

Executive Summary – Enforcement Matter – Case No. 60914
Eastman Chemical Texas City, Inc.
RN100212620
Docket No. 2021-0791-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:

Eastman Chemical Texas City, 201 Bay Street South, Texas City, Galveston 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: April 22, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$1,637

Total Paid to General Revenue: \$1,637

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 31, 2021 through June 11, 2021

Date(s) of NOE(s): June 11, 2021

**Executive Summary – Enforcement Matter – Case No. 60914
Eastman Chemical Texas City, Inc.
RN100212620
Docket No. 2021-0791-PWS-E**

Violation Information

Failed to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes based on the locational running annual average [30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On November 4, 2021, the Respondent returned to compliance with the maximum contaminant level for total trihalomethanes based on the locational running annual average.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: America Ruiz, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2601; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Andy Venables, Site Manager, Eastman Chemical Texas City, Inc., 201 Bay Street South, Texas City, Texas 77590

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	14-Jun-2021	Screening	17-Jun-2021	EPA Due	30-Sep-2021
	PCW	17-Jun-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Eastman Chemical Texas City, Inc.
Reg. Ent. Ref. No.	RN100212620
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60914	No. of Violations	1
Docket No.	2021-0791-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	America Ruiz
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,250
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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	41.0% Adjustment	Subtotals 2, 3, & 7	\$512
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Notes: Enhancement for three NOVs with the same/similar violation, three NOVs with dissimilar violations, and one agreed order containing a denial of liability.

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	-\$125
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$295
 Estimated Cost of Compliance: \$5,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,637
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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	\$1,637
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,637
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DEFERRAL	0.0% Reduction Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$1,637
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Screening Date 17-Jun-2021

Docket No. 2021-0791-PWS-E

PCW

Respondent Eastman Chemical Texas City, Inc.

Policy Revision 5 (January 28, 2021)

Case ID No. 60914

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100212620

Media Public Water Supply

Enf. Coordinator America Ruiz

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	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 41%

>> 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 the same/similar violation, three NOVs with dissimilar violations, and one agreed order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 41%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 41%

Screening Date 17-Jun-2021
Respondent Eastman Chemical Texas City, Inc.
Case ID No. 60914
Reg. Ent. Reference No. RN100212620
Media Public Water Supply
Enf. Coordinator America Ruiz

Docket No. 2021-0791-PWS-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligram per liter ("mg/L") for total trihalomethanes ("TTHM"), based on the locational running annual average. Specifically, the locational running annual average concentrations of TTHM for Stage 2 Disinfection Byproducts at Site 1 were 0.086 mg/L for the fourth quarter of 2020, 0.085 mg/L for the first quarter of 2021, and 0.087 mg/L for the second quarter of 2021.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

Adjustment \$3,750

\$1,250

Violation Events

Number of Violation Events 1 272 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

10.0%

Reduction \$125

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

Notes

The Respondent achieved compliance on November 4, 2021.

Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$295

Violation Final Penalty Total \$1,638

This violation Final Assessed Penalty (adjusted for limits) \$1,638

Economic Benefit Worksheet

Respondent Eastman Chemical Texas City, Inc.
Case ID No. 60914
Reg. Ent. Reference No. RN100212620
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	31-Dec-2020	4-Nov-2021	0.84	\$14	\$281	\$295
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 other (as needed) cost includes the estimated amount to investigate, identify, and implement the necessary corrective actions to return to compliance with the MCL for TTHM, calculated from the last day of the first quarter of noncompliance to 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 \$295

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN600126288, RN100212620, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN600126288, Eastman Chemical Texas City, Inc. **Classification:** SATISFACTORY **Rating:** 1.65
Regulated Entity: RN100212620, EASTMAN CHEMICAL TEXAS CITY **Classification:** SATISFACTORY **Rating:** 1.65
Complexity Points: 32 **Repeat Violator:** NO
CH Group: 05 - Chemical Manufacturing
Location: 201 BAY STREET SOUTH IN TEXAS CITY, GALVESTON COUNTY, TEXAS
TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER GB0060B
AIR OPERATING PERMITS PERMIT 1936
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0840019
AIR NEW SOURCE PERMITS REGISTRATION 76074
AIR NEW SOURCE PERMITS REGISTRATION 70651
AIR NEW SOURCE PERMITS PERMIT 3260A
AIR NEW SOURCE PERMITS PERMIT 5260B
AIR NEW SOURCE PERMITS PERMIT 22011
AIR NEW SOURCE PERMITS REGISTRATION 23495
AIR NEW SOURCE PERMITS REGISTRATION 32246
AIR NEW SOURCE PERMITS REGISTRATION 40209
AIR NEW SOURCE PERMITS REGISTRATION 40704
AIR NEW SOURCE PERMITS REGISTRATION 45863
AIR NEW SOURCE PERMITS REGISTRATION 48205
AIR NEW SOURCE PERMITS REGISTRATION 49811
AIR NEW SOURCE PERMITS REGISTRATION 72435
AIR NEW SOURCE PERMITS REGISTRATION 74288
AIR NEW SOURCE PERMITS REGISTRATION 77088
AIR NEW SOURCE PERMITS REGISTRATION 78327
AIR NEW SOURCE PERMITS REGISTRATION 84452
AIR NEW SOURCE PERMITS REGISTRATION 99202
AIR NEW SOURCE PERMITS REGISTRATION 137242
AIR NEW SOURCE PERMITS REGISTRATION 140728
AIR NEW SOURCE PERMITS REGISTRATION 111742
AIR NEW SOURCE PERMITS REGISTRATION 147395
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30285
STORMWATER PERMIT TXR1511CM
WASTEWATER EPA ID TX0005762
POLLUTION PREVENTION PLANNING ID NUMBER P00656
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008079527
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50144
TAX RELIEF ID NUMBER 20036
TAX RELIEF ID NUMBER 20616

AIR OPERATING PERMITS PERMIT 1400
AIR OPERATING PERMITS PERMIT 1938
AIR NEW SOURCE PERMITS REGISTRATION 144537
AIR NEW SOURCE PERMITS ACCOUNT NUMBER GB0060B
AIR NEW SOURCE PERMITS AFS NUM 4816700010
AIR NEW SOURCE PERMITS REGISTRATION 7703A
AIR NEW SOURCE PERMITS PERMIT 18742
AIR NEW SOURCE PERMITS REGISTRATION 23494
AIR NEW SOURCE PERMITS REGISTRATION 24458
AIR NEW SOURCE PERMITS REGISTRATION 34168
AIR NEW SOURCE PERMITS REGISTRATION 40705
AIR NEW SOURCE PERMITS REGISTRATION 40706
AIR NEW SOURCE PERMITS REGISTRATION 46213
AIR NEW SOURCE PERMITS REGISTRATION 49637
AIR NEW SOURCE PERMITS REGISTRATION 71704
AIR NEW SOURCE PERMITS REGISTRATION 74140
AIR NEW SOURCE PERMITS REGISTRATION 74346
AIR NEW SOURCE PERMITS REGISTRATION 73435
AIR NEW SOURCE PERMITS REGISTRATION 83998
AIR NEW SOURCE PERMITS REGISTRATION 85077
AIR NEW SOURCE PERMITS REGISTRATION 139957
AIR NEW SOURCE PERMITS REGISTRATION 111741
AIR NEW SOURCE PERMITS REGISTRATION 134001
AIR NEW SOURCE PERMITS REGISTRATION 136905
AIR NEW SOURCE PERMITS REGISTRATION 156790
STORMWATER PERMIT TXR05AK45
WASTEWATER PERMIT WQ0000575000
AIR EMISSIONS INVENTORY ACCOUNT NUMBER GB0060B
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30285
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50114
TAX RELIEF ID NUMBER 20061
TAX RELIEF ID NUMBER 18912

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

Date Compliance History Report Prepared: October 21, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 21, 2016 to October 21, 2021

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

Name: America Ruiz

Phone: (512) 239-2601

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: 02/04/2019 ADMINORDER 2017-1520-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Major
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(F)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: O-1938 OP
Description: Failure to complete quarterly opacity observations for stationary vents. (Category A8)

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	November 15, 2016	(1384380)
Item 2	December 19, 2016	(1390517)
Item 3	January 17, 2017	(1383496)
Item 4	January 18, 2017	(1397134)
Item 5	February 16, 2017	(1404018)
Item 6	March 09, 2017	(1396647)
Item 7	April 19, 2017	(1417622)
Item 8	May 09, 2017	(1401053)
Item 9	May 18, 2017	(1425211)
Item 10	June 20, 2017	(1431214)
Item 11	July 18, 2017	(1439823)
Item 12	July 21, 2017	(1415637)
Item 13	July 24, 2017	(1416770)
Item 14	August 17, 2017	(1443511)
Item 15	September 20, 2017	(1450138)
Item 16	October 18, 2017	(1455958)
Item 17	November 17, 2017	(1461439)
Item 18	January 18, 2018	(1474523)
Item 19	February 20, 2018	(1486749)
Item 20	March 14, 2018	(1490426)
Item 21	April 20, 2018	(1493663)
Item 22	May 18, 2018	(1500581)
Item 23	June 20, 2018	(1507698)
Item 24	June 26, 2018	(1435956)
Item 25	July 19, 2018	(1514015)
Item 26	August 13, 2018	(1482650)
Item 27	August 20, 2018	(1520077)
Item 28	August 22, 2018	(1507496)
Item 29	September 20, 2018	(1527242)
Item 30	October 19, 2018	(1533600)
Item 31	October 25, 2018	(1504383)
Item 32	November 19, 2018	(1541435)

Item 33	December 13, 2018	(1545219)
Item 34	January 17, 2019	(1559632)
Item 35	February 19, 2019	(1559630)
Item 36	February 26, 2019	(1545032)
Item 37	March 20, 2019	(1559631)
Item 38	April 18, 2019	(1571816)
Item 39	May 20, 2019	(1583241)
Item 40	June 19, 2019	(1583242)
Item 41	July 18, 2019	(1593129)
Item 42	August 01, 2019	(1580325)
Item 43	August 20, 2019	(1599475)
Item 44	September 20, 2019	(1606380)
Item 45	September 26, 2019	(1472140)
Item 46	October 18, 2019	(1613226)
Item 47	November 20, 2019	(1619040)
Item 48	December 09, 2019	(1604578)
Item 49	December 16, 2019	(1626392)
Item 50	January 20, 2020	(1634033)
Item 51	January 31, 2020	(1616730)
Item 52	February 19, 2020	(1640652)
Item 53	March 18, 2020	(1647172)
Item 54	April 20, 2020	(1653508)
Item 55	May 20, 2020	(1660094)
Item 56	June 18, 2020	(1666599)
Item 57	July 16, 2020	(1673556)
Item 58	August 20, 2020	(1664618)
Item 59	September 18, 2020	(1686900)
Item 60	October 20, 2020	(1693247)
Item 61	November 13, 2020	(1712431)
Item 62	December 20, 2020	(1712432)
Item 63	January 20, 2021	(1712433)
Item 64	February 20, 2021	(1725486)
Item 65	March 17, 2021	(1725487)
Item 66	April 20, 2021	(1725488)
Item 67	May 20, 2021	(1740051)
Item 68	June 17, 2021	(1747573)
Item 69	July 20, 2021	(1751696)
Item 70	August 20, 2021	(1757160)
Item 71	August 23, 2021	(1746858)
Item 73	September 01, 2021	(1709092)
Item 74	September 17, 2021	(1766240)

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: 11/19/2020 (1725142)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 4Q2020 - During the 4th quarter of 2020 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.086 mg/L at 201 Bay St S, Control RM-Restroom Womans (DBP2-01).

- 2 Date: 02/03/2021 (1695948)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.112(e)(1)
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 OP
NSR PERMIT
Description: Failure to vent tank emissions through a control device during tank refilling. (Category B17)

- 3 Date: 02/09/2021 (1697924)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP OP
 NEW SOURCE REVIEW PERMIT
 Description: Failure to maintain water scrubber emission control efficiency at minimum of 99%. (Category C4)
- 4 Date: 04/29/2021 (1725142)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
 Description: TTHM LRAA MCL 1Q2021 - During the 1st quarter of 2021 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.085 mg/L at 201 Bay St S, Control RM-Restroom Woman (DBP2-01).
- 5 Date: 05/26/2021 (1725142)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
 Description: TTHM LRAA MCL 2Q2021 - During the 2nd quarter of 2021 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.087 mg/L at 201 Bay St S, Control RM-Restroom Woman (DBP2-01).
- 6 Date: 08/17/2021 (1745650)
 Self Report? NO Classification: Minor
 Citation: 1936 OP
 22011 PERMIT
 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 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to cap open-ended lines (OELs). (Category C10)

F. Environmental audits:

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
EASTMAN CHEMICAL TEXAS
CITY, INC.
RN100212620**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2021-0791-PWS-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Eastman Chemical Texas City, Inc. (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 201 Bay Street South in Texas City, Galveston County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 78 service connections, 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 31, 2021 through June 11, 2021, an investigator documented that the locational running annual average concentrations of total trihalomethanes ("TTHM") for Stage 2 Disinfection Byproducts at Site 1 were 0.086 milligram per liter ("mg/L") for the fourth quarter of 2020, 0.085 mg/L for the first quarter of 2021, and 0.087 mg/L for the second quarter of 2021.
3. The Executive Director recognizes that on November 4, 2021, the Respondent returned to compliance with the maximum contaminant level ("MCL") for TTHM, based on the locational running annual average.

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 MCL of 0.080 mg/L for TTHM, based on the locational running annual average, in violation of 30 TEX. ADMIN. CODE § 290.115(f)(1) 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 \$1,637 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 \$1,637 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 for 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: Eastman Chemical Texas City, Inc., Docket No. 2021-0791-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. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. 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.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent

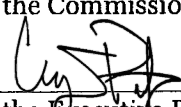
shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. 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.
6. 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.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

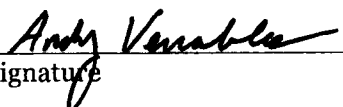
_____ For the Commission	_____ Date
 _____ For the Executive Director	<u>8/10/2022</u> _____ Date

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	<u>1/20/2022</u> _____ Date
<u>ANDY VENABLES</u> _____ Name (Printed or typed) Authorized Representative of Eastman Chemical Texas City, Inc.	<u>SITE MANAGER</u> _____ 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.