

Executive Summary – Enforcement Matter – Case No. 60743
Blue Cube Operations LLC
RN108772245
Docket No. 2021-0622-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Blue Cube Operations, 2301 North Brazosport Boulevard, Freeport, Brazoria 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 13, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$116,944

Amount Deferred for Expedited Settlement: \$23,388

Total Paid to General Revenue: \$46,778

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$46,778

Name of SEP: Houston-Galveston Area Council-AERCO (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014 and January 28, 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 21, 2020 through November 4, 2020, February 11, 2021 through April 7, 2021, October 21, 2020 through November 4, 2020, April 2, 2021 through April 30, 2021, March 26, 2021 through May 24, 2021, May 12, 2021 through May 20, 2021, May 17, 2021 through May 28, 2021, October 11, 2021, August

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18, 2021 through September 2, 2021, March 1, 2022 through August 1, 2022, and March 4, 2022 through June 10, 2022

Date(s) of NOE(s): May 5, 2021

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 215.13 pounds ("lbs") of volatile organic compounds ("VOC") from Cooling Tower 2320, EPN OC5CT4, during an emissions event (Incident No. 328633) that occurred on January 21, 2020 and lasted 15 hours and 40 minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 19041, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O2204, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 150.00 lbs of ammonia as fugitive emissions, during an emissions event (Incident No. 290998) that occurred on August 25, 2018 and lasted one minute [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 5339, SC No. 1, FOP No. O1388, GTC and STC No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 255.45 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 333514) that occurred on April 6, 2020 and lasted seven minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 19041, SC No. 1, FOP No. O2204, GTC and STC No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to prevent unauthorized emissions. Specifically, the Respondent released 15.0 lbs of chlorine as fugitive emissions, during an emissions event (Incident No. 291420) occurred on August 31, 2018 and lasted 47 minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 5339, SC No. 1, FOP No. O1388, GTC and STC No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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5. Failed to prevent the loss of valid data due to periods of monitor break down, out-of-control operation, repair, maintenance, or calibration that exceeds 5.0% of the time (in minutes) that the thermal oxidizers are operated over the previous rolling 12-month period. Specifically, the flowmeter downtime for Knockout Pot D-413 ranged from 5.25% to 6.43% for the 12-month periods ending from August 2019 through January 2020, the flowmeter downtime for Knockout Pot D-415 ranged from 5.27% to 23.47% for the 12-month periods ending from July 2018 through April 2019 and from September 2019 through July 2020, and the flowmeter downtime for Knockout Pot D-417 ranged from 5.67% to 16.91% for the 12-month periods ending from April 2018 through January 2020 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 19041, SC Nos. 17.C(3) (effective August 24, 2016) and 16 (effective April 30, 2019), FOP No. O2204, GTC and STC No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to comply with the representations with regard to construction plans and operation procedures in a permit application. Specifically, the Respondent did not represent chloroform, ethylene dichloride, and 1,1-dichloroethylene emissions to be authorized to be emitted from Cooling Towers 320 and 3230, EPNs OC5CT1 and OC5CT4, respectively, in the permit application for NSR Permit No. 19041, but the Respondent emitted a total of 11.47 lbs of unauthorized chloroform during March, June, and August 2018 and for the 12-month periods ending from January 2019 through December 2020, a total of 10.24 lbs of unauthorized ethylene dichloride during June, September, and December 2018 and for the 12-month periods ending from January 2019 through December 2020, and a total of 0.75 lb of unauthorized 1,1-dichloroethylene during the months of January through April 2018 and for the 12-month periods ending from January 2019 through January 2020 for EPN OC5CT1 and a total of 6.92 lbs of unauthorized chloroform during February, March, June, September, and October 2018 and for the 12-month periods ending from January 2019 through December 2020, a total of 4.64 lbs of unauthorized ethylene dichloride during July 2018 and for the 12-month periods ending from January 2019 through December 2020, and a total of 16.09 lbs of unauthorized 1,1-dichloroethylene for the 12-month periods ending from March 2019 through March 2020 for EPN OC5CT4 [30 TEX. ADMIN. CODE § 116.116(b)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7. Failed to report all instances of deviations. Specifically, the deviation report for the October 1, 2017 through March 31, 2018 reporting period did not include the deviations for failing to authorize chloroform emissions during March 2018 and 1,1-dichloroethylene emissions from January 2018 through March 2018 for EPN OC5CT1 and failing to authorize chloroform emissions during February and March 2018 for EPN OC5CT4 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2204, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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8. Failed to report all instances of deviations. Specifically, the deviation report for the April 1, 2018 through September 30, 2018 reporting period did not include the deviations for failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-415 for the 12-month periods ending from July 2018 through September 2018, failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-417 for the 12-month periods ending from April 2018 through September 2018, failing to authorize chloroform emissions during June and August 2018 and ethylene dichloride emissions during June and September 2018 for EPN OC5CT1, and failing to authorize chloroform emissions during June and September 2018 and ethylene dichloride emissions during July 2018 for EPN OC5CT4 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2204, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9. Failed to report all instances of deviations. Specifically, the deviation report for the October 1, 2018 through March 31, 2019 reporting period did not include the deviations for failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-415 for the 12-month periods ending from October 2018 through March 2019; failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-417 for the 12-month periods ending from October 2018 through March 2019; failing to authorize chloroform emissions from January 2019 through March 2019, ethylene dichloride emissions from December 2018 through March 2019, and 1,1-dichloroethylene emissions from January 2019 through March 2019 for EPN OC5CT1; and failing to authorize chloroform emissions during October 2018 and from January 2019 through March 2019, ethylene dichloride emissions from January 2019 through March 2019, and 1,1-dichloroethylene emissions during March 2019 for EPN OC5CT4 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2204, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

10. Failed to report all instances of deviations. Specifically, the deviation report for the April 1, 2019 through September 30, 2019 reporting period did not include the deviations for failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-413 for the 12-month periods ending from August 2019 through September 2019; failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-415 for the 12-month periods ending April 2019 and September 2019, and failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-417 for the 12-month periods ending from April 2019 through September 2019; failing to authorize chloroform, ethylene dichloride, and 1,1-dichloroethylene emissions from April 2019 through September 2019 for EPN OC5CT1; and failing to authorize chloroform, ethylene dichloride, and 1,1-dichloroethylene emissions from April 2019 through September 2019 for EPN OC5CT4 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2204, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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11. Failed to report all instances of deviations. Specifically, the deviation report for the October 1, 2019 through March 31, 2020 reporting period did not include the deviation for failing to calibrate and clean the pH monitors for Scrubber Towers T-403 and T-404 from February 16, 2020 through February 22, 2020 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2204, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

12. Failed to prevent unauthorized emissions. Specifically, the Respondent released 460.0 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 294210) that occurred on October 12, 2018 and lasted one hour and five minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 2606, SC No. 1, FOP No. O1388, GTC and STC No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

13. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,190 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 355288) that occurred on May 4, 2021 and lasted 15 hours and 27 minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 104152, SC No. 1, FOP No. O2207, GTC and STC No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

14. Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,739.0 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 327290) that began on December 27, 2019 and lasted 42 hours and 42 minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 104152, SC No. 1, FOP No. O2207, GTC and STC No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

15. Failed to prevent unauthorized emissions. Specifically, the Respondent released 709.0 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 323152) that occurred on October 20, 2019 and lasted two hours and 57 minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 48715, SC No. 1, FOP No. O2204, GTC and STC No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

16. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,149.09 lbs of VOC, 256.0 lbs of carbon monoxide, and 0.06 lb of nitrogen oxides as fugitive emissions, during an emissions event (Incident No. 364315) that began on August 4, 2021 and lasted 43 hours and 58 minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 19041, SC No. 1, FOP No. O2204, GTC and STC No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

17. Failed to report all instances of deviations. Specifically, the deviation reports for the October 1, 2018 through March 31, 2019, April 1, 2019 through September 30, 2019, October 1, 2019 through March 31, 2020, April 20, 2020 through September 30, 2020, and October 1, 2020 through March 31, 2021 reporting periods did not include the deviation for failing to perform calibration checks of flowmeters for S-2 HCl Scrubber, EPN A16CMSV2 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O1388, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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18. Failed to calibrate flow monitoring devices in accordance with the manufacturer's specifications or at least annually. Specifically, the Respondent did not conduct calibration checks of the flowmeters for the S-2 HCl Scrubber from December 31, 2018 through May 30, 2021 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR No. 5340, SC No. 17, FOP No. O1388, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

19. Failed to operate each monitoring system at least 95% of the time when the flare is operational, averaged over a calendar year. Specifically, Flare Stack 101, EPN B70F1, operated continuously during calendar year 2021 but the highly reactive volatile organic compound analyzer had 796 downtime hours from October 1, 2020 through June 13, 2021, resulting in the flare being monitored only 90.02% of the time in calendar year 2021 [30 TEX. ADMIN. CODE §§ 115.725(d)(3), 116.115(b) and (c), and 122.143(4), NSR Permit No. 104098, SC No. 36, FOP No. O2208, GTC and STC Nos. 27, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

20. Failed to operate each monitoring system at least 95% of the time when the flare is operational, averaged over a calendar year. Specifically, Flare Stack 101, EPN B70F1, operated continuously during calendar year 2021 but the flow meter had 2,848 downtime hours from October 1, 2020 through June 20, 2021, resulting in the flare being monitored only 62.5% of the time in calendar year 2021 [30 TEX. ADMIN. CODE §§ 115.725(d)(3), 116.115(b) and (c), and 122.143(4), NSR Permit No. 104098, SC No. 11.E, FOP No. O2208, GTC and STC Nos. 27, 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 March 26, 2020, repaired the leaking exchanger, installed field tagging to prevent valve lineup that could thermally shock the heat exchanger, conducted operator training, and implemented a troubleshooting procedure to efficiently determine which heat exchanger has a leak in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 328633.

b. By May 27, 2020, installed a new rupture disc for PSV-2121A, added an alarm and process control automatic response to close the inlet block valve when pressure problems exist in the incoming ethylene line, and created a predictive and preventative maintenance service schedule to visually inspect and functionally test the ethylene supply block valve in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 333514.

c. By March 29, 2019, implemented revised procedures to reduce the quantity of ammonia cylinders stored at the Trichloroethylene Plant, stored ammonia cylinders in a covered area out of direct sunlight, and ensured cylinders are properly inspected

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before they are accepted from suppliers in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 290998.

d. By January 1, 2021, established an automated tracker for each of the thermal oxidizer vent drums and their respective flowmeters, created a procedure for the proper response to a flowmeter alarm, created an alarm for each of the flowmeters, added process control documentation on the alarms, and submitted data demonstrating compliance in order to ensure that flowmeter downtime does not exceed 5% of the time that the thermal oxidizers are operated over the previous rolling 12-month period.

e. On January 11, 2021, obtained an amendment for NSR Permit No. 19041 to authorize chloroform, ethylene dichloride, and 1,1-dichloroethylene emissions from EPNs OC5CT1 and OC5CT4.

f. On August 22, 2022, submitted a revised deviation report for the October 1, 2019 through March 31, 2020 reporting period that included the deviation for failing to calibrate and clean the pH monitors for Scrubber Towers T-403 and T-404 from February 16, 2020 through February 22, 2020.

g. By October 20, 2018, replaced the pump P-402 seal and created a critical pump startup procedure for pump P-402 that addresses the dry gas seal integrity check, requires 100% attendance of pump P-402 while in operation, and includes a seal failure mode in the hazards and precautions section in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 294210.

h. By July 27, 2021, implemented disciplinary actions for the employees involved, replaced the P-742 oil reservoir bulb with a sight glass, replaced the oil reservoir bulbs with sight glasses on all other pumps in solvent service at the Epoxy 1 Unit, updated the Epoxy 1 Unit operator round sheets, trained the operations team on the alarm acknowledgement section of the Epoxy 1 Unit process control policy and the requirements to have medium risk level procedures in hand while performing those tasks, and updated the maintenance procedures on Goulds pumps and the Epoxy 1 Unit process control policy in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 355288.

i. By July 9, 2020, shutdown T-117 and replaced the rupture disc, updated the operator rounds procedures to include a visual check of pressure relief devices, created a Unit Emergency Plan, and created a procedure for the proper installation of the rupture disc in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 327290.

j. By May 28, 2020, calculated and verified the updated gasket torque specifications, created detailed gasket drawings and torque specification calculations for future maintenance, added torque calculation tool training to mechanical/reliability engineer ("ME/RE") curriculum, added review/approval steps to the 1.2 Plan and Schedule

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Turnaround work process document, required vendors to physically measure gaskets and provided drawings and torque specifications, added a column to verify the torque specification review and approval by ME/RE on fixed equipment to the Work Inventory Tool, and trained teams on new planner operating discipline actions in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 323152.

k. By August 17, 2021, replaced the failed section of the piping and inspect for deficiencies along the line in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 364315.

l. On August 22, 2022, submitted a revised deviation report for the October 1, 2018 through March 31, 2019, April 1, 2019 through September 30, 2019, October 1, 2019 through March 31, 2020, April 20, 2020 through September 30, 2020, and October 1, 2020 through March 31, 2021 reporting periods to report the deviation for failing to perform calibration checks of flowmeters for S-2 HCl Scrubber, EPN A16CMSV2.

m. By July 26, 2021, conducted calibration checks of the flowmeters for the S-2 HCl Scrubber in accordance with the manufacturer's specifications or at least annually.

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. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 291420, in accordance with NSR Permit No. 5339, SC No. 1;

ii. Submit a revised deviation report for the October 1, 2017 through March 31, 2018 reporting period that includes the deviations for failing to authorize chloroform emissions during March 2018 and 1,1-dichloroethylene emissions from January 2018 through March 2018 for EPN OC5CT1 and to authorize chloroform emissions during February and March 2018 for EPN OC5CT4;

iii. Submit a revised deviation report for the April 1, 2018 through September 30, 2018 reporting period that includes the deviations for failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-415 for the 12-month periods ending from July 2018 through September 2018, to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-417 for the 12-month periods ending from April 2018 through September 2018, failing to authorize chloroform emissions during June and August 2018 and ethylene dichloride emissions

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during June and September 2018 for EPN OC5CT1, and failing to authorize chloroform emissions during June and September 2018 and ethylene dichloride emissions during July 2018 for EPN OC5CT4.

iv. Submit a revised deviation report for the April 1, 2019 through September 30, 2019 reporting period that includes the deviations for failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-413 for the 12-month periods ending from August 2019 through September 2019; failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-415 for the 12-month period ending April 2019 and September 2019, and failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-417 for the 12-month periods ending from April 2019 through September 2019; to authorize chloroform, ethylene dichloride, and 1,1-dichloroethylene emissions from April 2019 through September 2019 for EPN OC5CT1; and failing to authorize chloroform, ethylene dichloride, and 1,1-dichloroethylene emissions from April 2019 through September 2019 for EPN OC5CT4.

v. Implement measures and/or procedures designed to ensure that all instances of deviations are reported in a timely manner.

vi. Implement measures and/or procedures designed to ensure the monitoring system operates at least 95% of the time when the flare is operational.

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

SEP Third-Party Administrator: Houston-Galveston Area Council-AERCO, 3555 Timmons Lane, Suite 120, Houston, Texas 77027

Respondent: Kyle Shelton, Site Operations Director, Blue Cube Operations LLC, 604 Texas Highway 332, Lake Jackson, Texas 77566

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	3-May-2021		
	PCW	25-Mar-2025	Screening	10-May-2021
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Blue Cube Operations LLC
Reg. Ent. Ref. No.	RN108772245
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	60743	No. of Violations	2
Docket No.	2021-0622-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		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	\$7,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	2.0%	Adjustment	Subtotals 2, 3, & 7	\$150
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Notes: Enhancement for five NOVs with the same or similar violations, four agreed orders containing a denial of liability, and one order without a denial of liability. Reduction for 54 notices of intent to conduct an audit, 32 disclosures of violations, and High Performer classification.

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	-\$1,874
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$480
Estimated Cost of Compliance	\$55,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,776
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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	\$5,776
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,776
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DEFERRAL	20.0%	Reduction	Adjustment	-\$1,155
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$4,621
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Screening Date	10-May-2021	Docket No.	2021-0622-AIR-E	PCW
Respondent	Blue Cube Operations LLC			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	60743			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN108772245			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	54	-54%
	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>)	32	-64%
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) 12%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for five NOVs with the same or similar violations, four agreed orders containing a denial of liability, and one order without a denial of liability. Reduction for 54 notices of intent to conduct an audit, 32 disclosures of violations, and High Performer classification.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 2%

Screening Date 10-May-2021 Respondent Blue Cube Operations LLC Case ID No. 60743 Reg. Ent. Reference No. RN108772245 Media Air Enf. Coordinator Yuliya Dunaway	Docket No. 2021-0622-AIR-E	PCW <i>Policy Revision 4 (April 2014)</i> <i>PCW Revision September 1, 2019</i>																
Violation Number 1																		
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 19041, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. 02204, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 16, and Tex. Health & Safety Code § 382.085(b)																		
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 215.13 pounds ("lbs") of volatile organic compounds ("VOC") from Cooling Tower 2320, Emissions Point Number OC5CT4, during an emissions event (Incident No. 328633) that began on January 21, 2020 and lasted 15 hours and 40 minutes.																		
Base Penalty		\$25,000																
>> Environmental, Property and Human Health Matrix																		
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <th colspan="3">Harm</th> </tr> <tr> <td style="text-align: center;">Release</td> <th style="text-align: center;">Major</th> <th style="text-align: center;">Moderate</th> <th style="text-align: center;">Minor</th> </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 15.0%
		Harm																
	Release	Major	Moderate	Minor														
Actual			x															
Potential																		
>> Programmatic Matrix																		
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <th style="text-align: center;">Major</th> <th style="text-align: center;">Moderate</th> <th style="text-align: center;">Minor</th> </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 which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.																	
Adjustment		\$21,250																
		\$3,750																
Violation Events																		
Number of Violation Events 1 1 Number of violation days																		
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td></td></tr> <tr><td style="text-align: center;">weekly</td><td></td></tr> <tr><td style="text-align: center;">monthly</td><td></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;">x</td></tr> <tr><td style="text-align: center;">semiannual</td><td></td></tr> <tr><td style="text-align: center;">annual</td><td></td></tr> <tr><td style="text-align: center;">single event</td><td></td></tr> </table>	daily		weekly		monthly		quarterly	x	semiannual		annual		single event		Violation Base Penalty \$3,750		
daily																		
weekly																		
monthly																		
quarterly	x																	
semiannual																		
annual																		
single event																		
One quarterly event is recommended.																		
Good Faith Efforts to Comply																		
25.0%		Reduction \$937																
Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer																		
Extraordinary																		
Ordinary	x																	
N/A																		
Notes	The Respondent completed the corrective actions by March 26, 2020, prior to the Notice of Enforcement ("NOE") dated April 28, 2021.																	
Violation Subtotal		\$2,813																
Economic Benefit (EB) for this violation																		
Estimated EB Amount		\$445																
Statutory Limit Test																		
Violation Final Penalty Total		\$2,888																
This violation Final Assessed Penalty (adjusted for limits)		\$2,888																

Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 60743
Reg. Ent. Reference No. RN108772245
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)	\$50,000	21-Jan-2020	26-Mar-2020	0.18	\$445	n/a	\$445

Notes for DELAYED costs

Estimated cost to repair the leaking exchanger, install field tagging to prevent valve lineup that could thermally shock the heat exchanger, conduct operator training, and implement a troubleshooting procedure to efficiently determine which heat exchanger has a leak in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 328633. The Date Required is the date the emissions event began 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

\$50,000

TOTAL

\$445

Screening Date	10-May-2021	Docket No.	2021-0622-AIR-E	PCW
Respondent	Blue Cube Operations LLC			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	60743			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN108772245			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 19041, SC No. 1, FOP No. 02204, GTC and STC No. 16, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 255.45 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 333514) that occurred on April 6, 2020 and lasted seven minutes.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR	Release	Harm	Major	Moderate	Minor	
	Actual				x	
	Potential					
						Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	
				Percent 0.0%

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

Adjustment \$21,250

Base Penalty \$3,750

Violation Events

Number of Violation Events	1	1	Number of violation days
daily			
weekly			
monthly			
quarterly	x		
semiannual			
annual			
single event			

One quarterly event is recommended.

Violation Base Penalty \$3,750

Good Faith Efforts to Comply

	25.0%		
Extraordinary			
Ordinary	x		
N/A			
Notes	The Respondent completed the corrective actions by May 27, 2020, prior to the NOE dated May 14, 2021.		

Reduction \$937

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$35	Violation Final Penalty Total \$2,888
This violation Final Assessed Penalty (adjusted for limits) \$2,888	

Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 60743
Reg. Ent. Reference No. RN108772245
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	6-Apr-2020	27-May-2020	0.14	\$35	n/a	\$35

Notes for DELAYED costs

Estimated cost to install a new rupture disc for PSV-2121A, add an alarm and process control automatic response to close the inlet block valve when pressure problems exist in the incoming ethylene line, and create a predictive and preventative maintenance service schedule to visually inspect and functionally test the ethylene supply block valve in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 333514. 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

\$5,000

TOTAL

\$35



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	3-May-2021	Screening	10-May-2021	EPA Due	
	PCW	25-Mar-2025				

RESPONDENT/FACILITY INFORMATION

Respondent	Blue Cube Operations LLC
Reg. Ent. Ref. No.	RN108772245
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	60743	No. of Violations	18
Docket No.	2021-0622-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		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	\$129,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	2.0%	Adjustment	Subtotals 2, 3, & 7	\$2,590
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Notes: Enhancement for five NOVs with the same or similar violations, four agreed orders containing a denial of liability, and one order without a denial of liability. Reduction for 54 notices of intent to conduct an audit, 32 disclosures of violations, and High Performer classification.

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	-\$27,750
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$13,769
Estimated Cost of Compliance \$72,725
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$104,340
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OTHER FACTORS AS JUSTICE MAY REQUIRE	6.5%	Adjustment	\$6,828
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost of compliance associated with Violation No. 16.

Final Penalty Amount	\$111,168
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$111,168
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DEFERRAL	20.0%	Reduction	Adjustment	-\$22,233
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$88,935
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Screening Date	10-May-2021	Docket No.	2021-0622-AIR-E	PCW
Respondent	Blue Cube Operations LLC			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	60743			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN108772245			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	54	-54%
	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>)	32	-64%
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) 12%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for five NOVs with the same or similar violations, four agreed orders containing a denial of liability, and one order without a denial of liability. Reduction for 54 notices of intent to conduct an audit, 32 disclosures of violations, and High Performer classification.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 2%

Screening Date 10-May-2021 Respondent Blue Cube Operations LLC Case ID No. 60743 Reg. Ent. Reference No. RN108772245 Media Air Enf. Coordinator Yuliya Dunaway Violation Number 1	Docket No. 2021-0622-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), New Source Review ("NSR") Permit No. 5339, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. 01388, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 21, and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 150.00 pounds ("lbs") of ammonia as fugitive emissions, during an emissions event (Incident No. 290998) that occurred on August 25, 2018 and lasted one minute.

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

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

>> Programmatic Matrix

Matrix Notes		Falsification			
		Major	Moderate	Minor	
					Percent 0.0%
Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.					
Adjustment					\$17,500

Adjustment	\$17,500
Subtotal	\$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%			
Extraordinary				
Ordinary	x			
N/A				
The Respondent completed the corrective actions by March 29, 2019, prior to the Notice of Enforcement ("NOE") dated May 5, 2021.				
Violation Subtotal				
\$5,625				

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$296
Violation Final Penalty Total	\$6,153
This violation Final Assessed Penalty (adjusted for limits)	\$6,153

Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 60743
Reg. Ent. Reference No. RN108772245
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	25-Aug-2018	29-Mar-2019	0.59	\$296	n/a	\$296

Notes for DELAYED costs

Estimated cost to implement revised procedures to reduce the quantity of ammonia cylinders stored at the Trichloroethylene Plant, store ammonia cylinders in a covered area out of direct sunlight, and ensure cylinders are properly inspected before they are accepted from suppliers in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 290998. 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

\$10,000

TOTAL

\$296

Screening Date 10-May-2021 Respondent Blue Cube Operations LLC Case ID No. 60743 Reg. Ent. Reference No. RN108772245 Media Air Enf. Coordinator Yuliya Dunaway	Docket No. 2021-0622-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2	Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 5339, SC No. 1, FOP No. 01388, GTC and STC No. 21, and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 15.0 lbs of chlorine as fugitive emissions, during an emissions event (Incident No. 291420) that occurred on August 31, 2018 and lasted 47 minutes.		

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

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	x	Percent <input style="width: 50px;" type="text" value="30.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes		Falsification	Major	Moderate	Minor	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input style="width: 50px;" type="text" value="0.0%"/>
		Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.				

Adjustment	\$17,500
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Violation Events	\$7,500
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Number of Violation Events <input style="width: 50px;" type="text" value="1"/>	<input style="width: 50px;" type="text" value="1"/> Number of violation days															
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 20%;">daily</td><td style="width: 80%;"><input type="text"/></td></tr> <tr><td>weekly</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td style="text-align: center;">x</td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text"/></td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	x	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>		Violation Base Penalty <input style="width: 100px;" type="text" value="\$7,500"/>
daily	<input type="text"/>															
weekly	<input type="text"/>															
monthly	x															
quarterly	<input type="text"/>															
semiannual	<input type="text"/>															
annual	<input type="text"/>															
single event	<input type="text"/>															
One monthly event is recommended.																

Good Faith Efforts to Comply

	0.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	<input type="text"/>
Notes	The Respondent does not meet the good faith criteria for this violation.	
Violation Subtotal		<input style="width: 100px;" type="text" value="\$7,500"/>

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount <input style="width: 150px;" type="text" value="\$1,781"/>	Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$8,151"/>
This violation Final Assessed Penalty (adjusted for limits) <input style="width: 150px;" type="text" value="\$8,151"/>	

Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 60743
Reg. Ent. Reference No. RN108772245
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	31-Aug-2018	13-Oct-2025	7.12	\$1,781	n/a	\$1,781

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 291420. The Date Required is the date the emissions event occurred and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$1,781

Screening Date	10-May-2021	Docket No.	2021-0622-AIR-E	PCW
Respondent	Blue Cube Operations LLC	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	60743	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN108772245			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 19041, SC Nos. 17.C(3) (effective August 24, 2016) and 16 (effective April 30, 2019), FOP No. 02204, GTC and STC No. 16, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	<p>Failed to prevent the loss of valid data due to periods of monitor break down, out-of-control operation, repair, maintenance, or calibration that exceeds 5.0 percent ("") of the time (in minutes) that the thermal oxidizers are operated over the previous rolling 12-month period. Specifically, the flowmeter downtime for Knockout Pot D-413 ranged from 5.25% to 6.43% for the 12-month periods ending from August 2019 through January 2020, the flowmeter downtime for Knockout Pot D-415 ranged from 5.27% to 23.47% for the 12-month periods ending from July 2018 through April 2019 and from September 2019 through July 2020, and the flowmeter downtime for Knockout Pot D-417 ranged from 5.67% to 16.91% for the 12-month periods ending from April 2018 through January 2020.</p>			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
	Potential			x
		Percent	7.0%	
>> Programmatic Matrix				
Matrix Notes	Falsification	Major	Moderate	Minor
		Percent	0.0%	
Human health or the environment could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.				
		Adjustment	\$23,250	
			\$1,750	
Violation Events				
Number of Violation Events		10	852	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
		Violation Base Penalty	\$17,500	
Ten quarterly events are recommended for the instances of non-compliance that occurred from April 1, 2018 to July 31, 2020.				
Good Faith Efforts to Comply		25.0%	Reduction	\$4,375
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary			
	Ordinary	x		
	N/A			
	Notes	The Respondent completed the corrective actions by January 1, 2021, prior to the NOE dated May 26, 2021.		
		Violation Subtotal	\$13,125	
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	\$689	Violation Final Penalty Total	\$14,357
		This violation Final Assessed Penalty (adjusted for limits)		
		\$14,357		

Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 60743
Reg. Ent. Reference No. RN108772245
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)	\$5,000	1-Apr-2018	1-Jan-2021	2.76	\$689	n/a	\$689

Notes for DELAYED costs

Estimated cost to establish an automated tracker for each of the thermal oxidizer vent drums and their respective flowmeters, create a procedure for the proper response to a flowmeter alarm, create an alarm for each of the flowmeters, add process control documentation on the alarms, and submit data demonstrating compliance in order to ensure that flowmeter downtime does not exceed 5% of the time that the thermal oxidizers are operated over the previous rolling 12-month period. The Date Required is the date when flowmeter downtime began exceeding 5.0% 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

\$5,000

TOTAL

\$689

Screening Date	10-May-2021	Docket No.	2021-0622-AIR-E	PCW
Respondent	Blue Cube Operations LLC	Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021		
Case ID No.	60743			
Reg. Ent. Reference No.	RN108772245			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code § 116.116(b)(1) and Tex. Health & Safety Code § 382.085(b)			
Violation Description	<p>Failed to comply with the representations with regard to construction plans and operation procedures in a permit application. Specifically, the Respondent did not represent chloroform, ethylene dichloride, and 1,1-dichloroethylene emissions to be authorized to be emitted from the Cooling Towers 320 and 3230, Emissions Point Numbers ("EPNs") OC5CT1 and OC5CT4, respectively, in the permit application for NSR Permit No. 19041, but the Respondent emitted a total of 11.47 lbs of unauthorized chloroform during March, June, and August 2018 and for the 12-month periods ending from January 2019 through December 2020, a total of 10.24 lbs of unauthorized ethylene dichloride during June, September, and December 2018 and for the 12-month periods ending from January 2019 through December 2020, and a total of 0.75 lb of unauthorized 1,1-dichloroethylene during the months of January through April 2018 and for the 12-month periods ending from January 2019 through January 2020 for EPN OC5CT1 and a total of 6.92 lbs of unauthorized chloroform during February, March, June, September, and October 2018 and for the 12-month periods ending from January 2019 through December 2020, a total of 4.64 lbs of unauthorized ethylene dichloride during July 2018 and for the 12-month periods ending from January 2019 through December 2020, and a total of 16.09 lbs of unauthorized 1,1-dichloroethylene for the 12-month periods ending from March 2019 through March 2020 for EPN OC5CT4.</p>			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		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 which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.			
		Adjustment	\$17,500	
			\$7,500	
Violation Events				
Number of Violation Events		6	1095	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual	x		
	single event			
		Violation Base Penalty \$45,000		
Six annual events are recommended (three per EPN) for the instances of non-compliance that occurred from January 2018 to December 2020.				
Good Faith Efforts to Comply		25.0%	Reduction	\$11,250
	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer		
	Extraordinary			
	Ordinary	x		
	N/A			
Notes	The Respondent achieved compliance on January 11, 2021, prior to the NOE dated May 26, 2021.			
		Violation Subtotal	\$33,750	
Economic Benefit (EB) for this violation				
Estimated EB Amount		\$136	Violation Final Penalty Total	\$36,917
		This violation Final Assessed Penalty (adjusted for limits) \$36,917		

Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 60743
Reg. Ent. Reference No. RN108772245
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	\$900	1-Jan-2018	11-Jan-2021	3.03	\$136	n/a	\$136
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain an amendment for NSR Permit No. 19041 to authorize chloroform, ethylene dichloride, and 1,1-dichloroethylene emissions from EPNs OC5CT1 and OC5CT4. 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

\$900

TOTAL

\$136

Screening Date 10-May-2021 Respondent Blue Cube Operations LLC Case ID No. 60743 Reg. Ent. Reference No. RN108772245 Media Air Enf. Coordinator Yuliya Dunaway Violation Number 5 Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. 02204, GTC, and Tex. Health & Safety Code § 382.085(b)	Docket No. 2021-0622-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Description	Failed to report all instances of deviations. Specifically, the deviation report for the October 1, 2017 through March 31, 2018 reporting period did not include the deviations for failing to authorize chloroform emissions during March 2018 and 1,1-dichloroethylene emissions from January 2018 through March 2018 for EPN OC5CT1 and to authorize chloroform emissions during February and March 2018 for EPN OC5CT4.
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Base Penalty	\$25,000
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>> Environmental, Property and Human Health Matrix

OR	Release	Harm			
		Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
			x		Percent 7.0%

Matrix Notes	Greater than 30% but less than 70% of the rule requirements were not met.
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Adjustment	\$23,250
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	\$1,750
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Violation Events

Number of Violation Events	1		1106	Number of violation days
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	daily				
	weekly				Violation Base Penalty \$1,750
	monthly				
	quarterly				
	semiannual				
	annual				
	single event		x		

One single event is recommended.	
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Good Faith Efforts to Comply

	0.0%				
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			Reduction \$0
Extraordinary					
Ordinary					
N/A	x				

Notes	The Respondent does not meet the good faith criteria for this violation.
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Violation Subtotal	\$1,750
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$611				Violation Final Penalty Total \$1,902

This violation Final Assessed Penalty (adjusted for limits)	\$1,902
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Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 60743
Reg. Ent. Reference No. RN108772245
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	30-Apr-2018	1-Oct-2025	7.43	\$557	n/a	\$557
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	30-Apr-2018	22-Aug-2022	4.32	\$54	n/a	\$54

Notes for DELAYED costs

Estimated costs to submit a revised deviation report for the October 1, 2017 through March 31, 2018 reporting period that includes the deviations for failing to authorize chloroform emissions during March 2018 and 1,1-dichloroethylene emissions from January 2018 through March 2018 for EPN OC5CT1 and failing to authorize chloroform emissions during February and March 2018 for EPN OC5CT4 (\$250) and to implement measures and/or procedures designed to ensure that all instances of deviations are reported in a timely manner (\$1,500). The Dates required are the date the deviations should have been reported and the Final Dates are the date of compliance and the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,750

TOTAL

\$611

Screening Date	10-May-2021	Docket No.	2021-0622-AIR-E	PCW																		
Respondent	Blue Cube Operations LLC				<i>Policy Revision 5 (January 28, 2021)</i>																	
Case ID No.	60743				<i>PCW Revision February 11, 2021</i>																	
Reg. Ent. Reference No.	RN108772245																					
Media	Air																					
Enf. Coordinator	Yuliya Dunaway																					
Violation Number	6																					
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. 02204, GTC, and Tex. Health & Safety Code § 382.085(b)																					
Violation Description	<p>Failed to report all instances of deviations. Specifically, the deviation report for the April 1, 2018 through September 30, 2018 reporting period did not include the deviations for failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-415 for the 12-month periods ending from July 2018 through September 2018, to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-417 for the 12-month periods ending from April 2018 through September 2018, to authorize chloroform emissions during June and August 2018 and ethylene dichloride emissions during June and September 2018 for EPN OC5CT1, and to authorize chloroform emissions during June and September 2018 and ethylene dichloride emissions during July 2018 for EPN OC5CT4.</p>																					
		Base Penalty	\$25,000																			
>> Environmental, Property and Human Health Matrix																						
OR		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th colspan="3">Harm</th> </tr> <tr> <th>Release</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> </tr> </table>				Harm			Release	Major	Moderate	Minor	Actual				Potential				Percent	0.0%
		Harm																				
	Release	Major	Moderate	Minor																		
Actual																						
Potential																						
>> Programmatic Matrix																						
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td></td> <td></td> <td></td> <td>x</td> <td></td> </tr> </table>				Falsification	Major	Moderate	Minor				x		Percent	7.0%						
	Falsification	Major	Moderate	Minor																		
			x																			
Matrix Notes	Greater than 30% but less than 70% of the rule requirements were not met.																					
		Adjustment	\$23,250																			
			\$1,750																			
Violation Events																						
	Number of Violation Events	1	923	Number of violation days																		
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></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>x</td></tr> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	x	Violation Base Penalty				\$1,750		
daily																						
weekly																						
monthly																						
quarterly																						
semiannual																						
annual																						
single event	x																					
	One single event is recommended.																					
Good Faith Efforts to Comply		0.0%	Reduction		\$0																	
		Before NOE/NOV	NOE/NOV to EDP RP/Settlement Offer																			
	Extraordinary																					
	Ordinary																					
	N/A	x																				
Notes	The Respondent does not meet the good faith criteria for this violation.																					
	Violation Subtotal	\$1,750																				
Economic Benefit (EB) for this violation																						
	Estimated EB Amount	\$87	Statutory Limit Test																			
			Violation Final Penalty Total		\$1,902																	
	This violation Final Assessed Penalty (adjusted for limits)				\$1,902																	

Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 60743
Reg. Ent. Reference No. RN108772245
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)	\$250	30-Oct-2018	1-Oct-2025	6.93	\$87	n/a	\$87

Notes for DELAYED costs

Estimated cost to submit a revised deviation report for the April 1, 2018 through September 30, 2018 reporting period that includes the deviations for failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-415 for the 12-month periods ending from July 2018 through September 2018, failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-417 for the 12-month periods ending from April 2018 through September 2018, failing to authorize chloroform emissions during June and August 2018 and ethylene dichloride emissions during June and September 2018 for EPN OC5CT1, and failing to authorize chloroform emissions during June and September 2018 and ethylene dichloride emissions during July 2018 for EPN OC5CT4. The Date Required is the date the deviations should have been reported and the Final Date is the estimated date of compliance. See also the Training/Sampling delayed cost for Violation No. 5.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$87

Screening Date	10-May-2021	Docket No.	2021-0622-AIR-E	PCW																						
Respondent	Blue Cube Operations LLC	Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021																								
Case ID No.	60743																									
Reg. Ent. Reference No.	RN108772245																									
Media	Air																									
Enf. Coordinator	Yuliya Dunaway																									
Violation Number	7																									
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. 02204, GTC, and Tex. Health & Safety Code § 382.085(b)																									
Violation Description	<p>Failed to report all instances of deviations. Specifically, the deviation report for the October 1, 2018 through March 31, 2019 reporting period did not include the deviations for failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-415 for the 12-month periods ending from October 2018 through March 2019; to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-417 for the 12-month periods ending from October 2018 through March 2019; to authorize chloroform emissions from January 2019 through March 2019, ethylene dichloride emissions from December 2018 through March 2019, and 1,1-dichloroethylene emissions from January 2019 through March 2019 for EPN OC5CT1; and to authorize chloroform emissions during October 2018 and from January 2019 through March 2019, ethylene dichloride emissions from January 2019 through March 2019, and 1,1-dichloroethylene emissions during March 2019 for EPN OC5CT4.</p>																									
		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: 20px;"></td><td style="width:33%; height: 20px;"></td><td style="width:33%; height: 20px;"></td></tr> <tr><td style="height: 20px;"></td><td style="height: 20px;"></td><td style="height: 20px;"></td></tr> </table>							Percent 0.0%																	
>> Programmatic Matrix																										
Matrix Notes	Falsification	Major	Moderate	Minor																						
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:25%; height: 20px;"></td><td style="width:25%; height: 20px;"></td><td style="width:25%; height: 20px;"></td><td style="width:25%; height: 20px; text-align: center;">x</td></tr> </table>							x	Percent 1.0%																	
				x																						
Less than 30% of the rule requirements were not met.																										
		Adjustment	\$24,750																							
		\$250																								
Violation Events																										
Number of Violation Events		1	741	Number of violation days																						
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:33%; height: 20px;">daily</td><td style="width:33%; height: 20px;"></td><td style="width:33%; height: 20px;"></td></tr> <tr><td style="height: 20px;">weekly</td><td style="height: 20px;"></td><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;">monthly</td><td style="height: 20px;"></td><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;">quarterly</td><td style="height: 20px;"></td><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;">semiannual</td><td style="height: 20px;"></td><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;">annual</td><td style="height: 20px;"></td><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;">single event</td><td style="height: 20px; text-align: center;">x</td><td style="height: 20px;"></td></tr> </table>	daily			weekly			monthly			quarterly			semiannual			annual			single event	x		Violation Base Penalty \$250		
daily																										
weekly																										
monthly																										
quarterly																										
semiannual																										
annual																										
single event	x																									
		One single event is recommended.																								
Good Faith Efforts to Comply		0.0%	Reduction \$0																							
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer																								
Extraordinary		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:50%; height: 20px;"></td><td style="width:50%; height: 20px;"></td></tr> </table>																								
Ordinary		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:50%; height: 20px;"></td><td style="width:50%; height: 20px;"></td></tr> </table>																								
N/A		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:50%; height: 20px; text-align: center;">x</td><td style="width:50%; height: 20px;"></td></tr> </table>				x																				
x																										
Notes		The Respondent does not meet the good faith criteria for this violation.																								
		Violation Subtotal			\$250																					
Economic Benefit (EB) for this violation					Statutory Limit Test																					
Estimated EB Amount		\$27	Violation Final Penalty Total		\$272																					
		This violation Final Assessed Penalty (adjusted for limits)			\$272																					

Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 60743
Reg. Ent. Reference No. RN108772245
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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	30-Apr-2019	29-Jun-2021	2.17	\$27	n/a	\$27

Notes for DELAYED costs

Estimated cost to submit a revised deviation report for the October 1, 2018 through March 31, 2019 reporting period that included the deviations for failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-415 for the 12-month periods ending from October 2018 through March 2019; to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-417 for the 12-month periods ending from October 2018 through March 2019; to authorize chloroform emissions from January 2019 through March 2019, ethylene dichloride emissions from December 2018 through March 2019, and 1,1-dichloroethylene emissions from January 2019 through March 2019 for EPN OC5CT1; and to authorize chloroform emissions during October 2018 and from January 2019 through March 2019, ethylene dichloride emissions from January 2019 through March 2019, and 1,1-dichloroethylene emissions during March 2019 for EPN OC5CT4. The Date Required is the date the deviations should have been reported and the Final Date is the date the deviations were reported. See also the Training/Sampling delayed cost for Violation No. 5.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$27

Screening Date	10-May-2021	Docket No.	2021-0622-AIR-E	PCW	
Respondent	Blue Cube Operations LLC				<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	60743				<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN108772245				
Media	Air				
Enf. Coordinator	Yuliya Dunaway				
Violation Number	8				
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. 02204, GTC, and Tex. Health & Safety Code § 382.085(b)				
Violation Description	<p>Failed to report all instances of deviations. Specifically, the deviation report for the April 1, 2019 through September 30, 2019 reporting period did not include the deviations for failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-413 for the 12-month periods ending from August 2019 through September 2019; to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-415 for the 12-month periods ending April 2019 and September 2019, and to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-417 for the 12-month periods ending from April 2019 through September 2019; to authorize chloroform, ethylene dichloride, and 1,1-dichloroethylene emissions from April 2019 through September 2019 for EPN OC5CT1; and to authorize chloroform, ethylene dichloride, and 1,1-dichloroethylene emissions from April 2019 through September 2019 for EPN OC5CT4.</p>				
		Base Penalty	\$25,000		

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
				x	Percent 1.0%

Matrix Notes

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

Adjustment \$24,750

Adjustment \$250

Violation Events

Number of Violation Events	1	Number of violation days	558
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daily							
weekly							
monthly							
quarterly							
semiannual							
annual							
single event						x	

One single event is recommended.

Violation Base Penalty \$250

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 \$250

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$74	Violation Final Penalty Total \$272
This violation Final Assessed Penalty (adjusted for limits) \$272	

Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 60743
Reg. Ent. Reference No. RN108772245
Media Air
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	30-Oct-2019	1-Oct-2025	5.93	\$74	n/a	\$74

Notes for DELAYED costs

Estimated cost to submit a revised deviation report for the April 1, 2019 through September 30, 2019 reporting period that includes the deviations for failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-413 for the 12-month periods ending from August 2019 through September 2019; to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-415 for the 12-month periods ending April 2019 and September 2019, and to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-417 for the 12-month periods ending from April 2019 through September 2019; to authorize chloroform, ethylene dichloride, and 1,1-dichloroethylene emissions from April 2019 through September 2019 for EPN OC5CT1; and to authorize chloroform, ethylene dichloride, and 1,1-dichloroethylene emissions from April 2019 through September 2019 for EPN OC5CT4. The Date Required is the date the deviations should have been reported and the Final Date is the estimated date of compliance. See also the Training/Sampling delayed cost for Violation No. 5.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$74

Screening Date	10-May-2021	Docket No.	2021-0622-AIR-E	PCW
Respondent	Blue Cube Operations LLC	Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021		
Case ID No.	60743			
Reg. Ent. Reference No.	RN108772245			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	9			
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. 02204, GTC, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to report all instances of deviations. Specifically, the deviation report for the October 1, 2019 through March 31, 2020 reporting period did not include the deviation for failing to calibrate and clean the pH monitors for Scrubber Towers T-403 and T-404 from February 16, 2020 through February 22, 2020.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential				Percent
					0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
				x	
					Percent
					1.0%

Matrix Notes	Less than 30% of the rule requirements were not met.
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Adjustment \$24,750

\$250

Violation Events

Number of Violation Events	1	375	Number of violation days
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daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

	0.0%		
	Before NOE/NOV	NOE/NOV to EDP RP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.		

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Estimated EB Amount	Statutory Limit Test
\$29	\$272
This violation Final Assessed Penalty (adjusted for limits)	
\$272	

Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 60743
Reg. Ent. Reference No. RN108772245
Media Air
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	30-Apr-2020	22-Aug-2022	2.31	\$29	n/a	\$29

Notes for DELAYED costs

Estimated cost to submit a revised deviation report for the October 1, 2019 through March 31, 2020 reporting period that included the deviation for failing to calibrate and clean the pH monitors for Scrubber Towers T-403 and T-404 from February 16, 2020 through February 22, 2020. The Date Required is the date the deviation should have been reported and the Final Date is the date the deviation was reported. See also the Training/Sampling delayed cost for Violation No. 5.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$29

Screening Date 10-May-2021 Respondent Blue Cube Operations LLC Case ID No. 60743 Reg. Ent. Reference No. RN108772245 Media Air Enf. Coordinator Yuliya Dunaway	Docket No. 2021-0622-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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Violation Number	10	Rule Cite(s)	
		30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 2606, SC No. 1, FOP No. O1388, GTC and STC No. 21, and Tex. Health & Safety Code § 382.085(b)	
Violation Description		Failed to prevent unauthorized emissions. Specifically, the Respondent released 460.0 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 294210) that occurred on October 12, 2018 and lasted one hour and five minutes.	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	
					Percent 0.0%

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events	1	Number of violation days	1
daily			
weekly			
monthly	x		
quarterly			
semiannual			
annual			
single event			

One monthly event is recommended.

Violation Base Penalty \$7,500

Good Faith Efforts to Comply

	25.0%	
		Reduction \$1,875
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		
Notes	The Respondent completed the corrective actions by October 20, 2018, prior to the NOE dated June 1, 2021.	

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$5	Violation Final Penalty Total \$6,153
This violation Final Assessed Penalty (adjusted for limits) \$6,153	

Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 60743
Reg. Ent. Reference No. RN108772245
Media Air
Violation No. 10

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)	\$5,000	12-Oct-2018	20-Oct-2018	0.02	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to replace the pump P-402 seal and create a critical pump startup procedure for pump P-402 that addresses the dry gas seal integrity check, requires 100% attendance of pump P-402 while in operation, and includes a seal failure mode in the hazards and precautions section in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 294210. 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

\$5,000

TOTAL

\$5

Screening Date	10-May-2021	Docket No.	2021-0622-AIR-E	PCW
Respondent	Blue Cube Operations LLC	Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021		
Case ID No.	60743			
Reg. Ent. Reference No.	RN108772245			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	11			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 104152, SC No. 1, FOP No. O2207, GTC and STC No. 21, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,190 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 355288) that occurred on May 4, 2021 and lasted 15 hours and 27 minutes.			
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 which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.				
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%			Reduction	
	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer			
	Extraordinary				
	Ordinary	x			
	N/A				
Notes	The Respondent completed corrective actions by July 27, 2021, prior to the NOE dated August 13, 2021.				
Violation Subtotal					\$5,625
Economic Benefit (EB) for this violation					
Statutory Limit Test					
Estimated EB Amount	\$58	Violation Final Penalty Total		\$6,153	
This violation Final Assessed Penalty (adjusted for limits)				\$6,153	

Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 60743
Reg. Ent. Reference No. RN108772245
Media Air
Violation No. 11

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)	\$5,000	4-May-2021	27-Jul-2021	0.23	\$58	n/a	\$58

Notes for DELAYED costs

Estimated cost to implement disciplinary actions for the employees involved, replace the P-742 oil reservoir bulb with a sight glass, replace the oil reservoir bulbs with sight glasses on all other pumps in solvent service at the Epoxy 1 Unit, update the Epoxy 1 Unit operator round sheets, train the operations team on the alarm acknowledgement section of the Epoxy 1 Unit process control policy and the requirements to have medium risk level procedures in hand while performing those tasks, and update the maintenance procedures on Goulds pumps and the Epoxy 1 Unit process control policy in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 355288. 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

\$5,000

TOTAL

\$58

Screening Date	10-May-2021	Docket No.	2021-0622-AIR-E	PCW	
Respondent	Blue Cube Operations LLC				<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	60743				<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN108772245				
Media	Air				
Enf. Coordinator	Yuliya Dunaway				
Violation Number	12				
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 104152, SC No. 1, FOP No. 02207, GTC and STC No. 21, and Tex. Health & Safety Code § 382.085(b)				
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,739.0 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 327290) that began on December 27, 2019 and lasted 42 hours and 42 minutes.				
		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 which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events	1	Number of violation days	2
----------------------------	---	--------------------------	---

	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 corrective actions by July 9, 2020, prior to the NOE dated November 5, 2021.		

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Estimated EB Amount	\$134	Statutory Limit Test
		Violation Final Penalty Total
		\$6,153
This violation Final Assessed Penalty (adjusted for limits)		\$6,153

Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 60743
Reg. Ent. Reference No. RN108772245
Media Air
Violation No. 12

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)	\$5,000	27-Dec-2019	9-Jul-2020	0.53	\$134	n/a	\$134

Notes for DELAYED costs

Estimated cost to shutdown T-117 and replace the rupture disc, update the operator rounds procedures to include a visual check of pressure relief devices, create a Unit Emergency Plan, and create a procedure for the proper installation of the rupture disc in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 327290. The Date Required is the date the emissions event began 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

\$5,000

TOTAL

\$134

Screening Date	10-May-2021	Docket No.	2021-0622-AIR-E	PCW
Respondent	Blue Cube Operations LLC	Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021		
Case ID No.	60743			
Reg. Ent. Reference No.	RN108772245			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	13			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 48715, SC No. 1, FOP No. O2204, GTC and STC No. 16, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 709.0 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 323152) that occurred on October 20, 2019 and lasted two hours and 57 minutes.			
		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 which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.
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Adjustment	\$17,500
\$7,500	

Violation Events

Number of Violation Events	1	1	Number of violation days
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	daily						
	weekly						
	monthly	x					
	quarterly						
	semiannual						
	annual						
	single event						

One monthly event is recommended.

Good Faith Efforts to Comply	25.0%		Reduction	\$1,875
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	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer		
Extraordinary				
Ordinary	x			
N/A				

Notes	The Respondent completed corrective actions by May 28, 2020, prior to the NOE dated November 12, 2021.
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Violation Subtotal	\$5,625
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Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	Violation Final Penalty Total
\$303	\$6,153
This violation Final Assessed Penalty (adjusted for limits)	
\$6,153	

Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 60743
Reg. Ent. Reference No. RN108772245
Media Air
Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	20-Oct-2019	28-May-2020	0.61	\$303	n/a	\$303

Notes for DELAYED costs

Estimated cost to calculate and verify the updated gasket torque specifications, create detailed gasket drawings and torque specification calculations for future maintenance, add torque calculation tool training to mechanical/reliability engineer ("ME/RE") curriculum, add review/approval steps to the 1.2 Plan and Schedule Turnaround work process document, require vendors to physically measure gaskets and provide drawings and torque specifications, add a column to verify the torque specification review and approval by ME/RE on fixed equipment to the Work Inventory Tool, and train teams on new planner operating discipline actions in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 323152. 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

\$10,000

TOTAL

\$303

Screening Date	10-May-2021	Docket No.	2021-0622-AIR-E	PCW
Respondent	Blue Cube Operations LLC	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	60743	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN108772245			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	14			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 19041, SC No. 1, FOP No. 02204, GTC and STC No. 16, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,149.09 lbs of VOC, 256.0 lbs of CO, and 0.06 lb of NOx as fugitive emissions, during an emissions event (Incident No. 364315) that began on August 4, 2021 and lasted 43 hours and 58 minutes.			
Base Penalty				\$25,000
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		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 which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.			
Adjustment				\$17,500
				\$7,500
Violation Events				
Number of Violation Events		1	2	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	
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary			
	Ordinary	x		
	N/A			
Notes	The Respondent completed corrective actions by August 17, 2021, prior to the NOE dated November 15, 2021.			
Violation Subtotal				\$5,625
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	\$9	Violation Final Penalty Total	\$6,153	
This violation Final Assessed Penalty (adjusted for limits)				\$6,153

Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 60743
Reg. Ent. Reference No. RN108772245
Media Air
Violation No. 14

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)	\$5,000	4-Aug-2021	17-Aug-2021	0.04	\$9	n/a	\$9

Notes for DELAYED costs

Estimated cost to replace the failed section of the piping and inspect for deficiencies along the line in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 364315. The Date Required is the date the emissions event began 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

\$5,000

TOTAL

\$9

Screening Date 10-May-2021 Respondent Blue Cube Operations LLC Case ID No. 60743 Reg. Ent. Reference No. RN108772245 Media Air Enf. Coordinator Yuliya Dunaway	Docket No. 2021-0622-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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Violation Number	15		Rule Cite(s)
			30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. 01388, GTC, and Tex. Health & Safety Code § 382.085(b)
Violation Description	Failed to report all instances of deviations. Specifically, the deviation reports for the October 1, 2018 through March 31, 2019, April 1, 2019 through September 30, 2019, October 1, 2019 through March 31, 2020, April 20, 2020 through September 30, 2020, and October 1, 2020 through March 31, 2021 reporting periods did not include the deviation for failing to perform calibration checks of flowmeters for S-2 HCI Scrubber, Emissions Point Number ("EPN") A16CMSV2.		

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	x	Percent <input type="text" value="1.0%"/>
Matrix Notes	Less than 30% of the rule requirement was not met.				

Adjustment

Violation Events

Number of Violation Events	5		486	Number of violation days
	<div style="display: flex; flex-direction: column; align-items: flex-start;"> <div style="background-color: #e6f2ff; padding: 2px 5px; margin-bottom: 2px;">daily</div> <div style="background-color: #e6f2ff; padding: 2px 5px; margin-bottom: 2px;">weekly</div> <div style="background-color: #e6f2ff; padding: 2px 5px; margin-bottom: 2px;">monthly</div> <div style="background-color: #e6f2ff; padding: 2px 5px; margin-bottom: 2px;">quarterly</div> <div style="background-color: #e6f2ff; padding: 2px 5px; margin-bottom: 2px;">semiannual</div> <div style="background-color: #e6f2ff; padding: 2px 5px; margin-bottom: 2px;">annual</div> <div style="background-color: #e6f2ff; padding: 2px 5px;">single event</div> </div>			
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	x	<input type="text"/>

Violation Base Penalty

Five single events are recommended for each deviation report.

Good Faith Efforts to Comply

	0.0%		Reduction	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	x	<input type="text"/>		
Notes	The Respondent does not meet the good faith criteria for this violation.			

Violation Subtotal

Economic Benefit (EB) for this violation
Statutory Limit Test

Estimated EB Amount	\$82	Violation Final Penalty Total	\$1,358
This violation Final Assessed Penalty (adjusted for limits)			\$1,358

Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 60743
Reg. Ent. Reference No. RN108772245
Media Air
Violation No. 15

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)	\$1,250	30-Apr-2021	22-Aug-2022	1.31	\$82	n/a	\$82

Notes for DELAYED costs

Estimated costs to submit a revised deviation report for the October 1, 2018 through March 31, 2019, April 1, 2019 through September 30, 2019, October 1, 2019 through March 31, 2020, April 20, 2020 through September 30, 2020, and October 1, 2020 through March 31, 2021 reporting periods to report the deviation for failing to perform calibration checks of flowmeters for S-2 HCl Scrubber, EPN A16CMSV2 (\$250/report). The Date Required is the last date the deviation should have been reported and the Final Date is the date the deviations were reported. See also the Training/Sampling delayed cost for Violation No. 5.

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

\$1,250

TOTAL

\$82

Screening Date 10-May-2021 Respondent Blue Cube Operations LLC Case ID No. 60743 Reg. Ent. Reference No. RN108772245 Media Air Enf. Coordinator Yuliya Dunaway	Docket No. 2021-0622-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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Violation Number	16	Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR No. 5340, SC No. 17, FOP No. 01388, GTC and STC No. 17, and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to calibrate flow monitoring devices in accordance with the manufacturer's specifications or at least annually. Specifically, the Respondent did not conduct calibration checks of the flowmeters for the S-2 HCI Scrubber from December 31, 2018 through May 30, 2021.			

Base Penalty

>> Environmental, Property and Human Health Matrix

OR		Release	Harm			
		Major	Moderate	Minor		
	Actual	<input type="text" value=""/>	<input type="text" value=""/>	<input type="text" value=""/>		
	Potential	<input type="text" value=""/>	<input type="text" value=""/>	x		
					Percent	<input type="text" value="7.0%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor		
	<input type="text" value=""/>	<input type="text" value=""/>	<input type="text" value=""/>	<input type="text" value=""/>		
					Percent	<input type="text" value="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 this violation.
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Adjustment

Violation Events

Number of Violation Events	<input type="text" value="2"/>	<input type="text" value="573"/>	Number of violation days
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	daily	<input type="text" value=""/>			
	weekly	<input type="text" value=""/>			
	monthly	<input type="text" value=""/>			
	quarterly	<input type="text" value=""/>			
	semiannual	<input type="text" value=""/>			
	annual	<input type="text" value=""/>			
	single event	x			

Violation Base Penalty

Two single events are recommended for annual calibration checks of the flowmeters for the S-2 HCI Scrubber.	
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Good Faith Efforts to Comply

	25.0%	
		Reduction
		<input style="width: 100px;" type="text" value="\$875"/>

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

Notes	The Respondent completed corrective actions by July 26, 2021, prior to the NOE dated August 8, 2022.
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Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount	<input style="width: 100px;" type="text" value="\$6,946"/>	Violation Final Penalty Total	<input style="width: 100px;" type="text" value="\$2,871"/>
This violation Final Assessed Penalty (adjusted for limits)			<input style="width: 100px;" type="text" value="\$2,871"/>

Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 60743
Reg. Ent. Reference No. RN108772245
Media Air
Violation No. 16

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)	\$1,500	31-Dec-2019	26-Jul-2021	1.57	\$118	n/a	\$118

Notes for DELAYED costs

Estimated cost to conduct calibration checks of the flowmeters for the S-2 HCl Scrubber in accordance with the manufacturer's specifications or at least annually. The Date Required is the date the calibrate check was due and the Final Date is the date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$6,325	31-Dec-2019	26-Jul-2021	1.57	\$503	\$6,325	\$6,828

Notes for AVOIDED costs

Estimated avoided cost to conduct calibration checks of the flowmeters for the S-2 HCl Scrubber in accordance with the manufacturer's specifications or at least annually (\$1,500 per calibration check plus interest that began accruing on December 31, 2019 for the S-2 HCl Scrubber). The Date Requires is the date the calibrate check was due and the Final Date is the date of compliance.

Approx. Cost of Compliance

\$7,825

TOTAL

\$6,946

Screening Date	10-May-2021	Docket No.	2021-0622-AIR-E	PCW
Respondent	Blue Cube Operations LLC	Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021		
Case ID No.	60743			
Reg. Ent. Reference No.	RN108772245			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	17			
Rule Cite(s)	30 Tex. Admin. Code §§ 115.725(d)(3), 116.115(b) and (c), and 122.143(4), NSR Permit No. 104098, SC No. 36, FOP No. 02208, GTC and STC Nos. 27, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to operate each monitoring system at least 95% of the time when the flare is operational, averaged over a calendar year. Specifically, Flare Stack 101, EPN B70F1, operated continuously during calendar year 2021 but the highly reactive volatile organic compound analyzer had 796 downtime hours from October 1, 2020 through June 13, 2021, resulting in the flare being monitored only 90.02% of the time in calendar year 2021.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	
					Percent 0.0%
	Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.				

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events	1	255	Number of violation days
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	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,750

One single event is recommended.

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 \$1,750

Economic Benefit (EB) for this violation

Estimated EB Amount	Statutory Limit Test
\$1,251	Violation Final Penalty Total \$1,902
This violation Final Assessed Penalty (adjusted for limits) \$1,902	

Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 60743
Reg. Ent. Reference No. RN108772245
Media Air
Violation No. 17

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)	\$5,000	1-Oct-2020	1-Oct-2025	5.00	\$1,251	n/a	\$1,251

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to ensure the monitoring system operates at least 95% of the time when the flare is operational. The Date Required is the date when downtime for the monitoring system began and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$1,251

Screening Date 10-May-2021 Respondent Blue Cube Operations LLC Case ID No. 60743 Reg. Ent. Reference No. RN108772245 Media Air Enf. Coordinator Yuliya Dunaway	Docket No. 2021-0622-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	18	Rule Cite(s)		
		30 Tex. Admin. Code §§ 115.725(d)(3), 116.115(b) and (c), and 122.143(4), NSR Permit No. 104098, SC No. 11.E, FOP No. O2208, GTC and STC Nos. 27, and Tex. Health & Safety Code § 382.085(b)		
Violation Description		Failed to operate each monitoring system at least 95% of the time when the flare is operational, averaged over a calendar year. Specifically, Flare Stack 101, EPN B70F1, operated continuously during calendar year 2021 but the flow meter had 2,848 downtime hours from October 1, 2020 through June 20, 2021, resulting in the flare being monitored only 62.5% of the time in calendar year 2021.		

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

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

>> Programmatic Matrix

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

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.	
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Adjustment	\$21,250
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	\$3,750
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Violation Events

Number of Violation Events	1	262	Number of violation days
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daily	<input type="text"/>	Violation Base Penalty	\$3,750
weekly	<input type="text"/>		
monthly	<input type="text"/>		
quarterly	<input type="text"/>		
semiannual	<input type="text"/>		
annual	x		
single event	<input type="text"/>		

One annual event is recommended.	
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Good Faith Efforts to Comply

	0.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	<input type="text"/>
Notes	The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal	\$3,750
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$1,251	Statutory Limit Test
		Violation Final Penalty Total
		\$4,075
This violation Final Assessed Penalty (adjusted for limits)		\$4,075

Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 60743
Reg. Ent. Reference No. RN108772245
Media Air
Violation No. 18

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)	\$5,000	1-Oct-2020	1-Oct-2025	5.00	\$1,251	n/a	\$1,251
Notes for DELAYED costs	See the delayed cost for Violation No. 17.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$5,000	TOTAL	\$1,251
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Compliance History Report

Compliance History Report for CN604930784, RN108772245, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator:	CN604930784, Blue Cube Operations LLC	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN108772245, BLUE CUBE OPERATIONS	Classification: HIGH	Rating: 0.00
Complexity Points:	36	Repeat Violator: NO	
CH Group:	05 - Chemical Manufacturing		
Location:	2301 N BRAZOSPORT BLVD, FREEPORT, BRAZORIA COUNTY, TX		
TCEQ Region:	REGION 12 - HOUSTON		

ID Number(s):

AIR OPERATING PERMITS PERMIT 2204	AIR OPERATING PERMITS PERMIT 2207
AIR OPERATING PERMITS PERMIT 2214	AIR OPERATING PERMITS PERMIT 2208
AIR OPERATING PERMITS PERMIT 2214	AIR OPERATING PERMITS PERMIT 2202
AIR OPERATING PERMITS PERMIT 1388	AIR OPERATING PERMITS PERMIT 2204
AIR OPERATING PERMITS ACCOUNT NUMBER BLA044R	AIR OPERATING PERMITS PERMIT 2207
AIR OPERATING PERMITS PERMIT 2208	AIR NEW SOURCE PERMITS AFS NUM 4803900765
AIR NEW SOURCE PERMITS REGISTRATION 143935	AIR NEW SOURCE PERMITS REGISTRATION 143783
AIR NEW SOURCE PERMITS REGISTRATION 169381	AIR NEW SOURCE PERMITS REGISTRATION 169821
AIR NEW SOURCE PERMITS REGISTRATION 170521	AIR NEW SOURCE PERMITS REGISTRATION 170658
AIR NEW SOURCE PERMITS REGISTRATION 169842	AIR NEW SOURCE PERMITS REGISTRATION 169443
AIR NEW SOURCE PERMITS REGISTRATION 169350	AIR NEW SOURCE PERMITS PERMIT 143689
AIR NEW SOURCE PERMITS PERMIT 19720	AIR NEW SOURCE PERMITS REGISTRATION 140541
AIR NEW SOURCE PERMITS REGISTRATION 80624	AIR NEW SOURCE PERMITS PERMIT 22743
AIR NEW SOURCE PERMITS REGISTRATION 32546	AIR NEW SOURCE PERMITS PERMIT 94403
AIR NEW SOURCE PERMITS REGISTRATION 140223	AIR NEW SOURCE PERMITS PERMIT 141127
AIR NEW SOURCE PERMITS PERMIT 4022	AIR NEW SOURCE PERMITS REGISTRATION 23387
AIR NEW SOURCE PERMITS REGISTRATION 92334	AIR NEW SOURCE PERMITS PERMIT 104152
AIR NEW SOURCE PERMITS REGISTRATION 82007	AIR NEW SOURCE PERMITS REGISTRATION 107036
AIR NEW SOURCE PERMITS REGISTRATION 109512	AIR NEW SOURCE PERMITS PERMIT 4020
AIR NEW SOURCE PERMITS PERMIT 83699	AIR NEW SOURCE PERMITS REGISTRATION 82587
AIR NEW SOURCE PERMITS REGISTRATION 78008	AIR NEW SOURCE PERMITS REGISTRATION 110553
AIR NEW SOURCE PERMITS REGISTRATION 131239	AIR NEW SOURCE PERMITS PERMIT 19041
AIR NEW SOURCE PERMITS PERMIT 93978	AIR NEW SOURCE PERMITS PERMIT 3301
AIR NEW SOURCE PERMITS PERMIT 2606	AIR NEW SOURCE PERMITS REGISTRATION 137679
AIR NEW SOURCE PERMITS PERMIT 4021	AIR NEW SOURCE PERMITS PERMIT 48479
AIR NEW SOURCE PERMITS PERMIT 5340	AIR NEW SOURCE PERMITS REGISTRATION 137821
AIR NEW SOURCE PERMITS PERMIT 9044	AIR NEW SOURCE PERMITS PERMIT 104092
AIR NEW SOURCE PERMITS REGISTRATION 49187	AIR NEW SOURCE PERMITS PERMIT 48478
AIR NEW SOURCE PERMITS PERMIT 3434	AIR NEW SOURCE PERMITS PERMIT 48892
AIR NEW SOURCE PERMITS REGISTRATION 98434	AIR NEW SOURCE PERMITS REGISTRATION 120405
AIR NEW SOURCE PERMITS REGISTRATION 101933	AIR NEW SOURCE PERMITS REGISTRATION 129598
AIR NEW SOURCE PERMITS REGISTRATION 107132	AIR NEW SOURCE PERMITS REGISTRATION 96527
AIR NEW SOURCE PERMITS PERMIT 5661	AIR NEW SOURCE PERMITS PERMIT 3302
AIR NEW SOURCE PERMITS REGISTRATION 137816	AIR NEW SOURCE PERMITS PERMIT 5339
AIR NEW SOURCE PERMITS REGISTRATION 115831	AIR NEW SOURCE PERMITS PERMIT 48715
AIR NEW SOURCE PERMITS PERMIT 83789	AIR NEW SOURCE PERMITS PERMIT 83788
AIR NEW SOURCE PERMITS REGISTRATION 98440	AIR NEW SOURCE PERMITS REGISTRATION 151394
AIR NEW SOURCE PERMITS REGISTRATION 153529	AIR NEW SOURCE PERMITS REGISTRATION 153799
AIR NEW SOURCE PERMITS REGISTRATION 154379	AIR NEW SOURCE PERMITS REGISTRATION 152173

AIR NEW SOURCE PERMITS REGISTRATION 150682
AIR NEW SOURCE PERMITS PERMIT AMOC121
AIR NEW SOURCE PERMITS REGISTRATION 162476
AIR NEW SOURCE PERMITS REGISTRATION 166144
AIR NEW SOURCE PERMITS REGISTRATION 167197
AIR NEW SOURCE PERMITS REGISTRATION 163388
AIR NEW SOURCE PERMITS REGISTRATION 169460
AIR NEW SOURCE PERMITS REGISTRATION 164330
AIR NEW SOURCE PERMITS REGISTRATION 169597
AIR NEW SOURCE PERMITS REGISTRATION 166234
AIR NEW SOURCE PERMITS REGISTRATION 167164
AIR NEW SOURCE PERMITS REGISTRATION 162726
AIR NEW SOURCE PERMITS REGISTRATION 168004
AIR NEW SOURCE PERMITS REGISTRATION 165168
AIR NEW SOURCE PERMITS REGISTRATION 166739
AIR NEW SOURCE PERMITS REGISTRATION 166464
AIR NEW SOURCE PERMITS REGISTRATION 168904
AIR NEW SOURCE PERMITS REGISTRATION 169079
AIR NEW SOURCE PERMITS REGISTRATION 169351
AIR NEW SOURCE PERMITS REGISTRATION 169694
AIR NEW SOURCE PERMITS REGISTRATION 164410
AIR NEW SOURCE PERMITS REGISTRATION 165548
AIR NEW SOURCE PERMITS REGISTRATION 169789
AIR NEW SOURCE PERMITS REGISTRATION 168396
AIR NEW SOURCE PERMITS REGISTRATION 167664
AIR NEW SOURCE PERMITS REGISTRATION 163630
AIR NEW SOURCE PERMITS REGISTRATION 167731
AIR NEW SOURCE PERMITS REGISTRATION 162975
AIR NEW SOURCE PERMITS REGISTRATION 164665
AIR NEW SOURCE PERMITS REGISTRATION 167152
AIR NEW SOURCE PERMITS REGISTRATION 163811
AIR NEW SOURCE PERMITS REGISTRATION 167858
AIR NEW SOURCE PERMITS REGISTRATION 167174
AIR NEW SOURCE PERMITS REGISTRATION 170199
AIR NEW SOURCE PERMITS REGISTRATION 169594
AIR NEW SOURCE PERMITS REGISTRATION 168264
AIR NEW SOURCE PERMITS REGISTRATION 165205
AIR NEW SOURCE PERMITS REGISTRATION 165870
AIR NEW SOURCE PERMITS REGISTRATION 165176
AIR NEW SOURCE PERMITS REGISTRATION 163536
AIR NEW SOURCE PERMITS REGISTRATION 165278
AIR NEW SOURCE PERMITS REGISTRATION 166358
AIR NEW SOURCE PERMITS REGISTRATION 166618
AIR NEW SOURCE PERMITS REGISTRATION 163934
AIR NEW SOURCE PERMITS REGISTRATION 165943
AIR NEW SOURCE PERMITS REGISTRATION 166834
AIR NEW SOURCE PERMITS REGISTRATION 143941
AIR NEW SOURCE PERMITS REGISTRATION 11745
AIR NEW SOURCE PERMITS REGISTRATION 151044
AIR NEW SOURCE PERMITS REGISTRATION 149011
AIR NEW SOURCE PERMITS REGISTRATION 150830
AIR NEW SOURCE PERMITS REGISTRATION 149692
AIR NEW SOURCE PERMITS REGISTRATION 146977
AIR NEW SOURCE PERMITS REGISTRATION 150762
AIR NEW SOURCE PERMITS REGISTRATION 150623
AIR NEW SOURCE PERMITS PERMIT 104098
AIR NEW SOURCE PERMITS REGISTRATION 161475
AIR NEW SOURCE PERMITS REGISTRATION 161013

AIR NEW SOURCE PERMITS REGISTRATION 151773
AIR NEW SOURCE PERMITS REGISTRATION 151776
AIR NEW SOURCE PERMITS REGISTRATION 166531
AIR NEW SOURCE PERMITS REGISTRATION 162097
AIR NEW SOURCE PERMITS REGISTRATION 167992
AIR NEW SOURCE PERMITS REGISTRATION 166185
AIR NEW SOURCE PERMITS REGISTRATION 162526
AIR NEW SOURCE PERMITS REGISTRATION 167304
AIR NEW SOURCE PERMITS REGISTRATION 163126
AIR NEW SOURCE PERMITS REGISTRATION 163303
AIR NEW SOURCE PERMITS REGISTRATION 168342
AIR NEW SOURCE PERMITS REGISTRATION 163168
AIR NEW SOURCE PERMITS REGISTRATION 165426
AIR NEW SOURCE PERMITS REGISTRATION 165042
AIR NEW SOURCE PERMITS REGISTRATION 169519
AIR NEW SOURCE PERMITS REGISTRATION 164172
AIR NEW SOURCE PERMITS REGISTRATION 164590
AIR NEW SOURCE PERMITS REGISTRATION 168332
AIR NEW SOURCE PERMITS REGISTRATION 169163
AIR NEW SOURCE PERMITS REGISTRATION 169846
AIR NEW SOURCE PERMITS REGISTRATION 165401
AIR NEW SOURCE PERMITS REGISTRATION 168049
AIR NEW SOURCE PERMITS REGISTRATION 167776
AIR NEW SOURCE PERMITS REGISTRATION 163049
AIR NEW SOURCE PERMITS REGISTRATION 170659
AIR NEW SOURCE PERMITS REGISTRATION 166671
AIR NEW SOURCE PERMITS REGISTRATION 169332
AIR NEW SOURCE PERMITS REGISTRATION 165442
AIR NEW SOURCE PERMITS REGISTRATION 166466
AIR NEW SOURCE PERMITS REGISTRATION 171176
AIR NEW SOURCE PERMITS REGISTRATION 167228
AIR NEW SOURCE PERMITS REGISTRATION 170520
AIR NEW SOURCE PERMITS REGISTRATION 169400
AIR NEW SOURCE PERMITS REGISTRATION 168701
AIR NEW SOURCE PERMITS REGISTRATION 163155
AIR NEW SOURCE PERMITS REGISTRATION 170808
AIR NEW SOURCE PERMITS REGISTRATION 164060
AIR NEW SOURCE PERMITS REGISTRATION 165443
AIR NEW SOURCE PERMITS REGISTRATION 164666
AIR NEW SOURCE PERMITS REGISTRATION 165219
AIR NEW SOURCE PERMITS REGISTRATION 166601
AIR NEW SOURCE PERMITS REGISTRATION 166857
AIR NEW SOURCE PERMITS REGISTRATION 164368
AIR NEW SOURCE PERMITS REGISTRATION 165688
AIR NEW SOURCE PERMITS REGISTRATION 166114
AIR NEW SOURCE PERMITS REGISTRATION 145884
AIR NEW SOURCE PERMITS REGISTRATION 147087
AIR NEW SOURCE PERMITS REGISTRATION 151059
AIR NEW SOURCE PERMITS PERMIT AMOC35
AIR NEW SOURCE PERMITS PERMIT AMOC24
AIR NEW SOURCE PERMITS REGISTRATION 33328
AIR NEW SOURCE PERMITS REGISTRATION 147211
AIR NEW SOURCE PERMITS REGISTRATION 91437
AIR NEW SOURCE PERMITS REGISTRATION 151709
AIR NEW SOURCE PERMITS REGISTRATION 146082
AIR NEW SOURCE PERMITS REGISTRATION 160123
AIR NEW SOURCE PERMITS REGISTRATION 160424
AIR NEW SOURCE PERMITS REGISTRATION 156861

AIR NEW SOURCE PERMITS REGISTRATION 177431

AIR NEW SOURCE PERMITS REGISTRATION 175704

AIR NEW SOURCE PERMITS REGISTRATION 176901
AIR NEW SOURCE PERMITS REGISTRATION 177752
AIR NEW SOURCE PERMITS REGISTRATION 174001
AIR NEW SOURCE PERMITS REGISTRATION 175602
AIR NEW SOURCE PERMITS REGISTRATION 174117
AIR NEW SOURCE PERMITS REGISTRATION 172215
AIR NEW SOURCE PERMITS REGISTRATION 172757
AIR NEW SOURCE PERMITS REGISTRATION 176072
AIR NEW SOURCE PERMITS REGISTRATION 175600
AIR NEW SOURCE PERMITS REGISTRATION 172451
AIR NEW SOURCE PERMITS REGISTRATION 174837
AIR NEW SOURCE PERMITS REGISTRATION 169511
AIR NEW SOURCE PERMITS REGISTRATION 174836
AIR NEW SOURCE PERMITS REGISTRATION 174276
AIR NEW SOURCE PERMITS REGISTRATION 174241
AIR NEW SOURCE PERMITS REGISTRATION 175664
AIR NEW SOURCE PERMITS REGISTRATION 170903
AIR NEW SOURCE PERMITS REGISTRATION 171505
AIR NEW SOURCE PERMITS REGISTRATION 173356
AIR NEW SOURCE PERMITS REGISTRATION 173661
AIR NEW SOURCE PERMITS REGISTRATION 174821
AIR NEW SOURCE PERMITS REGISTRATION 177630
AIR NEW SOURCE PERMITS REGISTRATION 177699
AIR NEW SOURCE PERMITS REGISTRATION 177310
AIR NEW SOURCE PERMITS REGISTRATION 177371
AIR NEW SOURCE PERMITS REGISTRATION 178614
AIR NEW SOURCE PERMITS REGISTRATION 178243
AIR NEW SOURCE PERMITS REGISTRATION 179465
AIR NEW SOURCE PERMITS REGISTRATION 178038
AIR NEW SOURCE PERMITS REGISTRATION 177700
AIR NEW SOURCE PERMITS REGISTRATION 178151
AIR NEW SOURCE PERMITS REGISTRATION 179409
AIR NEW SOURCE PERMITS REGISTRATION 177150
AIR NEW SOURCE PERMITS REGISTRATION 177955
AIR NEW SOURCE PERMITS REGISTRATION 177432
AIR NEW SOURCE PERMITS REGISTRATION 178154
AIR NEW SOURCE PERMITS REGISTRATION 177472
AIR NEW SOURCE PERMITS REGISTRATION 179087
AIR NEW SOURCE PERMITS REGISTRATION 179024
AIR NEW SOURCE PERMITS REGISTRATION 179044
AIR NEW SOURCE PERMITS REGISTRATION 177702
AIR NEW SOURCE PERMITS REGISTRATION 177035
AIR NEW SOURCE PERMITS REGISTRATION 178384
AIR NEW SOURCE PERMITS REGISTRATION 177372
AIR NEW SOURCE PERMITS REGISTRATION 177373
AIR NEW SOURCE PERMITS REGISTRATION 178328
AIR NEW SOURCE PERMITS REGISTRATION 177870
AIR NEW SOURCE PERMITS REGISTRATION 41179
AIR NEW SOURCE PERMITS REGISTRATION 47352
AIR NEW SOURCE PERMITS REGISTRATION 55411
AIR NEW SOURCE PERMITS REGISTRATION 147312

AIR EMISSIONS INVENTORY ACCOUNT NUMBER
BLA044R
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXR000083481
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50411
TAX RELIEF ID NUMBER 24509

TAX RELIEF ID NUMBER 23161

Compliance History Period: September 01, 2019 to August 31, 2024

AIR NEW SOURCE PERMITS REGISTRATION 171291
AIR NEW SOURCE PERMITS REGISTRATION 176337
AIR NEW SOURCE PERMITS REGISTRATION 170194
AIR NEW SOURCE PERMITS REGISTRATION 173178
AIR NEW SOURCE PERMITS REGISTRATION 168430
AIR NEW SOURCE PERMITS REGISTRATION 173407
AIR NEW SOURCE PERMITS REGISTRATION 174555
AIR NEW SOURCE PERMITS REGISTRATION 176913
AIR NEW SOURCE PERMITS REGISTRATION 175447
AIR NEW SOURCE PERMITS REGISTRATION 174314
AIR NEW SOURCE PERMITS REGISTRATION 176902
AIR NEW SOURCE PERMITS REGISTRATION 176066
AIR NEW SOURCE PERMITS REGISTRATION 171872
AIR NEW SOURCE PERMITS REGISTRATION 175053
AIR NEW SOURCE PERMITS REGISTRATION 176598
AIR NEW SOURCE PERMITS REGISTRATION 176914
AIR NEW SOURCE PERMITS REGISTRATION 172087
AIR NEW SOURCE PERMITS REGISTRATION 172622
AIR NEW SOURCE PERMITS REGISTRATION 173740
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AIR NEW SOURCE PERMITS REGISTRATION 176428
AIR NEW SOURCE PERMITS REGISTRATION 177036
AIR NEW SOURCE PERMITS REGISTRATION 178901
AIR NEW SOURCE PERMITS REGISTRATION 179033
AIR NEW SOURCE PERMITS REGISTRATION 178321
AIR NEW SOURCE PERMITS REGISTRATION 177188
AIR NEW SOURCE PERMITS REGISTRATION 179374
AIR NEW SOURCE PERMITS REGISTRATION 179472
AIR NEW SOURCE PERMITS REGISTRATION 178625
AIR NEW SOURCE PERMITS REGISTRATION 177465
AIR NEW SOURCE PERMITS REGISTRATION 178153
AIR NEW SOURCE PERMITS REGISTRATION 178261
AIR NEW SOURCE PERMITS REGISTRATION 178018
AIR NEW SOURCE PERMITS REGISTRATION 179358
AIR NEW SOURCE PERMITS REGISTRATION 177309
AIR NEW SOURCE PERMITS REGISTRATION 177987
AIR NEW SOURCE PERMITS REGISTRATION 178442
AIR NEW SOURCE PERMITS REGISTRATION 179125
AIR NEW SOURCE PERMITS REGISTRATION 177698
AIR NEW SOURCE PERMITS REGISTRATION 179161
AIR NEW SOURCE PERMITS REGISTRATION 178039
AIR NEW SOURCE PERMITS REGISTRATION 177931
AIR NEW SOURCE PERMITS REGISTRATION 177181
AIR NEW SOURCE PERMITS REGISTRATION 177311
AIR NEW SOURCE PERMITS REGISTRATION 177757
AIR NEW SOURCE PERMITS REGISTRATION 179423
AIR NEW SOURCE PERMITS REGISTRATION 23075
AIR NEW SOURCE PERMITS REGISTRATION 43960
AIR NEW SOURCE PERMITS REGISTRATION 49235
AIR NEW SOURCE PERMITS REGISTRATION 50576

IHW CORRECTIVE ACTION SOLID WASTE
REGISTRATION # (SWR) 96081
POLLUTION PREVENTION PLANNING ID NUMBER
P09721
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 96081
TAX RELIEF ID NUMBER 23708
TAX RELIEF ID NUMBER 23162

TAX RELIEF ID NUMBER 23160

Rating Year: 2024

Rating Date: 09/01/2024

Date Compliance History Report Prepared: March 25, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 25, 2020 to March 25, 2025

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

Name: Yuliya Dunaway

Phone: (210) 403-4077

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: 05/19/2020 ADMINORDER 2019-1429-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(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Special Terms and Conditions No. 20 OP
Description: Failure to submit a PCC within 30 days of any certification period.

2 Effective Date: 04/18/2022 ADMINORDER 2021-0011-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
NSR Permit No 19041 Special Condition 1 PERMIT
Special Terms and Conditions No. 16 OP
Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 5.00 pounds ("lbs") of ethylene dichloride, 1.00 lb of hydrogen chloride ("HCl"), and 2.00 lbs of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 271914) that occurred on November 5, 2017 and lasted five minutes. The emissions event occurred due to moisture in the pressure transmitter that caused the pressure transmitter plug to fail.
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 OP
Special Condition 1 PERMIT
STC No. 26 OP
Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 3,439.48 lbs of VOC, 2,990.38 lbs of CO, and 501.15 lbs of nitrogen oxides from Flare Stack 101, Emissions Point Number ("EPN") B70F1, during an emissions event (Incident No. 276597). The emissions event occurred due to freezing temperatures that caused moisture in the externally supplied utility air line to condense, resulting in the loss of instrumentation and in flaring.
Classification: Moderate
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: GTC OP
STC No. 2.F OP
Description: Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not identify the correct estimated total quantity of CO and the proper authorization on the final record for Incident No. 276597.
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 OP

Special Conditions 1 PERMIT

STC No. 21 OP

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 76.30 lbs of VOC, 553.50 lbs of ethylene dichloride, and 1,278.80 lbs of HCl as fugitive emissions, during an emissions event (Incident No. 341984). The emissions event occurred due excess chlorine that was present during the chlorine removal process following the shut down of the R-7 Reactor and caused an overpressure event, resulting in the release to the atmosphere.

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 OP

SC No. 6 PERMIT

STC No. 21 OP

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 8,570 lbs of chlorodifluoromethane as fugitive emissions, during an emissions event (Incident No. 280972) that occurred on March 25, 2018 and lasted eight hours. The emissions event occurred when the retaining nut holding the valve internals in place became loose that caused refrigerant to leak, resulting in the release to the atmosphere.

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: GTC OP

STC No. 2.F OP

Description: Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not identify the proper authorization on the final record for Incident No. 280972.

Classification: Moderate

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

30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)

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: GTC OP

STC No. 2.F OP

Description: Failed to identify all required information on the final record for a reportable emissions event.

Specifically, the Respondent did not identify all emissions points, the compounds or mixtures for all emissions points, and the total estimated quantities for those compounds or mixtures for all emissions points on the final record for Incident No. 341984.

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 OP

Special Condition 1 PERMIT

STC No. 16 OP

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 227 lbs of chlorine as fugitive emissions, during an emissions event (Incident No. 289618) that occurred on August 4, 2018 and lasted eight hours and 15 minutes. The emissions event occurred due to internal corrosion on the pressure transmitter located on the chlorine header in Unit 5 that caused a leak, resulting in the release to the atmosphere.

3 Effective Date: 04/18/2022 ADMINORDER 2020-1083-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(3)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Term & Condition 1A OP

Description: Failed to operate each monitoring system at least 95% of the time when the cooling tower is operational, averaged over a calendar year. Specifically, Cooling Tower 2320 operated continuously during calendar year 2019 but the flow meter had 1,447.75 downtime hours during the months of January 2019, February 2019, and May 2019, resulting in Cooling Tower 2320 being monitored for only 83% of the time in calendar year 2019.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms & Conditions OP

Description: Failed to obtain authorization prior to constructing or modifying a source of air contaminants. Specifically, the Respondent operated a stationary internal combustion engine intermittently from July 1, 2017 through April 25, 2019 without obtaining the proper authorization.

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)

Rqmt Prov: General Terms & Conditions OP

Description: Failed to report all instances of deviations. Specifically, the deviation report for the April 1, 2018 through September 30, 2018 reporting period did not include the deviations for failing to authorize a stationary internal combustion engine and for failing to maintain monthly emissions records for the V-401A Storage Tank.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.144(1)(A)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC OP

Special Term & Condition 3A(iv)(1) OP

Description: Failed to conduct quarterly visible emissions observations. Specifically, the Respondent did not conduct quarterly visible emissions observations for Cooling Tower 320 and Cooling Tower 2320 from the first quarter of 2012 through the first quarter of 2019.

Classification: Moderate

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

Special Condition 7 PERMIT

Special Term & Condition 16 OP

Description: Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, the Respondent did not maintain monthly emissions records for the V-401A Storage Tank.

4 Effective Date: 08/28/2024 ADMINORDER 2024-0416-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Major

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: 93978 PERMIT

FOP No. O2204, GTC and STC No. 15 OP

Description: Failed to prevent unauthorized emissions.

5 Effective Date: 02/04/2025 ADMINORDER 2024-0306-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 9 PERMIT

Special Term and Condition 20 OP

Description: Failed to maintain the thermal oxidizer firebox exit temperature equal to or greater than the respective hourly average temperature established during the most recent satisfactory stack testing. Specifically, the A-1600 FTB-1 Thermal Oxidizer firebox exit temperature was below the established hourly average temperature of 886 degrees Celsius ("°C") when the firebox exit temperature ranged from 69°C to 885°C for 25,009 instances on 115 days from February 17, 2023 to June 16, 2023.

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 9 PERMIT
Special Term and Condition 20 OP

Description: Failed to maintain the thermal oxidizer firebox exit temperature equal to or greater than the respective hourly average temperature established during the most recent satisfactory stack testing. Specifically, the A-1600 FTB-2 Thermal Oxidizer firebox exit temperature was below the established hourly average temperature of 886 degrees Celsius ("°C") when the firebox exit temperature ranged from 90°C to 885°C for 25,525 instances on 119 days from February 17, 2023 to June 17, 2023.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10(b)(2)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Term and Condition 2E OP

Description: Failed to submit an AEIU that consists of actual emissions. Specifically, the AEIU for the calendar years 2018, 2019, 2020, 2021, and 2022 did not contain the actual tetrachloroethylene emissions for the A22 Marine Ship Loading, EPNs A22ML22 and A22BL22.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	June 15, 2020	(1656993)
Item 2	July 10, 2020	(1652831)
Item 3	September 30, 2020	(1677369)
Item 4	October 21, 2020	(1626277)
Item 5	May 28, 2021	(1711053)
Item 6	June 17, 2021	(1692475)
Item 7	October 15, 2021	(1633826)
Item 8	November 08, 2021	(1644592)
Item 9	May 06, 2022	(1812588)
Item 10	July 14, 2022	(1819496)
Item 11	February 24, 2023	(1880482)
Item 12	March 02, 2023	(1880524)
Item 13	March 07, 2023	(1745642)
Item 14	April 21, 2023	(1868774)
Item 15	May 19, 2023	(1896928)
Item 16	August 17, 2023	(1860735)
Item 17	August 30, 2023	(1888652)
Item 18	September 20, 2023	(1925382)
Item 19	October 11, 2023	(1924879)
Item 20	November 06, 2023	(1923832)
Item 21	November 13, 2023	(1939018)
Item 22	December 29, 2023	(1950419)
Item 23	April 03, 2024	(1951111)
Item 24	April 18, 2024	(1936777)
Item 25	May 15, 2024	(1987525)
Item 27	February 19, 2025	(1995671)
Item 28	February 27, 2025	(2040378)
Item 29	March 19, 2025	(2047619)

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:	04/29/2024	(1966656)
	Self Report?	YES	Classification: Moderate
	Citation:	2202 OP	
		30 TAC Chapter 116, SubChapter B 116.115(c)	
		30 TAC Chapter 122, SubChapter B 122.143(4)	
		4022 PERMIT	

Description: 5C THSC Chapter 382 382.085(b)
 Failure to analyze weekly Total Dissolved Solids (TDS) samples at Cooling Tower, EPN A13CT901 (Category B1).
 Self Report? YES Classification: Moderate
 Citation: 2202 OP
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 4021 PERMIT
 5C THSC Chapter 382 382.085(b)
 Description: Failure to maintain the caustic concentration of the scrubber solution at Scrubber (EPN B22SV31) (Category B13).
 Self Report? YES Classification: Moderate
 Citation: 2202 OP
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 4020 PERMIT
 5C THSC Chapter 382 382.085(b)
 Description: Failure to comply with concentration limits for Total Dissolved Solids (TDS) at Cooling Tower (EPN B6CT201) (Category B13).
 Self Report? YES 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)
 FOP Special Term and Condition 14 OP
 NSR Special Condition (SC) 7C PERMIT
 Description: Failure to maintain the caustic concentration of the scrubber solution for Scrubber (EPN B22SV32) (Category B13).

2

Date: 05/01/2024 (1944807)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 21 PERMIT
 Special Term and Condition 20 OP
 Description: Failure to follow manual sampling requirements from T-445 RCL Stripper (FIN: OC5T445). (Category C1)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failure to authorize a portable diesel engine. (Category B8)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 106, SubChapter K 106.263(e)(7)
 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 Term and Condition OP
 Description: Failure to authorize all fugitive components. (Category B18(g)((1)))
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165(b)(1)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1A OP
 Description: Failure to monitor a pressure relief valve after a lift. (Category B1)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 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 1 PERMIT
 Special Term and Condition 20 OP
 Description: Failure to maintain carbon monoxide (CO) emissions with the limits of the Maximum Allowable Emissions Rate (MAER) for Thermal Oxidizer, FTB-401 (EPN: OC5SV403). (Category B13)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 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 1 PERMIT
Special Term and Condition 20 OP

Description: Failure to maintain carbon monoxide (CO) emissions with the limits of the Maximum Allowable Emissions Rate (MAER) from Thermal Oxidizer, FTB-402 (THROX II) (EPN: OC5SV404). (Category B13)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.213(b)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to submit a report for loading operations. (Category C3)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)(2)(G)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to maintain cooling tower flow rate within permit limits. (Category B18(g)(1))

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart G 63.120(d)(5)
5C THSC Chapter 382 382.085(b)
Special Condition 2C PERMIT
Special Terms and Conditions 1A and 20 OP

Description: Failure to maintain the minimum daily desorption factor for V-800 Storage Tanks (FIN: A40ECST80A and A40ECST80B). (Category B18(g)(1))

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.262(a)(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 20 OP

Description: Failure to obtain a Permit by Rule (PBR) and submit an off-permit notification for changing material in V-270 Storage Tank (FIN: OC9ST270). (Category B3)

Self Report? NO Classification: Moderate

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 in the compliance period of April 1, 2022 through September 30, 2022. (Category B3)

Self Report? NO Classification: Moderate

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 in the compliance period of April 1, 2021 through September 30, 2021. (Category B3)

Self Report? NO Classification: Moderate

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 in the compliance period of April 1, 2020 through September 30, 2020. (Category B3)

Self Report? NO Classification: Moderate

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 in the compliance period of April 1, 2019 through September 30, 2019. (Category B3)

Self Report? NO Classification: Moderate

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 in the compliance period of October 1, 2021

through March 31, 2022. (Category B3)
 Self Report? NO Classification: Moderate
 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 in the compliance period of October 1, 2020
 through March 31, 2021. (Category B3)
 Self Report? NO Classification: Moderate
 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 in the compliance period of October 1, 2019
 through March 31, 2020. (Category B3)

3

Date: 05/07/2024 (1966442)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 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 1 PERMIT
 Special Term and Condition 21 OP
 Description: Failure to prevent exceedance of the Maximum Allowable Emission Rate
 (MAER) pounds per hour limit for carbon monoxide (CO) from the Boiler
 (EPN: OC3SB900) (Category B13).
 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 12 PERMIT
 Special Term and Condition 21 OP
 Description: Failure to maintain exhaust flow rate from the Scrubber (EPN: T157) within
 permitted limits (Category B17).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 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 22E PERMIT
 Special Term and Condition 1A OP
 Special Term and Condition 21 OP
 Description: Failure to prevent an open-ended line (OEL) on Tag Number: 214631.4
 (Category C10).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 9 PERMIT
 Special Term and Condition 21 OP
 Description: Failure to conduct the annual closed vent system inspection for Flare (EPN:
 A40F100) within the required timeframe (Category B1).
 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 63, SubChapter C, PT 63, SubPT H 63.165(b)(2)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1A OP
 Description: Failure to monitor pressure relief device after a release for Fugitive Unit (EPN:
 B52CRFU1) within five days of leak (Category B1).
 Self Report? NO Classification: Moderate
 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 instances of deviations for the reporting period of April 1,
 2019 through September 30, 2019 (Category B3).
 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 instances of deviations for the reporting period of April 1, 2020 through September 30, 2020 (Category B3).

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 instances of deviations for the reporting period of April 1, 2021 through September 30, 2021 (Category B3).

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 instances of deviations for the reporting period of April 1, 2022 through September 30, 2022 (Category B3).

4 Date: 05/08/2024 (1966449)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
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 22E PERMIT
Special Terms & Conditions 1A and 27 OP

Description: Failure to prevent an open-ended line (OEL). (Category C10)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.340(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 10C PERMIT
Special Terms and Condition 1A and 27 OP

Description: Failure to calibrate flow meter for Heater Vent Stack (EPN: B23S826) within required time. (Category B1)

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 A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 11A PERMIT
Special Terms and Conditions 1A, 8, & 27 OP

Description: Failure to maintain net heating value above 300 BTU/scf for Flare Stack 101 (EPN: B70F1). (Category C1)

5 Date: 02/07/2025 (2009551)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.2(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Description: Special Term and Condition 2F OP
Failure to create a final record of a non-reportable emissions event within 14 days following the end of the emissions event. (Category C3)

F. Environmental audits:

Disclosure Date: 04/16/2020

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter H 115.781
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)

Description: Failure to monitor fugitive components as required. Specifically, three components (one valve and two connectors) were tagged in the field, but not included in the LDAR database and four valves and eight connectors were in the LDAR database, but not monitored due to misclassification.

Disclosure Date: 07/21/2020

Viol. Moderate

Classification:
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.480
40 CFR Part 60, Subpart VV 60.487

Description: Failure to incorporate NSPS VV applicability into Title V permit No. O-2204 and submit the associated semi-annual reports.

Disclosure Date: 04/17/2020
Viol. Moderate
Classification:
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7490
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7540
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7550

Description: Failure to identify applicability standard for catoxid reactor startup heaters in Title V permit. Specifically, the facility has identified that the catoxid reactor startup heaters are subject to the MACT standard for Boilers and Process Heaters and the facility has not completed the required bi-annual tune-ups nor has the facility submitted the required bi-annual report for these sources.

Viol. Moderate
Classification:
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Dc 60.40c

Description: Failure to identify applicability standard for FTO startup heaters and catoxid reactor startup heaters in Title V permit. Specifically, the facility has identified that the FTO startup heaters and catoxid reactor startup heaters are subject to NSPS Subpart Dc as steam generating units.

Viol. Major
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.111

Description: Failure to authorize FTO and Catoxid REactor startup heaters in NSR permit 19041.

Viol. Moderate
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.111

Description: Failure to include ethylene in the VOC composition basis for the cooling tower on site (EPN OC5CT4).

Disclosure Date: 07/24/2020
Viol. Moderate
Classification:
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT B 63.50
40 CFR Chapter 63, SubChapter C, PT 63, SubPT B 63.51
40 CFR Chapter 63, SubChapter C, PT 63, SubPT B 63.52
40 CFR Chapter 63, SubChapter C, PT 63, SubPT B 63.53
40 CFR Chapter 63, SubChapter C, PT 63, SubPT B 63.54
40 CFR Chapter 63, SubChapter C, PT 63, SubPT B 63.55
40 CFR Chapter 63, SubChapter C, PT 63, SubPT B 63.56

Description: Failure to determine MACT applicability for Catoxid Reactors. The Catoxid Reactors are an emissions source of Hazardous Air Pollutants (HAPs), specifically HCL, yet are not currently subject to any promulgated MACT standard in 40 CFR Part 63.

Viol. Moderate
Classification:
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.480
40 CFR Part 60, Subpart VV 60.487

Description: Failure to determine NSPS applicability for fugitive components. The facility has determined the equipment associated with unloading of certain HAPs is subject to the Organic Liquid Distribution (OLD) MACT and NSPS VV.

Notice of Intent Date: 08/05/2019 (1589813)
Disclosure Date: 04/17/2020
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 101, SubChapter A 101.10(b)(1)

Description: Failure to include PM and VOC emissions associated with some maintenance activities in annual Emissions Inventory. Specifically, emissions from welding operations and some aerosol can usage were not reported.

Notice of Intent Date: 09/26/2019 (1598486)
Disclosure Date: 04/23/2020
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 115, SubChapter D 115.354
40 CFR Part 60, Subpart VV 60.482-7
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)

Description: Failure to monitor or report fugitive components. Specifically, 9 valves and 22 connectors were identified as not being monitored as required and/or not reported or included in the % leaker calculations for fugitive area associated with EPN B34FU01.

Viol. Moderate

Classification:

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

Description: Failure to include all fugitive components in the fugitive area in permit representations for EPN B34FU01.

Notice of Intent Date: 09/23/2019 (1599202)

Disclosure Date: 03/30/2020

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)(1)

Description: Failure to accurately represent the fugitive emission from piping components in HCL service for NSR Permit No. 83699. A review of the fugitive emission piping components in HCL service revealed that the component count and chemical phase used to calculate fugitive emissions was incorrect, thus resulting in an inaccurate HCL fugitive emissions estimate.

Disclosure Date: 08/31/2020

Viol. Major

Classification:

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.111(a)(1)

Description: Failure to represent particulate matter (PM) emissions from cellulose loading activity for NSR Permit No. 83699 and conduct associated quarterly visible emissions observations.

Viol. Major

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)(1)

Description: Failure to represent particulate matter (PM) emissions from diatomaceous earth loading activity for NSR Permit No. 83699.

Notice of Intent Date: 01/21/2020 (1624908)

Disclosure Date: 04/17/2020

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.10(b)(1)
30 TAC Chapter 101, SubChapter A 101.10(b)(2)

Description: Failure to correctly report the ozone season pound per day emissions for the 2018 emission inventory, failure to correctly report methylene chloride emissions from tank NV-351 for the 2018 emissions inventory, and failure to correctly report chloroform emissions from tank NV-352 for the 2018 emission inventory.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2382(d)(2)(i)

Description: Failure to accurately report emissions from Tanks NV-351 and NV-352 in the 2019 MACT EEEE NOCS.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to correctly report an emission event in the Title V Deviation Report submitted on 9/19/2019. The facility experienced a release from a filter seal on Filter Pot FFL-33 and released 75 lb of methylene chloride. The Title V Deviation Report incorrectly reported this release as 75 lb of VOC.

Viol. Moderate

Classification:

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

Description: Failure to record that a corrective action on a leak from a valve in AqHCl service was taken within an hour. The leak log documented the valve was isolated, but did not document that the action was taken no later than one hour after detecting the leak.

Viol. Major

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)(1)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to accurately represent the emissions from the A16S1 Throx in the NSR Permit application for permit 5340. The waste gas combustion emissions for the A 16S 1 TH ROX are based on the lower heating value of the materials being combusted. The emission factors used for the permit are from AP-42, Compilation of Air Pollutant Emission Factors, US EPA, Section 1.4, Table 1.4-1, which states that the emissions should be based on the higher heating value of the materials being combusted.

Viol. Moderate

Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)(1)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to list methylene chloride, methyl chloroform, and perchloroethylene in the NSR 5340 MAERT for EPN A16S1 (Throx). These contaminants were included in the voe emissions instead of listing them separately.

Viol. Moderate

Classification:
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(2)

Description: Failure to include loading rack A24CEPUHW (Process Area Wagon Loading) in the Semi-Annual reports for MACT Subpart G (HON) from 2018 and 2019.

Viol. Moderate

Classification:
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(1)

Description: Failure to perform a 10-year inspection on internal floating roof tank A30CMST10 (NV-11).

Notice of Intent Date: 02/13/2020 (1632838)
Disclosure Date: 10/16/2020

Viol. Moderate

Classification:
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.151(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.9(h)

Description: Failure to include storage tanks PT-9 and PT-21 in the HON MACT NOCS.

Viol. Moderate

Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.115
30 TAC Chapter 122, SubChapter B 122.142(b)

Description: Failure to correctly cite regulatory applicability for applicability for equipment listed in the Title V Permit No. O1388 .

Notice of Intent Date: 03/06/2020 (1639930)
Disclosure Date: 10/26/2020

Viol. Minor

Classification:
Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(1)
30 TAC Chapter 115, SubChapter C 115.215
30 TAC Chapter 115, SubChapter C 115.217(a)(1)

Description: Failure to locate documentation for the basis of the vapor pressure data used to determine compliance for Regulation V loading operations (Units B23, B39, B62 and B68). Specifically, the documentation of approved test methods or standard references was not available. In addition, the vapor pressure data referenced incorrect temperatures.

Notice of Intent Date: 05/14/2020 (1650766)
No DOV Associated

Notice of Intent Date: 05/14/2020 (1657013)
Disclosure Date: 04/21/2021

Viol. Moderate

Classification:
Citation: 30 TAC Chapter 115, SubChapter D 115.354
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)

Description: Failure to identify 10 valves and 69 connectors as being in steam service. Specifically, a total of 10 valves and 69 connectors were incorrectly identified as being in steam service, however, they are actually in VOC service and are not being monitored as required.

Notice of Intent Date: 07/27/2020 (1670538)
No DOV Associated

Notice of Intent Date: 08/07/2020 (1676904)
Disclosure Date: 10/23/2020

Viol. Moderate

Classification:
Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(3)

Description: Failure to include all required PRVs in the monitoring plan for atmospheric vented PRVs in HRVOC service. Specifically, PRV ID 469707 and 469717 were not included in this document.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.8(e)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.8(e)(5)

Description: Failure to submit the CO CEMS RATA 60 days before scheduled test date. Specifically, the January 2019 CO CEMS RATA notification to the regulatory agency was not submitted at least 60 days prior as required by 40 CFR 63.8(e)(2).

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

Description: Failure to obtain authorization for a portable diesel tank operating as a permanent tank.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

Description: Failure to maintain hourly and annual load rates of Allyl Chloride below permit limits. Specifically, the hourly and annual loading rates of Allyl Chloride are being exceeded at load spot B68LR1 due to incorrect permit calculations.

Disclosure Date: 01/22/2021

Viol. Major

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter B 116.110(b)

Description: Failure to obtain authorization for the loading of hot oil, compressor oil, and Isopar. Specifically, hot oil and compressor oil were discovered to be loaded into isocontainers and/or drums without being permitted. In addition, Isopar was discovered to be loaded at EPN B68LR1 instead of Nopar 12, both which are heavy solvents.

Disclosure Date: 07/20/2021

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)

Description: Failure to monitor and/or report valves and connectors are required. Specifically, 57 valves and 171 connectors were identified as not being monitored as required and/or reported or included in the % leaker calculations.

Notice of Intent Date: 08/18/2020 (1671426)

Disclosure Date: 10/23/2020

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.10(b)(2)

Description: Failure to report MSS SOHO emissions (PROB34) in the emission inventory for the years of 2018 and 2019.

Viol. Major

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

Description: Failure to obtain authorization for a portable diesel tank was discovered to be operating as a permanent tank.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172(f)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2485(f)

Description: Failure to complete the closed vent system annual AVO inspection on time. During 2019, it was completed on 9/19/2019 and in 2020 it was not completed until 9/24/2020.

Disclosure Date: 04/20/2021

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.110(b)
30 TAC Chapter 116, SubChapter B 116.116(b)(1)

Description: Failure to represent BO Heavies, Crude Telone, Crude Allyl, Epi heavies and Lites, and Epoxidized Soybean oil loading at B23 in permit. Proper capturing of efficiency of 100% was also not represented in the permit.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1207(j)(1)

Description: Failure to maintain flowmeter cut off process control. Specifically, HWC MACT instrumentation flowmeter had process control code issues not triggering an Automatic Waste Feed Cut Off during plugging/low flow/failure due to being below L/G criteria.

Disclosure Date: 07/20/2021

Viol. Moderate
Classification:
Citation: 30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)
Description: Failure to accurately classify and monitor components. Approximately 4500 fugitive components were identified with either incorrect chemical state and/or EPN association and/or stream composition in the fugitive database. Approximately 200 components were missing some regulatory citations and some are not monitored as required and/or reported in the leaker calculations.
Disclosure Date: 10/18/2021

Viol. Moderate
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(A)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(B)
30 TAC Chapter 116, SubChapter F 116.615(4)
30 TAC Chapter 116, SubChapter F 116.615(5)
Description: Failure to submit notifications on time as required for construction progress and start-up for Standard Permit 160427 and for NSR 104098 project 315467.

Notice of Intent Date: 09/25/2020 (1684743)
Disclosure Date: 10/21/2020
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)(1)
Description: Failure to authorize emissions from a loading facility. This deviation was not report in the previous reporting period.
Disclosure Date: 03/25/2021

Viol. Major
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)(1)
Description: Failure to authorize emissions from a loading product sample station and failure to equip a sampling station with a closed-purge, closed-loop, or closed-vent system per HON-MACT sampling requirements.

Notice of Intent Date: 10/06/2020 (1684740)
Disclosure Date: 04/05/2021
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)
Description: Failure to represent emissions from sample stations in NSR Permit No. 4022.
Viol. Major
Classification:
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)
30 TAC Chapter 116, SubChapter B 116.111(a)(1)
Description: Failure to represent particulate matter emissions from cellulose loading activity for NSR No 4022 and failure to perform quarterly visible emissions observations.

Notice of Intent Date: 10/22/2020 (1684741)
No DOV Associated

Notice of Intent Date: 10/29/2020 (1691738)
Disclosure Date: 10/27/2021
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 335, SubChapter R 335.503(a)(1)
30 TAC Chapter 335, SubChapter C 335.62
Description: Failure to properly classify waste streams from laboratory sinks that are routed to the on-site wastewater treatments facility owned by a third party.

Notice of Intent Date: 11/10/2020 (1697566)
No DOV Associated

Notice of Intent Date: 01/28/2021 (1701989)
Disclosure Date: 04/27/2021
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)

Description: Failure to conduct quarterly visible emissions checks as required. Specifically, a visible emissions check was missed for turbine GT-63 (FIN B246PGT63) in 4th Quarter 2020 and one for turbine GT-61 (FIN B246PGT61) in 1st Quarter 2021.

Viol. Moderate

Classification:

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

Description: Failure to conduct visible emission checks. Specifically, visible emissions checks were completed less than one hour after sunrise for turbines GT-61 (FIN B246PGT61), GT-63 (FIN B246PGT63), GT-66 (FIN B246PGT66) and GT-67 (FIN B246PGT67).

Viol. Moderate

Classification:

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

Description: Failure to follow the Method 22 requirements for monthly visible emissions checks. Specifically, The facility has not followed the requirements of EPA Method 22 for the required monthly visible emissions checks for turbines GT-66 (EPN B24S4) and GT67 (EPN B24S5) as required by the NSR Permit 94403.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Failure to report emissions of ammonia from turbines GT-66 (FIN B246PGT66), GT-67 (FIN B246PGT67) and Fugitives (FIN B246PFU1) in the Annual Emissions Inventory for the 2018, 2019 and 2020 Reporting Years.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Failure to accurately report NOx emissions from turbines. Specifically, the facility reported different NOx emissions for turbines GT-37 (FIN A123PGT37), GT-61 (FIN B246PGT61), GT-63 (FIN B246PGT63), GT-66 (FIN B246PGT66) and GT-67 (FIN B246PGT67) in the Annual Emissions Inventory and annual Mass Emission Cap and Trade reports for the 2018, 2019 and 2020 Reporting Years.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 122, SubChapter B 122.132(d)(2)

Description: Failure to correctly identify the two oil water separators FINs A123PSP3A and B246PLR02A in Power 3 and Power 6, respectively.

Disclosure Date: 07/22/2021

Viol. Moderate

Classification:

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

Description: Failure to use EPA Method 9 for opacity measurements as required by NSR 3914b Special Condition 3.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 122, SubChapter B 122.132(d)(2)

Description: Failure to identify the correct monitoring and testing requirements for compliance with NSPS Subpart

GG for FINs B246PGT61, B246PGT63, B246PGT66 & B246PGT67 in Title V Permit O-2214.

Disclosure Date: 10/07/2021

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.115

30 TAC Chapter 116, SubChapter F 116.617(d)

Description: Failure to operate two turbines, FIN B245PGT61 ANF B246PGT63, consistent with application representations related to power output and NSR Permit 9044 Special Condition 2 which limited these two turbines to 70 MWe.

Notice of Intent Date: 03/04/2021 (1704555)

No DOV Associated

Notice of Intent Date: 04/04/2021 (1708030)

Disclosure Date: 10/18/2021

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(A)(ii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.114(a)(1)(ii)

Description: Failure to properly monitor and record catalyst inlet temperature for Catalytic Oxidizer (EPN OC3SC1) and temperature differential across the catalyst bed.

Notice of Intent Date: 04/23/2021 (1722035)

No DOV Associated

Notice of Intent Date: 05/25/2021 (1723856)

Disclosure Date: 10/07/2021
 Viol. Moderate
 Classification:
 Citation: 30 TAC Chapter 122, SubChapter C 122.241(b)
 Description: Failure to identify the correct NOx control regulation exemption citation on Title V O2202 for emission source (FIN) BSRSGEFW1.
 Viol. Moderate
 Classification:
 Citation: 30 TAC Chapter 122, SubChapter C 122.241(b)
 Description: Failure to identify the correct NOx emissions averaging period in the application to renew Title V Permit O2214 for emissions sources (FIN) A123PGT37, B246PGT61, B246PGT63, B246PGT66 & B246PGT67.
 Viol. Moderate
 Classification:
 Citation: 30 TAC Chapter 117, SubChapter B 117.300(1)
 Description: Failure to comply with applicable NOx control regulations for emission sources (FINs) A16CETX01 and A16CTX02.
 Viol. Moderate
 Classification:
 Citation: 30 TAC Chapter 101, SubChapter A 101.10
 Description: Failure to report NOx emissions accurately in the 2020 reporting Year Annual Emissions Inventory (AEI) for the following emission sources (FINs) - B19G1T210, B70ALT02, OC5U5B01, & OC5U5B02.
 Notice of Intent Date: 06/07/2021 (1724265)
 Disclosure Date: 07/27/2021
 Viol. Moderate
 Classification:
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.122(g)(2)(i)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2470(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.985(a)
 Description: Failure to calculate daily average operating parameter limit correctly for desorption factor on PSA 111 & 211 located at the A22 block.
 Viol. Moderate
 Classification:
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Description: Failure to follow requirements of NSR 93978 Special Conditions 13.D, which limits "Difficult to Monitor" (DTM) and "Unsafe to Monitor" (UTM) to only valves. The DMT and UTM classifications have been applied to connectors.
 Viol. Moderate
 Classification:
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Description: Failure to operate consistent with underlying representations in NSR 93978. Specifically, NSR 93978 Amendment in 2018 included representations that components classified as "difficult to monitor" (DTM) would be monitored on a quarterly frequency and took the emission reduction credit for quarterly monitoring; all components designated as DTM are on an annual monitoring frequency.
 Disclosure Date: 09/29/2021
 Viol. Moderate
 Classification:
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Description: Failure to list accurate tank shell height in Table 7 for Tanks V-5010, V-5020 and V-5030 in NSR 93978. Specifically, the tank shell height was listed as 48 feet, but the tanks are taller. There is not an emissions impact related to this discrepancy.
 Viol. Moderate
 Classification:
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.122(c)(1)
 Description: Failure to properly represent the vent control device for tanks V-501 in the HON NOCS.
 Viol. Moderate
 Classification:
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
 Description: Failure to maintain fill rate below the maximum hourly filling rate represented in the permit application. Specifically, the fill rates on tanks T-4002, T-4003, and T-4005 were exceeded during some tank-to-tank transfers.
 Disclosure Date: 04/25/2022
 Viol. Moderate
 Classification:
 Citation: 30 TAC Chapter 101, SubChapter A 101.10
 Description: Failure to report emissions associated with loading of recovered solvents from A22 PSA for reporting

year 2020. Specifically, the loading throughput amount were represented as zero for the 2020 reporting year emission calculations.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Failure to include fugitive emissions from 649 components in AEI reporting for EPN A22FU1 from NSR permit 19720. The emissions were incorrectly reposted under the wrong company information.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Failure to report fugitive emissions from 120 components under the correct EPNS in Annual Emission Inventory (AEI) reporting for reporting years 2018 - 2021.

Viol. Moderate

Classification:

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

Description: Failure to follow the fugitive monitoring requirements for EPNs A50FU3 and A35FU6 for connectors represented in NSR 93978. Specifically, the representation identified that quarterly monitoring was required for all connectors, however the monitoring schedule was revised to a less frequent monitoring schedule.

Notice of Intent Date: 07/01/2021 (1738337)

Disclosure Date: 10/15/2021

Viol. Moderate

Classification:

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

Description: Failure to complete quarterly Cylinder Gas Audits (CGA) more than two months apart for boilers B-901 and B-902 in second quarter 2021. CGAs were completed during 1Q 2021 on 2/26/2021 and then on 4/13/2021 and 4/14/2021 during 2Q 2021.

Notice of Intent Date: 08/03/2021 (1750582)

Disclosure Date: 10/15/2021

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)(2)(v)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.102(a)(4)

Rqmt Prov: PERMIT SC 5

OP Special Conditions 1F and 21

Description: Failure to implement the Organic NESHAP (HON) Startup, Shutdown, and Malfunction (SSM) Plan. The facility did not have a record that the HON SSM Plan was implemented during CMPU startup and

shutdown events since May 2020.

Viol. Moderate

Classification:

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

Rqmt Prov: PERMIT SC 1

OP SC 21

Description: Failure to keep records that demonstrate compliance with the unit maintenance, startup, and shutdown (MSS) emissions permit provision requiring Attachment A activity emissions tracking and annual emissions revalidation.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(1)

Rqmt Prov: OP SC 1 and 21

PERMIT SC 5D, 15C, and 21B

Description: Failure to make complete entries in the logs and database for the fugitive leak inspections programs. Inspection entries were made in the appropriate logs and database, but entries were missing data or information.

Viol. Moderate

Classification:

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

Rqmt Prov: PERMIT SC 10, 13, and 14

OP SC 21

Description: Failure to keep 5 years of instrument calibration records and/or make complete record entries for the THROX Unit and Scrubber Instrument.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 111, SubChapter A 111.111

Rqmt Prov: OP SC 3

Description: Failure to demonstrate that all quarterly visible emission observations of the unit cooling tower

emission source were completed from 2019 to the most recent quarter.

Viol. Moderate

Classification:

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

Rqmt Prov: OP SC 2E

Description: Failure to accurately report Methyl Chloride emissions in the emissions inventory reports. The Methyl Chloride vent flow meter to the Throx Unit was not working.

Viol. Moderate

Classification:

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

Rqmt Prov: PERMIT GC 1 AND SC 1

OP SC 21

Description: Failure to operate a THROX Unit at the hourly natural gas rates represented in the permit application and failure to maintain NOx emissions within MEART limits. It was discovered that the permit application calculations represent the average hourly natural gas rate and not the maximum instantaneous hourly rate.

Disclosure Date: 04/25/2022

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)(1)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.166(a)

Description: Failure to equip product sampling stations with a closed-purge, closed-loop, or closed vent system per HON MACT sampling connection system.

Disclosure Date: 10/12/2022

Viol. Minor

Classification:

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

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP SC 1.G. & 21

PERMIT SC Nos. 5.D., 18, 19, & 20

Description: Failed to monitor 1,407 fugitive components, 202 fugitive components were found to be identified as out of service in the LDAR database and were not being monitored. 1,115 fugitive components did not have identification tags and were not monitored.

Notice of Intent Date: 08/06/2021 (1755123)

No DOV Associated

Notice of Intent Date: 09/17/2021 (1763805)

Disclosure Date: 04/25/2022

Viol. Moderate

Classification:

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

Description: Failure to determine opacity of emissions as prescribed by EPA Test Method 22 for nine hydrogen stacks (EPNs B6SV9 through B6SV17). The facility was determining opacity of emissions at the required frequency, but not correctly applying the EPA Test method 22 requirement..

Viol. Moderate

Classification:

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

Description: Failure to complete audit visual and olfactory (AVO) checks on equipment in chlorine service in six occasions. The facility did not have complete records to demonstrate that AVO checks were performed as required.

Disclosure Date: 08/04/2022

Viol. Moderate

Classification:

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

Rqmt Prov: OP SC 14

PERMIT SC 16.D.

Description: Failure to analyze cooling tower TDS as required for the Chlorine 3 Unit cooling tower CT-201A/B.

Viol. Moderate

Classification:

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

Rqmt Prov: OP SC 14

PERMIT SC 8.D.

Description: Failure to analyze cooling tower TDS for the Chlorine 3 Unit cooling tower CT-201A/B.

Notice of Intent Date: 11/04/2021 (1774098)

Disclosure Date: 04/26/2022
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 115, SubChapter D 115.354
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)
Rqmt Prov: PERMIT Special Condition 22 & 23, 28VHP & 28CNT
Description: Failure to properly monitor approximately 15 relief devices. Some were incorrectly classified as connectors, and some had incorrect designations that exempted the components from Method 21 monitoring requirements in the fugitive monitoring database.

Viol. Moderate
Classification:
Citation: 30 TAC Chapter 115, SubChapter D 115.354
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)
Rqmt Prov: PERMIT Special Condition 22 & 23, 28VHP & 28CNT
Description: Failure to properly classify approximately 29 pumps as leakless or exempt dual-mechanical seal design in our fugitive database. These components are therefore monitored and incorrectly included in % leaker calculations.

Viol. Moderate
Classification:
Citation: 30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)
Rqmt Prov: PERMIT Special Condition 22A
Description: Failure to properly identify equipment excluded from fugitive monitoring requirements.

Viol. Moderate
Classification:
Citation: 30 TAC Chapter 115, SubChapter D 115.354
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)
Rqmt Prov: PERMIT Special Condition 22 H and J
Description: Failure to properly document records of physical inspections and equipment leaks, repair and re-monitoring for leaks discovered via audio, visual and olfactory means during operating personnel walk-through.

Viol. Moderate
Classification:
Citation: 30 TAC Chapter 115, SubChapter F 115.534
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)
Rqmt Prov: PERMIT Special Condition 22 E
Description: Failure to monitor some new and reworked piping connections within 15 days of the components being returned to service.

Viol. Moderate
Classification:
Citation: 30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)
Rqmt Prov: PERMIT Special Condition 22 & 23, 28VHP & 28CNT
Description: Failure to identified in the field 700 fugitive components that were not properly tagged and monitored in the fugitive database. These components are therefore not included in the % leaker calculations.

Notice of Intent Date: 01/25/2022 (1788668)
Disclosure Date: 10/21/2022
Viol. Minor
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)
Rqmt Prov: PERMIT SC27, 28
Description: Failed to properly identify and/or monitor approximately 131 components. Specifically, some components are not included in the database, some are incorrectly classified, some have tagging discrepancies, and some have incorrect designations in the fugitive monitoring database.

Viol. Minor
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)
Rqmt Prov: PERMIT SC 27, 28
Description: Failed to properly identify 433 components excluded from the fugitive monitoring requirements.

Notice of Intent Date: 02/07/2022 (1789984)
No DOV Associated

Notice of Intent Date: 03/10/2022 (1802494)
Disclosure Date: 10/12/2022
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: PERMIT SC 11.E
OP STC 14

Description: Failed to use a representative sample from the cooling tower feed water to analyze for TDS. The samples used for TDS analysis were being collected from the cooling tower water discharge line which supplies cooling water to the plant.

Notice of Intent Date: 03/16/2022 (1804886)
No DOV Associated

Notice of Intent Date: 04/21/2022 (1811034)
Disclosure Date: 10/13/2022
Viol. Minor
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 3

Description: Failed to complete LDAR monitoring for three valves and 27 connectors in light liquid service according to the requirements of the permit and affected regulations.

Notice of Intent Date: 05/11/2022 (1813126)
Disclosure Date: 10/13/2022
Viol. Minor
Classification:
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2346(c)

Description: Failed to appropriately monitor all valves and pumps in organic liquid service for more than 300 hours per year. Specifically, LDAR monitoring of 51 valves and two pumps in Methylene Chloride and Carbon Tetrachloride services were not properly monitored as required by the Organic Liquids Distribution (Non-Gasoline) MACT after mistakenly labeling the components as not being in liquid service.

Viol. Minor
Classification:
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(e)

Description: Failed to conduct LDAR monitoring for 23 valves and one pump in Carbon Tetrachloride service as required by NSPS VV after mistakenly labeling the components as not being in VOC service for more than 300 hours per year.

Viol. Minor
Classification:
Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC 24

Description: Failed to monitor 51 valves and two pumps as required by the NSR Permit condition because the components were mistakenly labeled as not being in VOC service for more than 300 hours per year.

Viol. Moderate
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT SC 18.B
OP STC 15

Description: Failed to achieve the minimum combustion zone temperatures for the Flameless Thermal Oxidizer (FTO) No. 2 (EPN OC5S02) for two periods on 1/3/21 and 5/8/21. Specifically, the temperatures were below the minimum allowable value set by prior stack testing and required by periodic monitoring and these items were not previously identified or reported as Title V Deviations in the applicable periods.

Viol. Minor
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC15

Description: Failed to update the condition . Specifically, SC 15 of NSR Permit No. 19041 limits the total flow of waste vent gases and natural gas to the values listed in the application submitted on 6/30/20 and the values were updated with a subsequent permit amendment issued on 8/31/21, but the condition was

not updated.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116

Description: Failed to maintain the EDC Cracking Furnace F-201 (EPN OC5S201H) below the allowable hourly natural gas fuel flow and firing rate on several occasions on 2/6 and 2/7/22. Additionally, this matter was not previously identified or reported as a Title V Deviation.

Viol. Moderate

Classification:

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

Description: Failed to ensure the Table 2 Material Balance submitted with the 2016 renewal application is consistent with the operation of the unit as as a result the actual productions of EDC within the unit has exceeded the listed value. Additionally, the matter was not previously identified or reported as a Title V Deviation.

Viol. Moderate

Classification:

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

Description: Failed to ensure the actual cooling water flowrate for Cooling Tower 2320 (EPN OC5CT4) does not exceed the represented maximum allowable rate, although emissions monitoring during this time shows that the permit emission limits were not exceeded. Additionally, this matter was not previously identified or reported as a Title V Deviation.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146(b)(1)

Description: Failed to identify the presence of HON Group 2 Wastewater streams on the HON NOCS from three existing process strippers.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC 24

Description: Failed to complete LDAR monitoring of 74 valves and 232 connectors as required by the permit and associated regulations.

Disclosure Date: 04/13/2023

Viol. Minor

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2346(c)

Description: Failed to appropriately monitor all valves and pumps in organic liquid service for more than 300 hours per year. Specifically, LDAR monitoring of 51 valves and two pumps in Methylene Chloride and Carbon Tetrachloride services were not properly monitored as required by the Organic Liquids Distribution (Non-Gasoline) MACT after mistakenly labeling the components as not being in liquid service.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(e)

Description: Failed to conduct LDAR monitoring for 23 valves and one pump in Carbon Tetrachloride service as required by NSPS VV after mistakenly labeling the components as not being in VOC service for more than 300 hours per year.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC 24

Description: Failed to monitor 51 valves and two pumps as required by the NSR Permit condition because the components were mistakenly labeled as not being in VOC service for more than 300 hours per year.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT SC 18.B
OP STC 15

Description: Failed to achieve the minimum combustion zone temperatures for the Flameless Thermal Oxidizer (FTO) No. 2 (EPN OC5S02) for two periods on 1/3/21 and 5/8/21. Specifically, the temperatures were below the minimum allowable value set by prior stack testing and required by periodic monitoring and these items were not previously identified or reported as Title V Deviations in the applicable periods.

Viol. Minor

Classification:

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

Rqmt Prov: PERMIT SC15

Description: Failed to update the condition . Specifically, SC 15 of NSR Permit No. 19041 limits the total flow of waste vent gases and natural gas to the values listed in the application submitted on 6/30/20 and the values were updated with a subsequent permit amendment issued on 8/31/21, but the condition was not updated.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116

Description: Failed to maintain the EDC Cracking Furnace F-201 (EPN OC5S201H) below the allowable hourly natural gas fuel flow and firing rate on several occasions on 2/6 and 2/7/22. Additionally, this matter was not previously identified or reported as a Title V Deviation.

Viol. Moderate

Classification:

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

Description: Failed to ensure the Table 2 Material Balance submitted with the 2016 renewal application is consistent with the operation of the unit as as a result the actual productions of EDC within the unit has exceeded the listed value. Additionally, the matter was not previously identified or reported as a Title V Deviation.

Viol. Moderate

Classification:

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

Description: Failed to ensure the actual cooling water flowrate for Cooling Tower 2320 (EPN OC5CT4) does not exceed the represented maximum allowable rate, although emissions monitoring during this time shows that the permit emission limits were not exceeded. Additionally, this matter was not previously identified or reported as a Title V Deviation.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146(b)(1)

Description: Failed to identify the presence of HON Group 2 Wastewater streams on the HON NOCS from three

existing process strippers.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC 24

Description: Failed to complete LDAR monitoring of 74 valves and 232 connectors as required by the permit and associated regulations.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.110

Description: Failed to authorize an existing storage tank (EPN OC5ST2300), in propylene glycol service.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.110

Description: Failure to authorize in NSR Permit 19041 for LDAR components from fugitive area EPN OC5FU7, in heavy liquid service.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 122, SubChapter C 122.210
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2334

Description: Failed to incorporate an existing fugitive area (FIN OC5U5FU7) is applicable to the Organic Liquids Distribution (OLD) MACT standard into Title V 02204 and the current permit includes a permit shield for OLD MACT.

Disclosure Date: 10/05/2023

Viol. Minor

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2346(c)

Description: Failed to appropriately monitor all valves and pumps in organic liquid service for more than 300 hours per year. Specifically, LDAR monitoring of 51 valves and two pumps in Methylene Chloride and Carbon Tetrachloride services were not properly monitored as required by the Organic Liquids Distribution (Non-Gasoline) MACT after mistakenly labeling the components as not being in liquid service.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(e)

Description: Failed to conduct LDAR monitoring for 23 valves and one pump in Carbon Tetrachloride service as required by NSPS VV after mistakenly labeling the components as not being in VOC service for more than 300 hours per year.

Viol. Minor
Classification:
Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 24
Description: Failed to monitor 51 valves and two pumps as required by the NSR Permit condition because the components were mistakenly labeled as not being in VOC service for more than 300 hours per year.

Viol. Moderate
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: PERMIT SC 18.B
OP STC 15
Description: Failed to achieve the minimum combustion zone temperatures for the Flameless Thermal Oxidizer (FTO) No. 2 (EPN OC5S02) for two periods on 1/3/21 and 5/8/21. Specifically, the temperatures were below the minimum allowable value set by prior stack testing and required by periodic monitoring and these items were not previously identified or reported as Title V Deviations in the applicable periods.

Viol. Minor
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC15
Description: Failed to update the condition . Specifically, SC 15 of NSR Permit No. 19041 limits the total flow of waste vent gases and natural gas to the values listed in the application submitted on 6/30/20 and the values were updated with a subsequent permit amendment issued on 8/31/21, but the condition was not updated.

Viol. Moderate
Classification:
Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116
Description: Failed to maintain the EDC Cracking Furnace F-201 (EPN OC5S201H) below the allowable hourly natural gas fuel flow and firing rate on several occasions on 2/6 and 2/7/22. Additionally, this matter was not previously identified or reported as a Title V Deviation.

Viol. Moderate
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)
Description: Failed to ensure the Table 2 Material Balance submitted with the 2016 renewal application is consistent with the operation of the unit as as a result the actual productions of EDC within the unit has exceeded the listed value. Additionally, the matter was not previously identified or reported as a Title V Deviation.

Viol. Moderate
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)
Description: Failed to ensure the actual cooling water flowrate for Cooling Tower 2320 (EPN OC5CT4) does not exceed the represented maximum allowable rate, although emissions monitoring during this time shows that the permit emission limits were not exceeded. Additionally, this matter was not previously identified or reported as a Title V Deviation.

Viol. Minor
Classification:
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146(b)(1)
Description: Failed to identify the presence of HON Group 2 Wastewater streams on the HON NOCS from three existing process strippers.

Viol. Minor
Classification:
Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 24
Description: Failed to complete LDAR monitoring of 74 valves and 232 connectors as required by the permit and associated regulations.

Viol. Moderate
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.110
Description: Failed to authorize an existing storage tank (EPN OC5ST2300), in propylene glycol service.

Viol. Moderate
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.110
Description: Failure to authorize in NSR Permit 19041 for LDAR components from fugitive area EPN OC5FU7, in heavy liquid service.

Viol. Moderate

Classification:
Citation: 30 TAC Chapter 122, SubChapter C 122.210
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2334

Description: Failed to incorporate an existing fugitive area (FIN OC5U5FU7) is applicable to the Organic Liquids Distribution (OLD) MACT standard into Title V 02204 and the current permit includes a permit shield for OLD MACT.

Viol. Moderate

Classification:
Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(3)(D)

Description: Failure to retain records of the quarterly HRVOC PSV inspections..

Notice of Intent Date: 07/28/2022 (1840280)
No DOV Associated

Notice of Intent Date: 10/25/2022 (1855011)
No DOV Associated

Notice of Intent Date: 11/10/2022 (1866855)
No DOV Associated

Notice of Intent Date: 01/11/2023 (1879360)
No DOV Associated

Notice of Intent Date: 01/19/2023 (1881565)
Disclosure Date: 10/05/2023

Viol. Moderate

Classification:
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT GGGGG 63.7951(a)(7)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT GGGGG 63.7951(f)

Description: Failure to submit semi-annual compliance reports electronically via EPA's CDX system as required by the standard. Reports were submitted in paper format only.

Notice of Intent Date: 02/01/2023 (1880248)
Disclosure Date: 04/24/2023

Viol. Moderate

Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT General Conditions 1
OP General Terms and Conditions

Description: Failure to maintain the VOC concentration in two brine ponds (BSRPSLR2L & BSRPSR2) as represented in the permit application calculations. This deviation was not reported in previous Title V Deviation Reports.

Notice of Intent Date: 03/15/2023 (1886439)
No DOV Associated

Notice of Intent Date: 04/05/2023 (1888906)
Disclosure Date: 10/19/2023

Viol. Minor

Classification:
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(1)

Description: Failure to properly monitor approximately 69 valves and 356 connectors for the EPN B68ALFU1. This includes components not properly identified in the field and/or not reported in the % leaker calculations. The details of this deviation are still being finalized.

Viol. Minor

Classification:
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT GGGGG 63.7951(a)(7)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT GGGGG 63.7951(f)

Description: Failure to submit semi-annual compliance reports electronically via EPA's CDX system as required by

the standard.

Disclosure Date: 04/23/2024

Viol. Minor

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(b)

Description: Failure to properly represent 68 valves, 165 connectors, 3 relief devices, and 2 pumps as belonging to another company's fugitive database in EPNs 868ALFU1 / B70FU1. This includes some components that were not being properly monitored and others that have been improperly included in Blue Cube % leaker calculations and reporting.

Notice of Intent Date: 05/03/2023 (1903086)

No DOV Associated

Notice of Intent Date: 06/15/2023 (1910977)

Disclosure Date: 10/24/2023

Viol. Minor

Classification:

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT GGGGG 63.7951(a)(7)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT GGGGG 63.7951(f)

Description: Failure to submit semi-annual compliance reports electronically via EPA's CDX system as required by the standard.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(14)

Rqmt Prov: PERMIT General Condition 1

Description: Failure to calculate annual emissions based on a 12-month rolling period as required by MAERT footnote 4 for MSS activities EPN A 19FU2MSS & A 19SV113MSS and EPN B28MEFU1 & B28MESV213.

Viol. Minor

Classification:

Citation: 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 EEEE 63.2346(c)

Rqmt Prov: PERMIT Special Condition 10.H.

Description: Failure to complete monthly and quarterly fugitive monitoring on a pump.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT General Condition 1

Description: Failure to accurately represent fugitive components in the emission calculations submitted with the NSR permit application.

Notice of Intent Date: 06/29/2023 (1912310)

Disclosure Date: 10/19/2023

Viol. Minor

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(1)

Description: Failure to properly monitor approximately 32 valves and 73 connectors in EPNs B23FU2, B 19FU 1 and B 19FU7. This includes components not properly identified in the field and/or not reported in the % leaker calculations.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT GGGGG 63.7951(a)(7)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT GGGGG 63.7951(f)

Description: Failure to submit semi-annual compliance reports electronically via EPA's CDX system as required by the standard.

Disclosure Date: 04/23/2024

Viol. Minor

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter D 115.354(2)(C)

30 TAC Chapter 115, SubChapter H 115.781(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(b)

Rqmt Prov: PERMIT SC 19 (28MID) and 22 (28VHP)

Description: Failure to properly represent 189 valves, 737 connectors, 1 compressor and 3 relief devices as belonging to another company's fugitive database in EPNs 823FU8 and 819FU9. This includes some components that were not being properly monitored and others that have been improperly included in Blue Cube % leaker calculations and reporting.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

40 CFR Chapter 264, SubChapter I, PT 264, SubPT E 264.73(b)(6)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(c)(4)

Description: Failure to properly monitor and record ash feed rate for F-21 O Thermal Treatment unit. The ash composition in our process control code was not updated after the most recent compliance test in 2021.

Notice of Intent Date: 07/11/2023 (1912084)

No DOV Associated

Notice of Intent Date: 07/13/2023 (1912304)

Disclosure Date: 10/24/2023

Viol. Minor

Classification:

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

30 TAC Chapter 122, SubChapter B 122.143(4)

Description: Failure to clean up spills of cellulose material as expeditiously as possible. The area was washed down but not checked again after it dried and there was still cellulose material remaining on the area's slab.

Notice of Intent Date: 10/24/2023 (1938405)

No DOV Associated

Notice of Intent Date: 10/31/2023 (1938072)

No DOV Associated

Notice of Intent Date: 11/08/2023 (1939038)

No DOV Associated

Notice of Intent Date: 01/18/2024 (1956047)

No DOV Associated

Notice of Intent Date: 03/07/2024 (1972577)

No DOV Associated

Notice of Intent Date: 06/07/2024 (1993871)

No DOV Associated

Notice of Intent Date: 06/07/2024 (1994846)

Disclosure Date: 10/21/2024

Viol. Minor

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter D 115.354(4)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)
40 CFR Part 63, Subpart H 63.165

Rqmt Prov: PERMIT Special Condition 7F

Description: Failure to complete follow up monitoring on a relief device after a leak was detected.

Notice of Intent Date: 07/02/2024 (1996530)
No DOV Associated

Notice of Intent Date: 08/06/2024 (2008282)
No DOV Associated

Notice of Intent Date: 08/20/2024 (2009570)
No DOV Associated

Notice of Intent Date: 10/21/2024 (2022621)
No DOV Associated

Notice of Intent Date: 01/07/2025 (2035276)
No DOV Associated

Notice of Intent Date: 01/15/2025 (2036112)

No DOV Associated

Notice of Intent Date: 02/20/2025 (2047113)
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
BLUE CUBE OPERATIONS LLC
RN108772245**

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§
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§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2021-0622-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 Blue Cube Operations 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 2301 North Brazosport Boulevard in Freeport, Brazoria 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 \$116,944 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$46,778 of the penalty and \$23,388 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$46,778 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 March 26, 2020, repaired the leaking exchanger, installed field tagging to prevent valve lineup that could thermally shock the heat exchanger, conducted operator training, and implemented a troubleshooting procedure to efficiently determine which heat exchanger has a leak in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 328633.
 - b. By May 27, 2020, installed a new rupture disc for PSV-2121A, added an alarm and process control automatic response to close the inlet block valve when pressure problems exist in the incoming ethylene line, and created a predictive and preventative maintenance service schedule to visually inspect and functionally test the ethylene supply block valve in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 333514.
 - c. By March 29, 2019, implemented revised procedures to reduce the quantity of ammonia cylinders stored at the Trichloroethylene Plant, stored ammonia cylinders in a covered area out of direct sunlight, and ensured cylinders are properly inspected before they are accepted from suppliers in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 290998.
 - d. By January 1, 2021, established an automated tracker for each of the thermal oxidizer vent drums and their respective flowmeters, created a procedure for the proper response to a flowmeter alarm, created an alarm for each of the flowmeters, added process control documentation on the alarms, and submitted data demonstrating compliance in order to ensure that flowmeter downtime

does not exceed 5% of the time that the thermal oxidizers are operated over the previous rolling 12-month period.

- e. On January 11, 2021, obtained an amendment for New Source Review ("NSR") Permit No. 19041 to authorize chloroform, ethylene dichloride, and 1,1-dichloroethylene emissions from Emissions Point Numbers ("EPNs") OC5CT1 and OC5CT4.
- f. On August 22, 2022, submitted a revised deviation report for the October 1, 2019 through March 31, 2020 reporting period that included the deviation for failing to calibrate and clean the pH monitors for Scrubber Towers T-403 and T-404 from February 16, 2020 through February 22, 2020.
- g. By October 20, 2018, replaced the pump P-402 seal and created a critical pump startup procedure for pump P-402 that addresses the dry gas seal integrity check, requires 100% attendance of pump P-402 while in operation, and includes a seal failure mode in the hazards and precautions section in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 294210.
- h. By July 27, 2021, implemented disciplinary actions for the employees involved, replaced the P-742 oil reservoir bulb with a sight glass, replaced the oil reservoir bulbs with sight glasses on all other pumps in solvent service at the Epoxy 1 Unit, updated the Epoxy 1 Unit operator round sheets, trained the operations team on the alarm acknowledgement section of the Epoxy 1 Unit process control policy and the requirements to have medium risk level procedures in hand while performing those tasks, and updated the maintenance procedures on Goulds pumps and the Epoxy 1 Unit process control policy in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 355288.
- i. By July 9, 2020, shutdown T-117 and replaced the rupture disc, updated the operator rounds procedures to include a visual check of pressure relief devices, created a Unit Emergency Plan, and created a procedure for the proper installation of the rupture disc in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 327290.
- j. By May 28, 2020, calculated and verified the updated gasket torque specifications, created detailed gasket drawings and torque specification calculations for future maintenance, added torque calculation tool training to mechanical/reliability engineer ("ME/RE") curriculum, added review/approval steps to the 1.2 Plan and Schedule Turnaround work process document, required vendors to physically measure gaskets and provided drawings and torque specifications, added a column to verify the torque specification review and approval by ME/RE on fixed equipment to the Work Inventory Tool, and trained teams on new planner operating discipline actions in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 323152.
- k. By August 17, 2021, replaced the failed section of the piping and inspect for deficiencies along the line in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 364315.

- l. On August 22, 2022, submitted a revised deviation report for the October 1, 2018 through March 31, 2019, April 1, 2019 through September 30, 2019, October 1, 2019 through March 31, 2020, April 20, 2020 through September 30, 2020, and October 1, 2020 through March 31, 2021 reporting periods to report the deviation for failing to perform calibration checks of flowmeters for S-2 HCl Scrubber, EPN A16CMSV2.
- m. By July 26, 2021, conducted calibration checks of the flowmeters for the S-2 HCl Scrubber in accordance with the manufacturer's specifications or at least annually.

II. ALLEGATIONS

1. During a record review for the Plant conducted from October 21, 2020 through November 4, 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), NSR Permit No. 19041, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O2204, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 215.13 pounds ("lbs") of volatile organic compounds ("VOC") from Cooling Tower 2320, EPN OC5CT4, during an emissions event (Incident No. 328633) that occurred on January 21, 2020 and lasted 15 hours and 40 minutes.
2. During a record review for the Plant conducted from February 11, 2021 through April 7, 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. 5339, SC No. 1, FOP No. O1388, GTC and STC No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 150.00 lbs of ammonia as fugitive emissions, during an emissions event (Incident No. 290998) that occurred on August 25, 2018 and lasted one minute.
3. During a record review for the Plant conducted from October 21, 2020 through November 4, 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), NSR Permit No. 19041, SC No. 1, FOP No. O2204, GTC and STC No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 255.45 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 333514) that occurred on April 6, 2020 and lasted seven minutes.
4. During a record review for the Plant conducted from April 2, 2021 through April 30, 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. 5339, SC No. 1, FOP No. O1388, GTC and STC No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 15.0 lbs of chlorine as fugitive emissions, during an emissions event (Incident No. 291420) occurred on August 31, 2018 and lasted 47 minutes.
5. During a record review for the Plant conducted from March 26, 2021 through May 24, 2021, an investigator documented that the Respondent:

- a. Failed to prevent the loss of valid data due to periods of monitor break down, out-of-control operation, repair, maintenance, or calibration that exceeds 5.0% of the time (in minutes) that the thermal oxidizers are operated over the previous rolling 12-month period, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 19041, SC Nos. 17.C(3) (effective August 24, 2016) and 16 (effective April 30, 2019), FOP No. O2204, GTC and STC No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the flowmeter downtime for Knockout Pot D-413 ranged from 5.25% to 6.43% for the 12-month periods ending from August 2019 through January 2020, the flowmeter downtime for Knockout Pot D-415 ranged from 5.27% to 23.47% for the 12-month periods ending from July 2018 through April 2019 and from September 2019 through July 2020, and the flowmeter downtime for Knockout Pot D-417 ranged from 5.67% to 16.91% for the 12-month periods ending from April 2018 through January 2020.
- b. Failed to comply with the representations with regard to construction plans and operation procedures in a permit application, in violation of 30 TEX. ADMIN. CODE § 116.116(b)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not represent chloroform, ethylene dichloride, and 1,1-dichloroethylene emissions to be authorized to be emitted from Cooling Towers 320 and 3230, EPNs OC5CT1 and OC5CT4, respectively, in the permit application for NSR Permit No. 19041, but the Respondent emitted a total of 11.47 lbs of unauthorized chloroform during March, June, and August 2018 and for the 12-month periods ending from January 2019 through December 2020, a total of 10.24 lbs of unauthorized ethylene dichloride during June, September, and December 2018 and for the 12-month periods ending from January 2019 through December 2020, and a total of 0.75 lb of unauthorized 1,1-dichloroethylene during the months of January through April 2018 and for the 12-month periods ending from January 2019 through January 2020 for EPN OC5CT1 and a total of 6.92 lbs of unauthorized chloroform during February, March, June, September, and October 2018 and for the 12-month periods ending from January 2019 through December 2020, a total of 4.64 lbs of unauthorized ethylene dichloride during July 2018 and for the 12-month periods ending from January 2019 through December 2020, and a total of 16.09 lbs of unauthorized 1,1-dichloroethylene for the 12-month periods ending from March 2019 through March 2020 for EPN OC5CT4.
- c. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2204, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the October 1, 2017 through March 31, 2018 reporting period did not include the deviations for failing to authorize chloroform emissions during March 2018 and 1,1-dichloroethylene emissions from January 2018 through March 2018 for EPN OC5CT1 and failing to authorize chloroform emissions during February and March 2018 for EPN OC5CT4.

- d. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2204, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the April 1, 2018 through September 30, 2018 reporting period did not include the deviations for failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-415 for the 12-month periods ending from July 2018 through September 2018, failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-417 for the 12-month periods ending from April 2018 through September 2018, failing to authorize chloroform emissions during June and August 2018 and ethylene dichloride emissions during June and September 2018 for EPN OC5CT1, and failing to authorize chloroform emissions during June and September 2018 and ethylene dichloride emissions during July 2018 for EPN OC5CT4.
- e. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2204, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the October 1, 2018 through March 31, 2019 reporting period did not include the deviations for failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-415 for the 12-month periods ending from October 2018 through March 2019; failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-417 for the 12-month periods ending from October 2018 through March 2019; failing to authorize chloroform emissions from January 2019 through March 2019, ethylene dichloride emissions from December 2018 through March 2019, and 1,1-dichloroethylene emissions from January 2019 through March 2019 for EPN OC5CT1; and failing to authorize chloroform emissions during October 2018 and from January 2019 through March 2019, ethylene dichloride emissions from January 2019 through March 2019, and 1,1-dichloroethylene emissions during March 2019 for EPN OC5CT4.
- f. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2204, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the April 1, 2019 through September 30, 2019 reporting period did not include the deviations for failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-413 for the 12-month periods ending from August 2019 through September 2019; failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-415 for the 12-month periods ending April 2019 and September 2019, and failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-417 for the 12-month periods ending from April 2019 through September 2019; failing to authorize chloroform, ethylene dichloride, and 1,1-dichloroethylene emissions from April 2019 through September 2019 for EPN OC5CT1; and failing to authorize chloroform, ethylene dichloride, and 1,1-dichloroethylene emissions from April 2019 through September 2019 for EPN OC5CT4.
- g. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2204, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the October 1, 2019 through March 31, 2020 reporting period did not include the deviation for failing to calibrate and clean the pH monitors for Scrubber Towers T-403 and T-404 from February 16, 2020 through February 22, 2020.

6. During a record review for the Plant conducted from May 12, 2021 through May 20, 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. 2606, SC No. 1, FOP No. O1388, GTC and STC No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 460.0 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 294210) that occurred on October 12, 2018 and lasted one hour and five minutes.
7. During a record review for the Plant conducted from May 17, 2021 through May 28, 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. 104152, SC No. 1, FOP No. O2207, GTC and STC No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 1,190 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 355288) that occurred on May 4, 2021 and lasted 15 hours and 27 minutes.
8. During a record review for the Plant conducted on October 11, 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. 104152, SC No. 1, FOP No. O2207, GTC and STC No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 2,739.0 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 327290) that began on December 27, 2019 and lasted 42 hours and 42 minutes.
9. During a record review for the Plant conducted on October 11, 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. 48715, SC No. 1, FOP No. O2204, GTC and STC No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 709.0 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 323152) that occurred on October 20, 2019 and lasted two hours and 57 minutes.
10. During a record review for the Plant conducted from August 18, 2021 through September 2, 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. 19041, SC No. 1, FOP No. O2204, GTC and STC No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 1,149.09 lbs of VOC, 256.0 lbs of carbon monoxide, and 0.06 lb of nitrogen oxides as fugitive emissions, during an emissions event (Incident No. 364315) that began on August 4, 2021 and lasted 43 hours and 58 minutes.
11. During a record review for the Plant conducted from March 1, 2022 through August 1, 2022, an investigator documented that the Respondent:

- a. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O1388, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation reports for the October 1, 2018 through March 31, 2019, April 1, 2019 through September 30, 2019, October 1, 2019 through March 31, 2020, April 20, 2020 through September 30, 2020, and October 1, 2020 through March 31, 2021 reporting periods did not include the deviation for failing to perform calibration checks of flowmeters for S-2 HCl Scrubber, EPN A16CMSV2.
 - b. Failed to calibrate flow monitoring devices in accordance with the manufacturer's specifications or at least annually, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR No. 5340, SC No. 17, FOP No. O1388, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not conduct calibration checks of the flowmeters for the S-2 HCl Scrubber from December 31, 2018 through May 30, 2021.
12. During a record review for the Plant conducted from March 4, 2022 through June 10, 2022, an investigator documented that the Respondent:
 - a. Failed to operate each monitoring system at least 95% of the time when the flare is operational, averaged over a calendar year, in violation of 30 TEX. ADMIN. CODE §§ 115.725(d)(3), 116.115(b) and (c), and 122.143(4), NSR Permit No. 104098, SC No. 36, FOP No. O2208, GTC and STC Nos. 27, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, Flare Stack 101, EPN B70F1, operated continuously during calendar year 2021 but the highly reactive volatile organic compound analyzer had 796 downtime hours from October 1, 2020 through June 13, 2021, resulting in the flare being monitored only 90.02% of the time in calendar year 2021.
 - b. Failed to operate each monitoring system at least 95% of the time when the flare is operational, averaged over a calendar year, in violation of 30 TEX. ADMIN. CODE §§ 115.725(d)(3), 116.115(b) and (c), and 122.143(4), NSR Permit No. 104098, SC No. 11.E, FOP No. O2208, GTC and STC Nos. 27, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, Flare Stack 101, EPN B70F1, operated continuously during calendar year 2021 but the flow meter had 2,848 downtime hours from October 1, 2020 through June 20, 2021, resulting in the flare being monitored only 62.5% of the time in calendar year 2021.

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: Blue Cube Operations LLC, Docket No. 2021-0622-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 \$46,778 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:
 - a. Within 30 days after the effective date of this Order:
 - i. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 291420, in accordance with NSR Permit No. 5339, SC No. 1;
 - ii. Submit a revised deviation report for the October 1, 2017 through March 31, 2018 reporting period that includes the deviations for failing to authorize chloroform emissions during March 2018 and 1,1-dichloroethylene emissions from January 2018 through March 2018 for EPN OC5CT1 and to authorize chloroform emissions during February and March 2018 for EPN OC5CT4, in accordance with 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A);
 - iii. Submit a revised deviation report for the April 1, 2018 through September 30, 2018 reporting period that includes the deviations for failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-415 for the 12-month periods ending from July 2018 through September 2018, to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-417 for the 12-month periods ending from April 2018 through September 2018, failing to authorize chloroform emissions during June and August 2018 and ethylene dichloride emissions during June and September 2018 for EPN OC5CT1, and failing to authorize chloroform emissions during June and September 2018 and ethylene dichloride emissions during July 2018 for EPN OC5CT4, in accordance with 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A).
 - iv. Submit a revised deviation report for the April 1, 2019 through September 30, 2019 reporting period that includes the deviations for failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-413 for the 12-month periods ending from August 2019 through September 2019; failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-415 for

the 12-month period ending April 2019 and September 2019, and failing to prevent the loss of valid flowmeter data that exceeds 5.0% of the time for Knockout Pot D-417 for the 12-month periods ending from April 2019 through September 2019; to authorize chloroform, ethylene dichloride, and 1,1-dichloroethylene emissions from April 2019 through September 2019 for EPN OC5CT1; and failing to authorize chloroform, ethylene dichloride, and 1,1-dichloroethylene emissions from April 2019 through September 2019 for EPN OC5CT4, in accordance with 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A).

- v. Implement measures and/or procedures designed to ensure that all instances of deviations are reported in a timely manner, in accordance with 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A).
 - vi. Implement measures and/or procedures designed to ensure the monitoring system operates at least 95% of the time when the flare is operational, in accordance with NSR Permit No. 104098, SC No. 11.E.
- 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:

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

with a copy to:

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

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. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
8. 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.
9. 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.
10. 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



For the Executive Director

07/21/2025

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

5/19/2025

William A. Chidester

Name (Printed or typed)
Authorized Representative of
Blue Cube Operations LLC

EHS Leader - TXO

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: 2021-0622-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Blue Cube Operations LLC
Payable Penalty Amount:	\$93,556
SEP Offset Amount:	\$46,778
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO
Project Name:	<i>Clean Vehicles Partnership Project</i>
Location of SEP: Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

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 offset is equal to the SEP Offset Amount set forth above and 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-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership Project*. 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 replace old, higher emission buses that do not meet 2010 Environmental Protection Agency ("EPA") emissions standards ("Old Buses") with new, lower emission buses that meet the most recent EPA emissions standards ("New Buses") or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities ("SEP Administrators") that apply for replacement, retrofit, or conversion of buses.

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for purchase of New Buses or conversion or retrofit equipment and contract labor for installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards.

Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months.

All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done 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 the Respondent has no prior commitment to make this contribution and that it is being contributed to settle this enforcement action. The Respondent shall not profit from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate many respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

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 check payable to **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO
Emission Reduction Credit Corporation
Attn: Air Quality Program Manager
3555 Timmons Lane, Suite 120
Houston, Texas 77027

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount 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 and/or project, 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.