

Executive Summary – Enforcement Matter – Case No. 60780
LION ELASTOMERS ORANGE, LLC
RN100224468
Docket No. 2021-0664-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Lion Elastomers Orange, 5713 Farm-to-Market Road 1006 near Orange, Orange County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 31, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$1,987

Total Paid to General Revenue: \$1,987

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 3, 2021 through May 14, 2021

Date(s) of NOE(s): May 14, 2021

Executive Summary – Enforcement Matter – Case No. 60780
LION ELASTOMERS ORANGE, LLC
RN100224468
Docket No. 2021-0664-PWS-E

Violation Information

Failed to comply with the maximum residual disinfectant level of 4.0 milligrams per liter for chlorine based on a running annual average [30 TEX. ADMIN. CODE § 290.110(b)(5) and (f)(7) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 365 days, return to compliance with the maximum residual disinfectant level for chlorine based on the running annual average; and
- b. Within 380 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Miles Wehner, Enforcement Division, Enforcement Team 8, MC 219, (512) 239-2813; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Jesse J. Zeringue, President, LION ELASTOMERS ORANGE, LLC, P.O. Box 397, Geismar, Louisiana 70734-0397

Tony Wisenbaker, Manufacturing Director, LION ELASTOMERS ORANGE, LLC, 5713 FM 1006, Orange, Texas 77630-8041

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	17-May-2021			
	PCW	19-May-2021	Screening	19-May-2021	EPA Due 31-Mar-2021

RESPONDENT/FACILITY INFORMATION	
Respondent	LION ELASTOMERS ORANGE, LLC
Reg. Ent. Ref. No.	RN100224468
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60780	No. of Violations	1
Docket No.	2021-0664-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Miles Wehner
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,250
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	59.0% Adjustment	Subtotals 2, 3, & 7	\$737
---------------------------	------------------	--------------------------------	-------

Notes: Enhancement for three NOVs with same/similar violations, seven NOVs with dissimilar violations, and two agreed orders containing a denial of liability. Reduction for four notices of intent to conduct an audit and three disclosures of violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
--------------------	----	------------------	-------------------	-----

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
--	-------------------	-----

Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
-------------------------	-------------------	-------------------	-----

Total EB Amounts \$845
 Estimated Cost of Compliance \$5,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,987
-----------------------------	-----------------------	---------

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
---	------	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

Final Penalty Amount	\$1,987
-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,987
-----------------------------------	-------------------------------	---------

DEFERRAL	0.0%	Reduction	Adjustment	\$0
-----------------	------	-----------	-------------------	-----

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$1,987
------------------------	---------

Screening Date 19-May-2021

Docket No. 2021-0664-PWS-E

PCW

Respondent LION ELASTOMERS ORANGE, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 60780

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100224468

Media Public Water Supply

Enf. Coordinator Miles Wehner

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>)	3	15%
	Other written NOVs	7	14%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	4	-4%
	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>)	3	-6%
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) 59%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with same/similar violations, seven NOVs with dissimilar violations, and two agreed orders containing a denial of liability. Reduction for four notices of intent to conduct an audit and three disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 59%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 59%

Screening Date 19-May-2021

Docket No. 2021-0664-PWS-E

PCW

Respondent LION ELASTOMERS ORANGE, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 60780

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100224468

Media Public Water Supply

Enf. Coordinator Miles Wehner

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.110(b)(5) and (f)(7) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to comply with the maximum residual disinfectant level ("MRDL") of 4.0 milligrams per liter ("mg/L") for chlorine based on a running annual average. Specifically, the running annual average concentrations for chlorine were 4.1 mg/L for the second quarter of 2020, 5.2 mg/L for the third quarter of 2020, and 5.0 mg/L for the fourth quarter of 2020.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR			Harm			
	Release	Major	Moderate	Minor		
	Actual		x		Percent	25.0%
	Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent	0.0%

Matrix Notes

Exceeding the MRDL for chlorine caused persons served by the Facility to be exposed to a significant amount of contaminants which do not exceed levels protective of human health.

Adjustment \$3,750

\$1,250

Violation Events

Number of Violation Events 1 274 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$1,250

One annual event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$845

Violation Final Penalty Total \$1,988

This violation Final Assessed Penalty (adjusted for limits) \$1,988

Economic Benefit Worksheet

Respondent LION ELASTOMERS ORANGE, LLC
Case ID No. 60780
Reg. Ent. Reference No. RN100224468
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	30-Jun-2020	28-Nov-2022	2.41	\$40	\$805	\$845
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the estimated amount to investigate, identify, and implement the necessary corrective actions to return to compliance with the MDRL for chlorine, calculated from the last day of the earliest monitoring period of noncompliance to 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 \$845



Compliance History Report

Compliance History Report for CN605689207, RN100224468, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN605689207, LION ELASTOMERS ORANGE, LLC **Classification:** SATISFACTORY **Rating:** 0.83

Regulated Entity: RN100224468, LION ELASTOMERS ORANGE **Classification:** SATISFACTORY **Rating:** 0.83

Complexity Points: 17 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 5713 FARM-TO-MARKET ROAD 1006 NEAR ORANGE, ORANGE COUNTY, TEXAS

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER OC0010U	AIR OPERATING PERMITS PERMIT 1271
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1810014	AIR NEW SOURCE PERMITS AFS NUM 4836100004
AIR NEW SOURCE PERMITS PERMIT 292	AIR NEW SOURCE PERMITS REGISTRATION 46032
AIR NEW SOURCE PERMITS ACCOUNT NUMBER OC0010U	AIR NEW SOURCE PERMITS REGISTRATION 109751
AIR NEW SOURCE PERMITS REGISTRATION 164284	AIR NEW SOURCE PERMITS REGISTRATION 151413
AIR NEW SOURCE PERMITS REGISTRATION 151188	PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 87726
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30581	WASTEWATER PERMIT WQ0000454000
WASTEWATER EPA ID TX0002968	AIR EMISSIONS INVENTORY ACCOUNT NUMBER OC0010U
POLLUTION PREVENTION PLANNING ID NUMBER P01569	INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30581
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008073538	TAX RELIEF ID NUMBER 21128
TAX RELIEF ID NUMBER 16495	TAX RELIEF ID NUMBER 17246
TAX RELIEF ID NUMBER 17248	TAX RELIEF ID NUMBER 17245
TAX RELIEF ID NUMBER 21124	

Compliance History Period: September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

Date Compliance History Report Prepared: August 30, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 30, 2016 to August 30, 2021

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

Name: Miles Wehner **Phone:** (512) 239-2813

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: 12/19/2017 ADMINORDER 2016-0502-PWS-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(e)(2)
30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(3)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT I 141.87
40 CFR Chapter 141, SubChapter D, PT 141, SubPT I 141.90(a)

Description: LCR WQP MR - The system failed to monitor for water quality parameters in accordance with TCEQ rules two times during the 1st 6M2014 monitoring period at entry point location 5713 FM 1006, Orange (EP001) and the distribution system.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(e)(2)
30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(3)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT I 141.87
40 CFR Chapter 141, SubChapter D, PT 141, SubPT I 141.90(a)

Description: LCR WQP MR - The system failed to monitor for water quality parameters in accordance with TCEQ rules two times during the 2nd 6M2014 monitoring period at entry point location 5713 FM 1006, Orange (EP001) and the distribution system.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(g)(2)(A)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT I 141.83
40 CFR Chapter 141, SubChapter D, PT 141, SubPT I 141.90(d)(1)

Description: LCR SOWT - The system failed to submit the Source Water Treatment Recommendation for alternative treatment including ion exchange, reverse osmosis, lime softening, coagulation/filtration, or none from the end of the reduced monitoring period from 01/01/2013 to 12/31/2013 plus 180 days.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(d)(2)(A)
30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(2)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT I 141.88
40 CFR Chapter 141, SubChapter D, PT 141, SubPT I 141.90(b)

Description: LCR SOWT MR - The system failed to monitor for source water treatment in accordance with TCEQ rules after exceeding the lead action level during the reduced monitoring period from 01/01/2013 to 12/31/2013 plus 180 days.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(5)
30 TAC Chapter 290, SubChapter F 290.117(k)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT I 141.85(a)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT I 141.85(b)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT I 141.90(f)(1)

Description: LCR PE - The system failed to deliver the public education materials in accordance with TCEQ rules 290.117(k)(4), 290.117(i)(5) after exceeding the lead action level during the reduced monitoring period from 01/01/2015 to 06/30/2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(5)
30 TAC Chapter 290, SubChapter F 290.117(k)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT I 141.85(a)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT I 141.85(b)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT I 141.90(f)(1)

Description: LCR PE - The system failed to deliver the public education materials in accordance with TCEQ rules 290.117(k)(4), 290.117(i)(5) after exceeding the lead action level during the reduced monitoring period from 07/01/2014 to 12/31/2014.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: LCR PE PN 01/01/2014 to 06/30/2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation for a failure to deliver the public education materials after an action level exceedance during the monitoring period from 01/01/2014 to 06/30/2014.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: LCR PE PN 07/01/2014 to 12/31/2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation for a failure to deliver the public education materials after an action level exceedance during the monitoring period from 07/01/2014 to 12/31/2014.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: LCR PE PN 01/01/2015 to 06/30/2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation for a failure to deliver the public education materials

after an action level exceedance during the monitoring period from 01/01/2015 to 06/30/2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(f)(3)
30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)

Description: LCR OCCT TT PN 06/01/2013 to 09/30/2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation for a failure to submit the OCCT Recommendation after an action level exceedance during the monitoring period from 01/01/2013 to 12/31/2013.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: LCR SOWT TT PN 06/01/2013 to 09/30/2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation for a failure to submit the SOWT recommendation after an action level exceedance during the monitoring period from 01/01/2013 to 12/31/2013.

Classification: Moderate

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

Description: LCR SOWT PN 06/01/2013 to 09/30/2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation for a failure to monitor for source water treatment after an action level exceedance during the monitoring period from 01/01/2013 to 12/31/2013.

Classification: Moderate

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

Description: LCR WQP PN 2nd 6M2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a water quality parameter monitoring and reporting violation for the monitoring period from 07/01/2014 to 12/31/2014 at the entry point and the distribution system.

Classification: Moderate

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

Description: LCR WQP PN 1st 6M2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a water quality parameter monitoring and reporting violation for the monitoring period from 01/01/2014 to 06/30/2014 at the entry point and the distribution system.

2 Effective Date: 05/19/2020 ADMINORDER 2019-1398-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 12 OP
Special Condition 2I OP

Description: Failure to prevent the release of unauthorized emissions to the atmosphere.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 12 OP

Description: Failure to prevent the release of unauthorized emissions to the atmosphere.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	September 15, 2016	(1372198)
Item 2	September 26, 2016	(1378375)
Item 3	November 18, 2016	(1384335)
Item 4	December 20, 2016	(1390472)
Item 5	January 16, 2017	(1397089)
Item 6	April 03, 2017	(145753)
Item 7	April 18, 2017	(1417571)
Item 8	May 22, 2017	(1402839)
Item 9	June 16, 2017	(1431166)
Item 10	July 20, 2017	(1439776)
Item 11	September 18, 2017	(1450091)
Item 12	November 17, 2017	(1461393)
Item 13	December 19, 2017	(1467772)
Item 14	February 19, 2018	(1486703)
Item 15	March 19, 2018	(1490381)
Item 16	April 20, 2018	(1493617)
Item 17	May 16, 2018	(1500535)
Item 18	June 19, 2018	(1507652)
Item 19	July 19, 2018	(1513969)
Item 20	September 18, 2018	(1527196)
Item 21	October 11, 2018	(1517751)
Item 22	October 19, 2018	(1533554)
Item 23	November 19, 2018	(1541389)
Item 24	December 19, 2018	(1545173)
Item 25	January 09, 2019	(1537800)
Item 26	February 19, 2019	(1559491)
Item 27	March 18, 2019	(1549524)
Item 28	March 20, 2019	(1559492)
Item 29	April 17, 2019	(1571770)
Item 30	May 14, 2019	(1583149)
Item 31	June 19, 2019	(1583150)
Item 32	July 23, 2019	(1579620)
Item 33	July 24, 2019	(1578875)
Item 34	August 16, 2019	(1582573)
Item 35	August 19, 2019	(1599429)
Item 36	September 18, 2019	(1606334)
Item 37	October 18, 2019	(1613180)
Item 38	November 19, 2019	(1618994)
Item 39	November 20, 2019	(1609670)
Item 40	December 16, 2019	(1626346)
Item 41	March 20, 2020	(1647126)
Item 42	June 12, 2020	(1646138)
Item 43	June 29, 2020	(1650423)
Item 44	July 20, 2020	(1673509)
Item 45	September 18, 2020	(1686854)
Item 46	October 20, 2020	(1693200)
Item 47	December 18, 2020	(1712293)
Item 48	January 19, 2021	(1712294)
Item 49	February 01, 2021	(1696749)
Item 50	February 19, 2021	(1725348)
Item 51	April 19, 2021	(1725350)
Item 52	June 18, 2021	(1706503)
Item 53	June 25, 2021	(1736679)

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: 10/14/2020 (1721938)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(5)
 30 TAC Chapter 290, SubChapter F 290.110(f)(7)
 Description: Non-Acute MRDL 2Q2020 - The system violated the MRDL by exceeding the running annual average of monthly averages for disinfectant residual at the end of the quarter.

2 Date: 10/31/2020 (1712292)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

3 Date: 11/04/2020 (1679266)
 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 Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
 40 CFR Part 63, Subpart A 63.11(b)(1)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 12 OP
 Special Condition 16A PERMIT
 Special Condition 3A PERMIT
 Description: Failure to maintain to the net heating value of the gas being combusted at 300 British thermal units per standard cubic foot (Btu/sfc) or greater for EPN E-DM801 and E-M600R.

EIC: Moderate 2(G); 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 Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 12 OP
 Special Condition 4B PERMIT
 Special Condition 6E PERMIT
 Description: Failure to plug, cap, or otherwise seal open-ended lines.

EIC: Minor (3)(A); C10
 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)
 General Terms and Conditions OP
 Special Condition 12 OP
 Special Condition 33 PERMIT
 Special Condition 9 OP
 Description: Failure to prevent a floating roof landing for reason other than maintenance or a service change.

EIC: Mod 2d; 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)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 12 OP
 Special Condition 23A PERMIT
 Description: Failure to conduct monthly volatile organic compounds (VOC) monitoring on cooling towers.

EIC: Mod 2d; B18(g)(1)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 3 OP

Description: Failure to maintain the limit of 20% opacity averaged over a six-minute period for EPN E-PE-860.

EIC: Mod 2d; B18(g)(1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 3 OP
Special Condition 3A(4) OP

Description: Failure to conduct Visible Emission (VE) observation an hour after sunrise.

EIC: Moderate2(G); B13

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report all deviations.

EIC: Minor 3C; B(3)

4 Date: 12/21/2020 (1721938)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(5)
30 TAC Chapter 290, SubChapter F 290.110(f)(7)

Description: Non-Acute MRDL 3Q2020 - The system violated the MRDL by exceeding the running annual average of monthly averages for disinfectant residual at the end of the quarter.

5 Date: 02/28/2021 (1725349)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

6 Date: 04/27/2021 (1721938)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(5)
30 TAC Chapter 290, SubChapter F 290.110(f)(7)

Description: Non-Acute MRDL 4Q2020 - The system violated the MRDL by exceeding the running annual average of monthly averages for disinfectant residual at the end of the quarter.

7 Date: 04/30/2021 (1739988)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

8 Date: 05/31/2021 (1747544)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

9 Date: 06/30/2021 (1751650)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

10 Date: 07/31/2021 (1757116)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

Notice of Intent Date: 01/26/2017 (1390148)

Disclosure Date: 06/14/2017

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.5
30 TAC Chapter 319, SubChapter A 319.7

Rqmt Prov: PERMIT Monitoring and Reporting No. 4
PERMIT Permit Conditions No. 2

Description: Failed to include additional chlorine residual samples in Discharge Monitoring Reports ("DMR") which would have indicated permit non-compliances. Specifically, while the permit requires only single grab sample per month to determine compliance with chlorine residual limits for domestic sewage, additional chlorine residual grab samples were collected at the same sampling point for plan informational purposes, the samples were not included in the DMRs and were not utilized to determine permit com

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT Permit Conditions No. 2

Description: Failed to collect chlorine residual samples at periods representative of peak flow and to provide a 20 minute chlorine contact time prior to the exit point from the contact chamber.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT Operational Requirement No. 1

Description: Failed to prevent sediment loading into the API separator from allowing oil to bypass the weir to the aeration basins.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT General Requirement No. 1.a.

Description: Failed to accurately report COD maximum at Outfall 002 in the Discharge Monitoring Report for January 2016. Specifically, the analytical report dated January 7, 2016 was not entered into the DMR. Instead, the report contained the COD maximum for the month, resulting in a lower number being reported as the maximum in the January DMR.

Notice of Intent Date: 01/23/2017 (1390153)

Disclosure Date: 06/14/2017

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(2)
30 TAC Chapter 290, SubChapter D 290.47(f)

Description: Failed to install a backflow prevention device at two locations: 1) where raw water is connected to an abandoned process unit (DF-604) and to a softened water system; and 2) where raw water is connected to two pieces of equipment in the laboratory that are connected to steam.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)

Description: Failed to conduct the required annual inspection of water system tanks and pressure maintenance equipment.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(V)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)

Description: Failed to maintain public water supply records as follows: 1) bleach quantity used for each week on July 16th and March 17th, and the reporting is inconsistent with respect to number of samples collected and intervals between sample collection; 2) record of the amount of water treated and water distributed for each week is sometimes reported at intervals more than one week apart; and 3) the record of scheduling the dead-end main flushing for 2016 is missing.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)

Description: Failed to monitor disinfectant residual at least once every seven days. Specifically, records indicate weekly samples were taken at inconsistent intervals that were more than seven days apart.

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(i)

Description: Failed to maintain the required record of microbiological analysis from June 2012.

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iv)

Description: Failed to maintain flow meter calibration records from November 2016, when existing flow meters were either calibrated or replaced.

Notice of Intent Date: 03/02/2018 (1474042)

Disclosure Date: 05/29/2018

Viol. Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.10
30 TAC Chapter 116, SubChapter B 116.110(a)(1)
30 TAC Chapter 116, SubChapter B 116.110(a)(2)
30 TAC Chapter 116, SubChapter B 116.110(a)(3)
30 TAC Chapter 116, SubChapter B 116.110(a)(4)

Description: Failed to maintain documentation to demonstrate that a two million-gallon capacity above ground storage tank, Tank F-741, was properly authorized. Firestone discovered 95,000 gallons of No. 6 Fuel Oil inside of the tank and has not been reporting breathing losses from the tank in its emissions inventory or otherwise treating the tank as subject to regulatory requirements.

Notice of Intent Date: 10/22/2018 (1526645)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 8/30/2016 and 8/30/2021

- 1 Date: 12/02/2016 (1375524)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter B 116.110(b)
5C THSC Chapter 382 382.085(b)
Description: Failure to obtain authorization for the odorizing facility equipment. EIC Category B18; Moderate (G)
- 2 Date: 01/03/2017 (1375647)
Self Report? NO Classification: Minor
Citation: OpR 1, Pg. 9 PERMIT
Description: Failure by Firestone Polymers to ensure that all systems of collection, treatment and disposal are properly operated and maintained.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.4(1)
Description: Failure by Firestone Polymers to prevent the discharge or imminent threat of discharge of industrial solid waste or municipal hazardous waste into or adjacent to waters in the state without obtaining specific authorization for such a discharge.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(1)
Description: Failure by Firestone Polymers to keep records of all hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site.
- 3 Date: 01/31/2017 (1403973)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 4 Date: 02/28/2017 (1411074)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 5 Date: 04/30/2017 (1425167)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 6 Date: 07/31/2017 (1443464)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 7 Date: 08/07/2017 (1414488)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
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 Db 60.49b(d)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 12 OP
Special Condition 1A OP
Description: Failure to maintain records of natural gas flow to Boiler EB-110.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.130
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)
General Terms and Conditions OP
Special Condition 12 OP
Special Condition 1A OP
Special Condition 3E PERMIT

Description: Failure to install a cap, blind flange, plug, or a second valve on equipment operating in VOC service.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 115, SubChapter B 115.114(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP

Description: Failure to conduct the visual inspection of tank emission point number (EPN) DF-137 within 12 months of the previous inspection.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(5)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.122(h)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.506(e)(7)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.484(a)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP

Description: Failure to submit a notification at least 30 days prior to the refilling of tank emission point number (EPN) DF-137 and DF-138 after being emptied and degassed.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 113, SubChapter C 113.100
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 A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 12 OP
Special Condition 1A OP
Special Condition 25 PERMIT

Description: Failure to prevent visible emissions for more than five minutes in any two-hour period from the West Flare.

8 Date: 09/30/2017 (1455910)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

9 Date: 12/31/2017 (1474476)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

10 Date: 05/09/2018 (1481239)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(ii)
Description: Failure by the Firestone Polymers WS to provide a minimum pressure tank capacity of 220 gallons in pressure plane #1.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(B)
Description: Failure by Firestone Polymers to provide a well casing that extends 18 inches above the finished ground surface.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(b)(5)

Description: Failure by Firestone Polymers to maintain plant equipment tight against leakage.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
 Description: Failure by Firestone Polymers to maintain the disinfection residual above 0.20 mg/L free chlorine throughout the distribution.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)
 Description: Failure by Firestone Polymers to conduct annual accuracy tests on backflow prevention assemblies within the distribution system.

11 Date: 07/16/2018 (1482450)
 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 Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Condition 7 PERMIT
 Special Terms and Conditions 12 OP
 Description: Failure to maintain the minimum net heating value of the gas being combusted in the Flares at or above 300 British Thermal Units per Standard Cubic Feet (BTUs/SCF), when waste gas was being sent to the Flares.
 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 24 PERMIT
 Special Terms and Conditions 12 OP
 Description: Failure to prevent an unnecessary Floating Roof landing.
 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)
 General Condition 10 PERMIT
 Special Terms and Conditions 12 OP
 Special Terms and Conditions 3A(iv)(1) OP
 Description: Failure to conduct a quarterly visible emissions observation on Engine P-8028 during the third quarter of 2017.

12 Date: 07/31/2018 (1520031)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

13 Date: 08/22/2018 (1429054)
 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 Terms and Conditions 12 OP
 Special Terms and Conditions 5 PERMIT
 Description: Failure to operate the regenerative thermal oxidizers Emission Point Number (EPN) E-RGTO with no less than 97.42 percent efficiency in disposing of the carbon compounds captured by the collection system.

14 Date: 12/31/2018 (1559493)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

15 Date: 06/30/2019 (1593083)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

16 Date: 08/02/2019 (1571216)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
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 60.13(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(f)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(e)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 23B PERMIT
Special Condition 3A and 3B PERMIT
Special Condition 7 PERMIT

Description: Failure for the owner or operator of an affected facility subject to Nitrogen Oxides (NOX) and Carbon Monoxide (CO) standards, to properly operate and maintain the Continuous Emissions Monitoring System (CEMS) such that representative measurements of emissions or process parameters from the affected facility are obtained from July 13, 2018 to July 23, 2018.

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)
General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 12 OP

Description: Failure to maintain hourly emission rates below the allowable emission limits for Boiler 110.

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)
General Terms and Conditions OP
Special Condition 12 OP
Special Condition 7F PERMIT

Description: Failure to demonstrate a system reliability of at least 90% for the CEMS based on an annual rolling period during the compliance period as reported in the Federal Operating Permits (FOPs) O-1271 semi-annual deviation reports for the reporting periods of March 1, 2018 to August 31, 2018 and September 1, 2018 to February 28, 2019.

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 Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
40 CFR Part 63, Subpart A 63.11(b)(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 12 OP
Special Condition 16A PERMIT
Special Condition 3A PERMIT

Description: Failure to maintain a net heating value of the gas at combusted at 11.2 MJ/scm (300 Btu/scf) or greater for the facility flares from March 12, 2018 to August 22, 2018 and September 13, 2018 to February 22, 2019, as reported in the Federal Operating Permits (FOPs) O-1271 semi-annual deviation reports for the reporting periods of March 1, 2018 to August 31, 2018 and September 1, 2018 to February 28, 2019.

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 Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(e)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 12 OP
Special Condition 3A PERMIT
Special Condition 3B PERMIT
Special Condition 6E OP

Description: Failure to take the necessary corrective actions within 24-hr for the NOx analyzer from June 13, 2018 to June 18, 2018 as reported in the Federal Operating Permits (FOPs) O-1271 semi-annual deviation reports for the reporting periods of March 1, 2018 to August 31, 2018 and September 1, 2018 to February 28, 2019.

Self Report? NO 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)(G)
5C THSC Chapter 382 382.085(b)

General Terms and Conditions OP
 Special Condition 12 OP
 Special Condition 16E PERMIT
 Description: Failure to maintain records of the vent stream flow and total BTU content to the South Flare as reported in the Federal Operating Permits (FOPs) O-1271 semi-annual deviation reports for the reporting periods of March 1, 2018 to August 31, 2018 and September 1, 2018 to February 28, 2019.

Self Report? NO Classification: Moderate
 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)
 General Terms and Conditions OP
 Special Condition 12 OP
 Special condition 6E PERMIT

Description: Failure to operate without a cap, blind flange, plug, or a second valve installed on equipment in Volatile Organic Compound (VOC) service as reported in the Federal Operating Permits (FOPs) O-1271 semi-annual deviation reports for the reporting periods of March 1, 2018 to August 31, 2018 and September 1, 2018 to February 28, 2019.

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.

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 Chapter 60, SubChapter C, PT 60, SubPT A 60.13(c)(2)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(e)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition 12 OP
 Special Condition 23B PERMIT

Description: Failure to submit the May 27, 2017 and May 31, 2018 RATA reports as required by Appendix F, Procedure 1, of Part 60.

17 Date: 08/20/2019 (1576959)
 Self Report? NO Classification: Moderate
 Citation: OpR, No. 1, Pg. 9 PERMIT
 Description: Failure by Firestone Polymers, LLC., to properly operate and maintain all systems of collection, treatment, and disposal. (Cooling Tower)

Self Report? NO Classification: Moderate
 Citation: M&RR, No. 7(c), Pg. 5 PERMIT
 Description: Failure by Firestone Polymers, LLC., to report effluent non-compliances that deviate greater than 40% of the effluent limit within five working days of becoming aware to the TCEQ Compliance Monitoring Team and the Regional Office.

18* Date: 12/31/2019 (1633987)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

19* Date: 01/31/2020 (1640606)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

20* Date: 03/31/2020 (1653462)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

21* Date: 04/30/2020 (1660048)

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

22* Date: 05/31/2020 (1666551)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

23* Date: 07/28/2020 (1664182)
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 Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
40 CFR Part 63, Subpart A 63.11(b)(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 12 OP
Special Condition 16A PERMIT
Special Condition 3A PERMIT
Description: Failure to maintain to the net heating value of the gas being combusted at 300 British thermal units per standard cubic foot (Btu/sfc) or greater for EPN E-DM801 and E-M600R.
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 Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 12 OP
Special Condition 4B PERMIT
Special Condition 6E PERMIT
Description: Failure to plug, cap, or otherwise seal open-ended lines.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(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 A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 12 OP
Special Condition 16D PERMIT
Special Condition 9 OP
Description: Failure to operate the flare with no visible emissions except periods not to exceed a total of five minutes during any two consecutive hours for EPN DM801.

24* Date: 07/31/2020 (1680283)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

25 Date: 10/14/2020 (1721938)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(5)
30 TAC Chapter 290, SubChapter F 290.110(f)(7)
Description: Non-Acute MRDL 2Q2020 - The system violated the MRDL by exceeding the running annual average of monthly averages for disinfectant residual at the end of the quarter.

26 Date: 10/31/2020 (1712292)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

27 Date: 11/04/2020 (1679266)

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 Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
40 CFR Part 63, Subpart A 63.11(b)(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 12 OP
Special Condition 16A PERMIT
Special Condition 3A PERMIT
Description: Failure to maintain to the net heating value of the gas being combusted at 300 British thermal units per standard cubic foot (Btu/sfc) or greater for EPN E-DM801 and E-M600R.

EIC: Moderate 2(G); 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 Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 12 OP
Special Condition 4B PERMIT
Special Condition 6E PERMIT
Description: Failure to plug, cap, or otherwise seal open-ended lines.

EIC: Minor (3)(A); C10

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)
General Terms and Conditions OP
Special Condition 12 OP
Special Condition 33 PERMIT
Special Condition 9 OP
Description: Failure to prevent a floating roof landing for reason other than maintenance or a service change.

EIC: Mod 2d; 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)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 12 OP
Special Condition 23A PERMIT
Description: Failure to conduct monthly volatile organic compounds (VOC) monitoring on cooling towers.

EIC: Mod 2d; B18(g)(1)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 3 OP
Description: Failure to maintain the limit of 20% opacity averaged over a six-minute period for EPN E-PE-860.

EIC: Mod 2d; B18(g)(1)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 3 OP
Special Condition 3A(4) OP
Description: Failure to conduct Visible Emission (VE) observation an hour after sunrise.

EIC: Moderate2(G); B13

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report all deviations.

EIC: Minor 3C; B(3)

- 28 Date: 12/21/2020 (1721938)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(5)
30 TAC Chapter 290, SubChapter F 290.110(f)(7)
Description: Non-Acute MRDL 3Q2020 - The system violated the MRDL by exceeding the running annual average of monthly averages for disinfectant residual at the end of the quarter.
- 29 Date: 02/28/2021 (1725349)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 30 Date: 04/27/2021 (1721938)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(5)
30 TAC Chapter 290, SubChapter F 290.110(f)(7)
Description: Non-Acute MRDL 4Q2020 - The system violated the MRDL by exceeding the running annual average of monthly averages for disinfectant residual at the end of the quarter.
- 31 Date: 04/30/2021 (1739988)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 32 Date: 05/31/2021 (1747544)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 33 Date: 06/30/2021 (1751650)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 34 Date: 07/31/2021 (1757116)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

* NOVs applicable for the Compliance History rating period 9/1/2015 to 8/31/2020

Appendix B**All Investigations Conducted During Component Period August 30, 2016 and August 30, 2021**

Item 1	September 14, 2016**	(1357604)
Item 2*	September 15, 2016**	(1372198)
Item 3*	September 26, 2016**	(1378375)
Item 4*	November 18, 2016**	(1384335)
Item 5*	December 20, 2016**	(1390472)
Item 6	January 03, 2017**	(1375647)
Item 7*	January 16, 2017**	(1397089)
Item 8	February 17, 2017**	(1403973)
Item 9	March 16, 2017**	(1411074)
Item 10	March 30, 2017**	(1396893)
Item 11*	April 03, 2017**	(145753)
Item 12*	April 18, 2017**	(1417571)
Item 13	May 19, 2017**	(1425167)
Item 14*	May 22, 2017**	(1402839)
Item 15*	June 16, 2017**	(1431166)
Item 16	June 22, 2017**	(1417449)
Item 17*	July 20, 2017**	(1439776)
Item 18	August 03, 2017**	(1414488)
Item 19	August 18, 2017**	(1443464)
Item 20*	September 18, 2017**	(1450091)
Item 21	October 19, 2017**	(1455910)
Item 22	November 16, 2017**	(1449985)
Item 23*	November 17, 2017**	(1461393)
Item 24*	December 19, 2017**	(1467772)
Item 25	February 19, 2018**	(1474476)
Item 26*	March 19, 2018**	(1490381)
Item 27*	April 20, 2018**	(1493617)
Item 28	May 10, 2018**	(1481239)
Item 29*	May 16, 2018**	(1500535)
Item 30*	June 19, 2018**	(1507652)
Item 31	July 11, 2018**	(1482450)
Item 32*	July 19, 2018**	(1513969)
Item 33	August 21, 2018**	(1520031)
Item 34	August 22, 2018**	(1429054)
Item 35	September 14, 2018**	(1512008)
Item 36*	September 18, 2018**	(1527196)
Item 37*	October 11, 2018**	(1517751)
Item 38*	October 19, 2018**	(1533554)
Item 39	October 29, 2018**	(1513915)
Item 40*	November 19, 2018**	(1541389)

Item 41*	December 19, 2018**	(1545173)
Item 42	January 08, 2019**	(1533450)
Item 43*	January 09, 2019**	(1537800)
Item 44	January 18, 2019**	(1559493)
Item 45*	February 19, 2019**	(1559491)
Item 46*	March 18, 2019**	(1549524)
Item 47*	March 20, 2019**	(1559492)
Item 48*	April 17, 2019**	(1571770)
Item 49*	May 14, 2019**	(1583149)
Item 50*	June 19, 2019**	(1583150)
Item 51	July 12, 2019**	(1593083)
Item 52*	July 23, 2019**	(1579620)
Item 53*	July 24, 2019**	(1578875)
Item 54	July 31, 2019**	(1571216)
Item 55*	August 16, 2019**	(1582573)
Item 56*	August 19, 2019**	(1599429)
Item 57	August 20, 2019**	(1576959)
Item 58	August 26, 2019**	(1579944)
Item 59	September 11, 2019**	(1590200)
Item 60*	September 18, 2019**	(1606334)
Item 61*	October 18, 2019**	(1613180)
Item 62*	November 19, 2019**	(1618994)
Item 63*	November 20, 2019**	(1609670)
Item 64*	December 16, 2019**	(1626346)
Item 65	January 20, 2020**	(1633987)
Item 66	February 20, 2020**	(1640606)
Item 67*	March 20, 2020**	(1647126)
Item 68	April 20, 2020**	(1653462)
Item 69	May 20, 2020**	(1660048)
Item 70	June 10, 2020**	(1639701)
Item 71*	June 12, 2020**	(1646138)
Item 72	June 19, 2020**	(1666551)
Item 73*	June 29, 2020**	(1650423)
Item 74*	July 20, 2020**	(1673509)
Item 75	July 22, 2020**	(1664182)
Item 76	August 20, 2020**	(1680283)
Item 77*	September 18, 2020	(1686854)
Item 78	October 09, 2020	(1677362)
Item 79*	October 20, 2020	(1693200)
Item 80	October 28, 2020	(1679266)
Item 81	November 20, 2020	(1712292)
Item 82*	December 18, 2020	(1712293)

Item 83*	January 19, 2021	(1712294)
Item 84*	February 01, 2021	(1696749)
Item 85*	February 19, 2021	(1725348)
Item 86	March 19, 2021	(1725349)
Item 87	April 12, 2021	(1705708)
Item 88*	April 19, 2021	(1725350)
Item 89	May 12, 2021	(1721938)
Item 90	May 14, 2021	(1722090)
Item 91	May 28, 2021	(1739988)
Item 92*	June 18, 2021	(1706503)
Item 93*	June 25, 2021	(1736679)
Item 94	July 20, 2021	(1751650)
Item 95	August 18, 2021	(1757116)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2015 and 08/31/2020.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
LION ELASTOMERS ORANGE,
LLC
RN100224468**

§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2021-0664-PWS-E**

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding LION ELASTOMERS ORANGE, LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

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

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 5713 Farm-to-Market Road 1006 near Orange, Orange County, Texas (the "Facility"). The Facility provides water for human consumption, has one service connection, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. During a record review conducted on May 3, 2021 through May 14, 2021, an investigator documented that the running annual average concentrations for chlorine were 4.1 milligrams per liter ("mg/L") for the second quarter of 2020, 5.2 mg/L for the third quarter of 2020, and 5.0 mg/L for the fourth quarter of 2020.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to comply with the maximum residual disinfectant level ("MRDL") of 4.0 mg/L for chlorine based on a running annual average, in violation of 30 TEX. ADMIN. CODE § 290.110(b)(5) and (f)(7) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$1,987 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent paid the \$1,987 penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: LION ELASTOMERS ORANGE, LLC, Docket No. 2021-0664-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 365 days after the effective date of this Order, return to compliance with the MDRL for chlorine, based on the running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.110.
 - b. Within 380 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including

photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Drinking Water Special Functions Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. 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.
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 in this Order.

7. 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.
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

5/18/2022

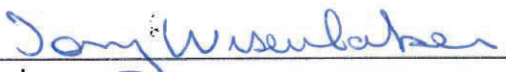
Date

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

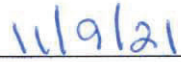
I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

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

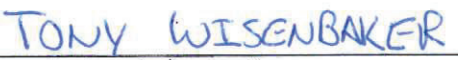
In addition, any falsification of any compliance documents may result in criminal prosecution.




Signature



Date



Name (Printed or typed)
Authorized Representative of
LION ELASTOMERS ORANGE, LLC



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.