidelines, tank labeling, and valves for outside operators; entered the work notifications to resolve identified lighting issues; and held safety meetings to reinforce the requirement of reviewing active alarms in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 346160;
 - e. By December 8, 2021, equipped the four open-ended lines (Tag Nos. 63319.1, 63320.1, 19670.2, and 2000-0085.2) with a cap, blind flange, plug, or second valve; and
 - f. By April 5, 2022, held meetings to review the DCS alarm and shutdown procedure; re-trained the Operations personnel on the expectations regarding the DCS alarms, shutdown procedure adherence, and Operator rounds during a unit shutdown; and added open and closed positions for the Emergency Tert-

butanol control valve on the DCS graphic in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 366308.

II. ALLEGATIONS

1. During a record review for the Plant conducted from November 30, 2020 through December 14, 2020, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 1409, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. 01421, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 23, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 110.00 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 346160) that occurred on November 17, 2020 and lasted 57 minutes.
2. During a record review for the Plant conducted on August 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), NSR Permit No. 9395, SC No. 1, FOP No. 01421, GTC and STC No. 23, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 1,545.34 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 289813) that occurred on August 6, 2018 and lasted one minute.
 - b. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 9395, SC No. 1, FOP No. 01421, GTC and STC No. 23, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 1,030.91 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 290691) that occurred on August 21, 2018 and lasted one minute.
3. During a record review for the Plant conducted on August 9, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 9395, SC No. 1, FOP No. 01421, GTC and STC No. 23, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 475.76 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 281227) that occurred on March 27, 2018 and lasted seven hours and 43 minutes.
4. During a record review for the Plant conducted from September 21, 2021 through October 5, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 9395, SC No. 1, FOP No. 01421, GTC and STC No. 23, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 206.05 lbs of VOC, 86.08 lbs of carbon monoxide, and 41.82 lbs of nitrogen oxides from the Emergency Flare Plant 2 Pilot, Emissions Point Number E-B1501B, and released 2.10 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 366308) that occurred on September 8, 2021 and lasted 58 minutes.

5. During a record review for the Plant conducted on November 18, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 9395, SC No. 1, FOP No. O1421, GTC and STC No. 23, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 294.40 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 340636) that occurred on August 13, 2020 and lasted one hour and 45 minutes.
6. During a record review for the Plant conducted from February 10, 2022 through June 9, 2022, an investigator documented that the Respondent:
 - a. Failed to equip each open-ended valve or line with a cap, blind flange, plug, or a second valve, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (2), 113.130, 115.352(4), 115.783(5), 116.115(c), 116.715(a), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS §§ 60.482-6(a)(1), 60.482-6a(a)(1), 61.242-6(a)(1), and 63.167(a)(1), NSR Permit No. 9395, SC No. 26.E., NSR Permit No. 18327, SC No. 7.E., FOP No. O1421, GTC and STC Nos. 1.A. and 23, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, from January 28, 2021 through December 8, 2021, the Respondent did not equip four open-ended lines (Tag Nos. 63319.1, 63320.1, 19670.2, and 2000-0085.2) in VOC service with a cap, blind flange, plug, or second valve.
 - b. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O1421, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation reports for the February 1, 2017 through July 31, 2017, August 1, 2017 through January 31, 2018, February 1, 2018 through June 30, 2018, July 1, 2018 through December 31, 2018, January 1, 2019 through June 30, 2019, July 1, 2019 through December 31, 2019, January 1, 2020 through June 30, 2020, July 1, 2020 through December 31, 2020, and January 1, 2021 through June 30, 2021 reporting periods did not include the deviation for failing to conduct quarterly monitoring for a valve in the Propylene Oxide/Tert-Butyl-Alcohol and Derivative Fugitives.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Lyondell Chemical Company, Docket No. 2021-0462-AIR-E" to:

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

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$24,349 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements at the Plant:
 - a. Within 30 days after the effective date of this Order:
 - i. Submit revised deviation reports for the February 1, 2017 through July 31, 2017, August 1, 2017 through January 31, 2018, February 1, 2018 through June 30, 2018, July 1, 2018 through December 31, 2018, January 1, 2019 through June 30, 2019, July 1, 2019 through December 31, 2019, January 1, 2020 through June 30, 2020, July 1, 2020 through December 31, 2020, and January 1, 2021 through June 30, 2021 reporting periods to report the deviation for failing to conduct quarterly monitoring for a valve in the Propylene Oxide/Tert-Butyl-Alcohol and Derivative Fugitives; and
 - ii. Implement measures designed to ensure that all instances of deviations are reported in a timely manner.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

Date

10/16/2024

Date

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

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

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

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

Amy Caldwell

Signature

09/12/2024

Date

AMY CALDWELL

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

SITE MANAGER

Title

☐ If mailing address has changed, please check this box and provide the new address below:

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.

Attachment A
Docket Number: 2021-0462-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Lyondell Chemical Company
Payable Penalty Amount:	\$48,698
SEP Offset Amount:	\$24,349
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston Regional Monitoring Corporation
Project Name:	<i>Houston Area Air Monitoring Project</i>
Location of SEP:	Harris County

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

1. Project Description

a. Project

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

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

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

b. Environmental Benefit

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

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

c. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.