

Executive Summary – Enforcement Matter – Case No. 60741

PCI Nitrogen, LLC

RN101621944

Docket No. 2021-0617-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

PCI Nitrogen Pasadena, 2001 Jackson Road, Pasadena, Harris County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 17, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$48,563

Total Paid to General Revenue: \$48,563

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 29, 2021 through April 19, 2021

Date(s) of NOE(s): April 23, 2021

**Executive Summary – Enforcement Matter – Case No. 60741
PCI Nitrogen, LLC
RN101621944
Docket No. 2021-0617-AIR-E**

Violation Information

1. Failed to maintain and operate a continuous emissions monitoring system (“CEMS”) to measure the in-stack concentration of ammonia (“NH₃”) from the Fertilizer Production Scrubber System. Specifically, the Respondent exceeded the calibration specification of plus or minus 15 percent (“%”) when the error percentages of the NH₃ monitor for the AS Fertilizer Production Process RC-G (800 North) Scrubber ranged from 15.26% to 130.08% during calibration events conducted on January 27, 2020, February 26, 2020, and February 28, 2020 of [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review (“NSR”) Permit No. 4209A, Special Conditions (“SC”) No. 19.B, Federal Operating Permit (“FOP”) No. O1252, General Terms and Conditions (“GTC”) and Special Terms and Conditions (“STC”) No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to comply with the ammonium thiosulfate solution (“ATS”) loading rate. Specifically, the Respondent exceeded the ATS loading rate of 17,098,491 gallons based on a rolling 12-month period for the 12-month periods ending on May 2019, from October 2019 through January 2020, and on March 2020 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 56361, SC No. 12, FOP No. O1252, GTC and STC No. 12, 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 replacing the filters and installing low-level alarms to alert staff of possible invalid data in order to ensure that the CEMS is maintained and operated to measure the in-stack concentration of NH₃ for the AS Fertilizer Production Process RC-G (800 North) Scrubber by February 28, 2020;
- b. By complying with the ATS loading rate of 17,098,491 gallons based on a rolling 12-month period on April 30, 2020; and
- c. By obtaining Permit by Rule Registration No. 161930 that increased the ATS production per day on August 27, 2020.

Technical Requirements:

N/A

Executive Summary – Enforcement Matter – Case No. 60741
PCI Nitrogen, LLC
RN101621944
Docket No. 2021-0617-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Toni Red, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-1704; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Scott Lange, Chief Operation Officer, PCI Nitrogen, LLC, P.O. Box 3447, Pasadena, Texas 77501-3447

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	4-May-2021	Screening	5-May-2021	EPA Due	
	PCW	20-Apr-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	PCI Nitrogen, LLC
Reg. Ent. Ref. No.	RN101621944
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60741	No. of Violations	2
Docket No.	2021-0617-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Toni Red
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$27,750
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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	100.0% Adjustment	Subtotals 2, 3, & 7	\$27,750
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Notes: Enhancement for one NOV with same/similar violations, two NOVs with dissimilar violations, and five orders containing a denial of liability. Reduction for one notice of intent to conduct an audit.

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	-\$6,937
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$228
 Estimated Cost of Compliance: \$21,950
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$48,563
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

Final Penalty Amount	\$48,563
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$48,563
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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 is recommended because the Respondent has two or more prior administrative penalty orders as set out in Tex. Water Code § 7.105(b)(6).

PAYABLE PENALTY	\$48,563
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Screening Date 5-May-2021

Docket No. 2021-0617-AIR-E

PCW

Respondent PCI Nitrogen, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 60741

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101621944

Media Air

Enf. Coordinator Toni Red

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	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	5	100%
	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>)	0	0%
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) 108%

>> 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, two NOVs with dissimilar violations, and five orders containing a denial of liability. Reduction for one notice of intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 108%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 5-May-2021 **Docket No.** 2021-0617-AIR-E **PCW**
Respondent PCI Nitrogen, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 60741 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101621944
Media Air
Enf. Coordinator Toni Red

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 4209A, Special Conditions ("SC") No. 19.B, Federal Operating Permit ("FOP") No. 01252, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 12, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain and operate a continuous emissions monitoring system ("CEMS") to measure the in-stack concentration of ammonia ("NH3") from the Fertilizer Production Scrubber System. Specifically, the Respondent exceeded the calibration specification of plus or minus 15 percent ("%") when the error percentages of the NH3 monitor for the AS Fertilizer Production Process RC-G (800 North) Scrubber ranged from 15.26% to 130.08% during calibration events conducted on January 27, 2020, February 26, 2020, and February 28, 2020.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> 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.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 3 3 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$5,250

Three single events are recommended for the instances of non-compliance that occurred on January 27, 2020, February 26, 2020, and February 28, 2020.

Good Faith Efforts to Comply

25.0% Reduction \$1,312

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

Notes The Respondent completed the corrective actions by February 28, 2020, prior to the Notice of Enforcement ("NOE") dated April 23, 2021.

Violation Subtotal \$3,938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$123 **Violation Final Penalty Total** \$9,188

This violation Final Assessed Penalty (adjusted for limits) \$9,188

Economic Benefit Worksheet

Respondent PCI Nitrogen, LLC
Case ID No. 60741
Reg. Ent. Reference No. RN101621944
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	\$20,000	27-Jan-2020	28-Feb-2020	0.09	\$6	\$117	\$123
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

Estimated cost to replace the filters and install low-level alarms to alert staff of possible invalid data in order to ensure that the CEMS is maintained and operated to measure the in-stack concentration of NH3 for the AS Fertilizer Production Process RC-G (800 North) Scrubber. The Date Required is the initial 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 \$20,000

TOTAL \$123

Screening Date 5-May-2021 **Docket No.** 2021-0617-AIR-E **PCW**
Respondent PCI Nitrogen, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 60741 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101621944
Media Air
Enf. Coordinator Toni Red

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 56361, SC No. 12, FOP No. O1252, GTC and STC No. 12, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to comply with the ammonium thiosulfate solution ("ATS") loading rate. Specifically, the Respondent exceeded the ATS loading rate of 17,098,491 gallons based on a rolling 12-month period for the 12-month periods ending on May 2019, from October 2019 through January 2020, and on March 2020.

Base Penalty \$25,000

>> 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 do 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 3 185 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$22,500

Three quarterly events are recommended for May 2019 and from October 1, 2019 to March 31, 2020.

Good Faith Efforts to Comply 25.0% Reduction \$5,625

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

Notes The Respondent achieved compliance by August 27, 2020, prior to the NOE dated April 23, 2021.

Violation Subtotal \$16,875

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

Estimated EB Amount \$105 **Violation Final Penalty Total** \$39,375

This violation Final Assessed Penalty (adjusted for limits) \$39,375

Economic Benefit Worksheet

Respondent PCI Nitrogen, LLC
Case ID No. 60741
Reg. Ent. Reference No. RN101621944
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$450	1-May-2019	27-Aug-2020	1.33	\$30	n/a	\$30
Other (as needed)	\$1,500	1-May-2019	30-Apr-2020	1.00	\$75	n/a	\$75

Notes for DELAYED costs

Estimated cost to comply with the ATS loading rate of 17,098,491 gallons based on a rolling 12-month period (\$1,500) and actual cost to obtain Permit by Rule Registration No. 161930 that increased the ATS production per day (\$450). The Dates Required are the initial date of non-compliance and the Final Dates are the dates of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,950

TOTAL \$105

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 CN603449265, RN101621944, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN603449265, PCI Nitrogen, LLC **Classification:** SATISFACTORY **Rating:** 8.44
Regulated Entity: RN101621944, PCI NITROGEN PASADENA **Classification:** SATISFACTORY **Rating:** 8.44
Complexity Points: 25 **Repeat Violator:** NO
CH Group: 05 - Chemical Manufacturing
Location: 2001 JACKSON ROAD IN PASADENA, HARRIS COUNTY, TEXAS
TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0534U
AIR QUALITY NON PERMITTED ID NUMBER
LGL101621944

AIR NEW SOURCE PERMITS PERMIT 4209A

AIR NEW SOURCE PERMITS REGISTRATION 88266

AIR NEW SOURCE PERMITS PERMIT 56361

AIR NEW SOURCE PERMITS REGISTRATION 168363

AIR NEW SOURCE PERMITS REGISTRATION 165210

AIR NEW SOURCE PERMITS REGISTRATION 157115

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30051

WASTEWATER EPA ID TX0007285

POLLUTION PREVENTION PLANNING ID NUMBER P00440

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30051

AIR OPERATING PERMITS PERMIT 1252

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1010936

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0534U

AIR NEW SOURCE PERMITS AFS NUM 4820100029

AIR NEW SOURCE PERMITS REGISTRATION 161930

AIR NEW SOURCE PERMITS REGISTRATION 163861

AIR NEW SOURCE PERMITS REGISTRATION 152375

PETROLEUM STORAGE TANK REGISTRATION 50576

WASTEWATER PERMIT WQ0000649000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0534U

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD099387474

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

Date Compliance History Report Prepared: April 05, 2022

Agency Decision Requiring Compliance History: Enforcement

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

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

Name: Toni Red

Phone: (512) 239-1704

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: 05/04/2017 ADMINORDER 2016-1666-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: Special Condition (SC) 21 PERMIT
Special Terms & Conditions (ST&C) 10 OP
Special Terms & Conditions (ST&C) 12 OP

Special Terms & Conditions (ST&C) 1A OP

Description: Failure to maintain differential pressure range across baghouse (EPN 8MNV001) (Category B19.g.1)

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: Special Condition (SC) 13D PERMIT
Special Terms & Conditions (ST&C) 12 OP

Description: Failure to perform daily calibrations for the Continuous Emissions Monitoring System (CEMS) analyzer for sulfuric acid plant stack (EPN ASNV001) (Category B1)

2 Effective Date: 04/26/2019 ADMINORDER 2017-1422-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: General Terms and Conditions OP
Special Condition 1 PERMIT
STC No. 12 OP

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 110.49 pounds of ammonia ("NH3") from the Fertilizer Production Scrubber System and Baghouse, Emission Point Number USNV002, during an emissions event (Incident No. 247632) that began on November 23, 2016 and lasted one hour. The emissions event occurred due to the tail gas scrubber pH probes giving false low readings and the continuous emissions monitor giving low NH3 emissions readings, resulting in NH3 slippage.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
STC 2.F. OP

Description: Failed to report the estimated total quantities of compounds released during an emissions event. Specifically, the Respondent reported only the unauthorized emissions released during Incident No. 247632 and not the total quantity of compounds released during the emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
STC No. 2.F. OP

Description: Failed to submit an initial notification for a reportable emissions event within 24 hours after discovery. Specifically, the initial notification for Incident No. 272439 was due by November 21, 2016 at 5:00 p.m. and the initial notification for Incident No. 272440 was due by November 23, 2016 at 7:00 p.m., but were not submitted until November 14, 2017 at 10:42 a.m. and November 14, 2017 at 10:50 a.m., respectively.

3 Effective Date: 01/28/2020 ADMINORDER 2019-1158-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failed to certify compliance with the terms and conditions of the permit for at least each 12-month period following initial permit issuance and failed to submit a PCC within 30 days of any certification period. Specifically, the PCC for the December 18, 2017 through December 17, 2018 certification period was due by January 16, 2019, but the Respondent submitted a revised and complete PCC on June 10, 2019.

4 Effective Date: 03/19/2021 ADMINORDER 2020-0977-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. 12 PERMIT
NSR Permit 4209A, Special Conditions 1 PERMIT

SC No. 1 PERMIT

Description: Failure to prevent unauthorized emissions . [Category A12i6]

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. 12 OP
NSR Permit 4209A, Special Conditions 1 PERMIT
SC No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. [Category A12i6]

5 Effective Date: 11/09/2021 ADMINORDER 2021-0010-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. 12 OP
Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,777.78 lbs of sulfuric acid as fugitive emissions during an emissions event (Icident No. 287986) that occurred on July 9, 2018 and lasted one minute.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC and STC No. 2.F OP

Description: Failed to submit a final record for a reportable emissions event no later than two weeks after the end of an emissions event. Specifically, the final record for Incident No. 287986 was due by July 23, 2018, but was not submitted until October 2, 2018.

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 10, 2017	(1394148)
Item 2	April 12, 2017	(1417662)
Item 3	May 09, 2017	(1425251)
Item 4	June 13, 2017	(1431254)
Item 5	July 13, 2017	(1439862)
Item 6	September 13, 2017	(1450178)
Item 7	October 10, 2017	(1455998)
Item 8	November 17, 2017	(1461478)
Item 9	December 18, 2017	(1467858)
Item 10	February 20, 2018	(1486789)
Item 11	April 24, 2018	(1493703)
Item 12	June 18, 2018	(1507738)
Item 13	January 17, 2019	(1559752)
Item 14	February 19, 2019	(1559750)
Item 15	March 13, 2019	(1559751)
Item 16	April 16, 2019	(1571856)
Item 17	May 10, 2019	(1583320)
Item 18	August 19, 2019	(1599515)
Item 19	September 20, 2019	(1606420)
Item 20	October 04, 2019	(1579321)
Item 21	October 18, 2019	(1613266)
Item 22	November 20, 2019	(1619080)
Item 23	December 17, 2019	(1626432)
Item 24	January 14, 2020	(1634073)
Item 25	February 19, 2020	(1640692)

Item 26	March 11, 2020	(1647212)
Item 27	April 17, 2020	(1653548)
Item 28	June 18, 2020	(1666639)
Item 29	July 20, 2020	(1673596)
Item 30	August 07, 2020	(1637727)
Item 31	August 20, 2020	(1680372)
Item 32	September 18, 2020	(1686940)
Item 33	November 16, 2020	(1683670)
Item 34	December 17, 2020	(1712552)
Item 35	January 14, 2021	(1712553)
Item 36	March 16, 2021	(1725607)
Item 37	May 19, 2021	(1740106)
Item 38	June 11, 2021	(1740107)
Item 39	July 15, 2021	(1725127)
Item 40	August 09, 2021	(1757200)
Item 41	August 10, 2021	(1747033)
Item 42	September 20, 2021	(1766280)
Item 43	October 20, 2021	(1776743)
Item 44	November 19, 2021	(1783652)
Item 45	December 17, 2021	(1790678)
Item 46	January 28, 2022	(1798472)
Item 47	February 24, 2022	(1793998)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 04/23/2021 (1704311)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT H 60.84(a)
5C THSC Chapter 382 382.085(b)
FOP Special Term and Condition 12 OP
Special Condition 21D PERMIT
Description: Failure to ensure valid SO2 Continuous Emissions Monitoring System (CEMS) data is collected. (Category C3 Violation)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term and Condition 12 OP
Special Condition 19E PERMIT
Description: Failure to conduct weekly analyzer calibration. (Category C1 Violation)

- 2 Date: 10/29/2021 (1706491)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 327 327.5(c)
Description: Failure to submit written information describing the details of a reportable spill within 30 days of the discovery of the spill.

- 3 Date: 11/12/2021 (1711988)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
Description: Failure to maintain a minimum residual disinfectant concentration in the water entering the distribution system of 0.2 milligrams per liter chloramine (measure as free chlorine).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)
Description: Failure to provide the map of the distribution system for review.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)
Description: Failure to submit a copy of the boil water notice provided to consumers of the drinking water.

F. Environmental audits:

Notice of Intent Date: 08/16/2021 (1756912)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
PCI NITROGEN, LLC
RN101621944

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-0617-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 PCI Nitrogen, LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 2001 Jackson 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 \$48,563 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$48,563 of the penalty.
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 replacing the filters and installing low-level alarms to alert staff of possible invalid data in order to ensure that the continuous emissions monitoring system ("CEMS") is maintained and operated to measure the in-stack concentration of ammonia ("NH₃") for the AS Fertilizer Production Process RC-G (800 North) Scrubber by February 28, 2020;
 - b. By complying with the ammonium thiosulfate solution ("ATS") loading rate of 17,098,491 gallons based on a rolling 12-month period on April 30, 2020; and
 - c. By obtaining Permit by Rule Registration No. 161930 that increased the ATS production per day on August 27, 2020.

II. ALLEGATIONS

During a record review conducted from March 29, 2021 through April 19, 2021, an investigator documented that the Respondent:

1. Failed to maintain and operate a CEMS to measure the in-stack concentration of NH₃ from the Fertilizer Production Scrubber System, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 4209A, Special Conditions ("SC") No. 19.B, Federal Operating Permit ("FOP") No. O1252, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the calibration specification of plus or minus 15 percent ("%") when the error percentages of the NH₃ monitor for the AS Fertilizer Production Process RC-G (800 North) Scrubber ranged from 15.26% to 130.08% during calibration events conducted on January 27, 2020, February 26, 2020, and February 28, 2020.
2. Failed to comply with the ATS loading rate, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 56361, SC No. 12, FOP No. O1252, GTC and STC No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the ATS loading rate of 17,098,491 gallons based on a rolling 12-month period for the 12-month periods ending on May 2019, from October 2019 through January 2020, and on March 2020.

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: PCI Nitrogen, LLC, Docket No. 2021-0617-AIR-E" to:

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

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

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



8/10/2022

For the Executive Director

Date

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

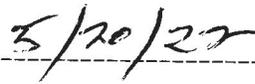
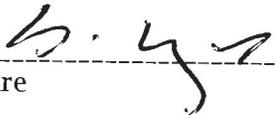
I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

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

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

Signature

Date



Name (Printed or typed)
Authorized Representative of
PCI Nitrogen, LLC

Title

Scott Lange

COO

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.