

Executive Summary – Enforcement Matter – Case No. 60935
LyondellBasell Acetyls, LLC
RN100217207
Docket No. 2021-0817-IWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

LyondellBasel Syngas, located at 11603B Strang Road, approximately one-half mile east of the intersection of Strang Road and Miller Cut-Off Road, La Porte, Harris County

Type of Operation:

Carbon monoxide, hydrogen, and methanol manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 1, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$17,600

Amount Deferred for Expedited Settlement: \$3,520

Total Paid to General Revenue: \$7,040

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$7,040

Name of SEP: City of Morgan’s Point (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - N/A

Site/RN - N/A

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 19, 2021

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

Executive Summary – Enforcement Matter – Case No. 60935
LyondellBasell Acetyls, LLC
RN100217207
Docket No. 2021-0817-IWD-E

Violation Information

Failed to comply with permitted effluent limitations for total suspended solids, total organic carbon, and pH [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004092000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, Outfall Nos. 001 and 002].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to, within 130 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0004092000, including specific corrective actions that were implemented at the Plant to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Deanna Dunseith, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-2610; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

SEP Third-Party Administrator: City of Morgan's Point, 510 Bayridge Road, Morgan's Point, Texas 77571

Respondent: Thomas Aebischer, Executive Vice President, LyondellBasell Acetyls, LLC, 1221 McKinney Street, Suite 700, Houston, Texas 77010

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	21-Jun-2021			
	PCW	22-Jun-2021	Screening	21-Jun-2021	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	LyondellBasell Acetyls, LLC
Reg. Ent. Ref. No.	RN100217207
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60935	No. of Violations	3
Docket No.	2021-0817-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Alyssa Loveday
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$13,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	28.0% Adjustment	Subtotals 2, 3, & 7	\$3,850
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Notes: Enhancement for three months of self-reported effluent violations, one NOV with dissimilar violations, and one order containing a denial of liability. Reduction for three notices of intent to conduct an audit and three disclosures of violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$2,377
 Estimated Cost of Compliance: \$25,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$17,600
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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	\$17,600
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$17,600
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DEFERRAL	20.0%	Reduction	Adjustment	-\$3,520
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$14,080
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Screening Date 21-Jun-2021

Docket No. 2021-0817-IWD-E

PCW

Respondent LyondellBasell Acetyls, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 60935

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100217207

Media Water Quality

Enf. Coordinator Alyssa Loveday

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	1	2%
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>)	3	-3%
	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) 28%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three months of self-reported effluent violations, one NOV with dissimilar violations, and one order containing a denial of liability. Reduction for three notices of intent to conduct an audit and three disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 28%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 28%

Screening Date 21-Jun-2021
Respondent LyondellBasell Acetyls, LLC
Case ID No. 60935
Reg. Ent. Reference No. RN100217207
Media Water Quality
Enf. Coordinator Alyssa Loveday

Docket No. 2021-0817-IWD-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004092000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 001

Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> **Environmental, Property and Human Health Matrix**

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

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 30 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended for the quarter containing the month of September 2020.

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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,377

Violation Final Penalty Total \$4,800

This violation Final Assessed Penalty (adjusted for limits) \$4,800

Economic Benefit Worksheet

Respondent LyondellBasell Acetyls, LLC
Case ID No. 60935
Reg. Ent. Reference No. RN100217207
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25,000	30-Sep-2020	25-Aug-2022	1.90	\$2,377	n/a	\$2,377

Notes for DELAYED costs Estimated cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance, and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$25,000

TOTAL \$2,377

Screening Date 21-Jun-2021 **Docket No.** 2021-0817-IWD-E **PCW**
Respondent LyondellBasell Acetyls, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 60935 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100217207
Media Water Quality
Enf. Coordinator Alyssa Loveday

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0004092000, Effluent Limitations and Monitoring Requirements No. 2, Outfall No. 002
Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 31 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended for the quarter containing the month of March 2021.

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 \$3,750

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

Estimated EB Amount \$0 **Violation Final Penalty Total** \$4,800

This violation Final Assessed Penalty (adjusted for limits) \$4,800

Economic Benefit Worksheet

Respondent LyondellBasell Acetyls, LLC
Case ID No. 60935
Reg. Ent. Reference No. RN100217207
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

See Economic Benefit Worksheet for Violation No. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date	21-Jun-2021	Docket No.	2021-0817-IWD-E	PCW
Respondent	LyondellBasell Acetyls, LLC	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	60935	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN100217207			
Media	Water Quality			
Enf. Coordinator	Alyssa Loveday			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0004092000, Effluent Limitations and Monitoring Requirements No. 2, Outfall No. 002			
Violation Description	Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.			
Base Penalty				\$25,000

>> 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: Human health or the environment has been exposed to significant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$18,750

\$6,250

Violation Events

Number of Violation Events: 1 31 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$6,250

One monthly event is recommended for the month of December 2020.

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 \$6,250

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$0	Violation Final Penalty Total \$8,000
This violation Final Assessed Penalty (adjusted for limits) \$8,000	

Economic Benefit Worksheet

Respondent LyondellBasell Acetyls, LLC
Case ID No. 60935
Reg. Ent. Reference No. RN100217207
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

See Economic Benefit Worksheet for Violation No. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

LyondellBasell Acetyls, LLC
 TPDES Permit No. WQ0004092000
 Docket No. 2021-0817-IWD-E
 Case No. 60935

Effluent Violation Table			
Monitoring Period	Outfall No. 001	Outfall No. 002	
	Total Suspended Solids	Total Organic Carbon	pH
	Daily Maximum Loading Limit = 1017.9 lbs/day	Daily Maximum Concentration Limit = 75 mg/L	Daily Maximum Limit = 9 SU
September 2020	2298	c	c
December 2020	c	510	c
March 2021	c	129	9.5

mg/L = milligrams per liter
 lbs/day = pounds per day

c = compliant
 SU = Standard Units

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Compliance History Report for CN603674862, RN100217207, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN603674862, LyondellBasell Acetyls, LLC **Classification:** NOT APPLICABLE **Rating:** N/A
Regulated Entity: RN100217207, LYONDELLBASELL SYNGAS **Classification:** NOT APPLICABLE **Rating:** N/A
Complexity Points: N/A **Repeat Violator:** N/A
CH Group: 05 - Chemical Manufacturing
Location: 11603B Stang Road, approximately one-half mile east of the intersection of Strang Road and Miller Cut-Off Road, La Porte, Harris County, Texas
TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HX2334A	AIR OPERATING PERMITS PERMIT 2290
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1012682	AIR NEW SOURCE PERMITS ACCOUNT NUMBER HX2334A
AIR NEW SOURCE PERMITS AFS NUM 4820101522	AIR NEW SOURCE PERMITS PERMIT 4773A
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 89315	STORMWATER PERMIT TXR05EH16
WASTEWATER EPA ID TX0135101	WASTEWATER EPA ID TX0118389
WASTEWATER PERMIT WQ0004092000	AIR EMISSIONS INVENTORY ACCOUNT NUMBER HX2334A
POLLUTION PREVENTION PLANNING ID NUMBER P06875	

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

Date Compliance History Report Prepared: June 21, 2021

Agency Decision Requiring Compliance History: Enforcement

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

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

Name: Alyssa Loveday

Phone: (512) 239-5504

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: 02/14/2018 ADMINORDER 2016-1002-IWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: TPDES Permit No. WQ0004092000 PERMIT
Description: Failed to comply with permitted effluent limitations

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	July 19, 2016	(1361470)	Item 52	March 15, 2019	(1566736)
Item 2	August 08, 2016	(1367897)	Item 53	March 20, 2019	(1564963)
Item 3	September 07, 2016	(1374643)	Item 54	April 16, 2019	(1574176)
Item 4	September 20, 2016	(1374062)	Item 55	April 18, 2019	(1573576)
Item 5	October 07, 2016	(1380808)	Item 56	May 16, 2019	(1586748)
Item 6	November 07, 2016	(1386759)	Item 57	June 13, 2019	(1586749)
Item 7	November 18, 2016	(1386155)	Item 58	June 17, 2019	(1587904)
Item 8	December 12, 2016	(1392881)	Item 59	July 16, 2019	(1594921)
Item 9	December 20, 2016	(1358877)	Item 60	July 18, 2019	(1595592)
Item 10	January 09, 2017	(1399482)	Item 61	August 16, 2019	(1601806)
Item 11	January 20, 2017	(1398917)	Item 62	September 16, 2019	(1608708)
Item 12	February 03, 2017	(1406411)	Item 63	September 18, 2019	(1608127)
Item 13	February 20, 2017	(1405822)	Item 64	October 20, 2019	(1614995)
Item 14	March 06, 2017	(1413521)	Item 65	October 21, 2019	(1615583)
Item 15	March 20, 2017	(1412910)	Item 66	November 19, 2019	(1620781)
Item 16	April 06, 2017	(1419965)	Item 67	November 22, 2019	(1621386)
Item 17	April 20, 2017	(1441611)	Item 68	December 12, 2019	(1628722)
Item 18	May 05, 2017	(1427605)	Item 69	December 17, 2019	(1628130)
Item 19	June 07, 2017	(1433619)	Item 70	January 07, 2020	(1604191)
Item 20	June 20, 2017	(1433036)	Item 71	January 13, 2020	(1636340)
Item 21	July 06, 2017	(1442183)	Item 72	January 20, 2020	(1635760)
Item 22	August 04, 2017	(1445840)	Item 73	February 19, 2020	(1642958)
Item 23	September 11, 2017	(1452446)	Item 74	February 21, 2020	(1642375)
Item 24	October 09, 2017	(1458309)	Item 75	February 24, 2020	(1631547)
Item 25	November 02, 2017	(1463754)	Item 76	March 20, 2020	(1648885)
Item 26	December 05, 2017	(1470198)	Item 77	March 24, 2020	(1649463)
Item 27	December 20, 2017	(1469598)	Item 78	April 14, 2020	(1579269)
Item 28	January 05, 2018	(1476908)	Item 79	April 16, 2020	(1655829)
Item 29	January 20, 2018	(1476308)	Item 80	May 12, 2020	(1662369)
Item 30	February 05, 2018	(1489039)	Item 81	May 19, 2020	(1661796)
Item 31	March 06, 2018	(1492688)	Item 82	May 29, 2020	(1473973)
Item 32	April 12, 2018	(1496003)	Item 83	June 15, 2020	(1668918)
Item 33	April 17, 2018	(1472446)	Item 84	June 20, 2020	(1668335)
Item 34	May 10, 2018	(1502981)	Item 85	July 20, 2020	(1675280)
Item 35	May 17, 2018	(1502361)	Item 86	July 23, 2020	(1675865)
Item 36	June 06, 2018	(1510063)	Item 87	August 14, 2020	(1682658)
Item 37	June 20, 2018	(1509485)	Item 88	August 20, 2020	(1682054)
Item 38	July 18, 2018	(1516386)	Item 89	September 15, 2020	(1689204)
Item 39	July 20, 2018	(1515802)	Item 90	September 20, 2020	(1688625)
Item 40	August 15, 2018	(1522428)	Item 91	October 19, 2020	(1695568)
Item 41	August 20, 2018	(1521842)	Item 92	November 19, 2020	(1719298)
Item 42	September 17, 2018	(1529646)	Item 93	November 20, 2020	(1717557)
Item 43	October 12, 2018	(1535931)	Item 94	December 16, 2020	(1719299)
Item 44	October 20, 2018	(1535346)	Item 95	December 18, 2020	(1717558)
Item 45	November 13, 2018	(1543807)	Item 96	January 14, 2021	(1719300)
Item 46	November 20, 2018	(1543202)	Item 97	February 20, 2021	(1730628)
Item 47	December 20, 2018	(1546935)	Item 98	February 23, 2021	(1732371)
Item 48	January 10, 2019	(1566737)	Item 99	March 17, 2021	(1732372)
Item 49	January 21, 2019	(1564964)	Item 100	March 20, 2021	(1730629)
Item 50	February 13, 2019	(1566735)	Item 101	April 19, 2021	(1732373)
Item 51	February 22, 2019	(1548220)			

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: 09/30/2020 (1694991)
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
- 2 Date: 12/31/2020 (1717559)
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: 02/26/2021 (1672504)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(b)(1)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 12 OP
FOP Special Term & Condition (ST&C) 1A OP
NSR Special Condition (SC) 21C PERMIT
Description: Failure to conduct cylinder gas audits (CGA) every calendar quarter. (Category C1)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 12 OP
NSR Special Condition (SC) 18 PERMIT
Description: Failure to conduct the weekly Cooling Tower total dissolved solids (TDS) analysis. (Category C1)
- 4 Date: 03/31/2021 (1730630)
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: 08/05/2013 (1370978)

Disclosure Date: 04/18/2017

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.161
40 CFR Part 63, Subpart H 63.174
4F TWC Chapter 63, SubChapter A 63.181

Rqmt Prov: PERMIT SC 15

Description: There are multiple groups of connectors in the Methanol plant that are not being appropriately counted. For instance, connector groups 1301617, 7301618 and 7301619 are documented as having two (2) connection points a piece, when in reality each of the connector groups has four connection points for which monitoring is required. In addition, these connection points that were not identified do not have monitoring records.

Viol. Classification: Minor

Citation: 4F TWC Chapter 63, SubChapter A 63.160
4F TWC Chapter 63, SubChapter A 63.181

Rqmt Prov: PERMIT SC 15

Description: Exemptions from monitoring are not currently being documented for some exempt components. For example, valves 7305319, 1305320, 7305321, 7305311, and 7305300 are a part of the LDAR program but these are not included in the LeakDAS database. Each of these valves are in service less than 300 hours per year, but this exemption is also not documented anywhere.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 63, Subpart H 63.163
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.164
40 CFR Part 63, Subpart H 63.165
40 CFR Part 63, Subpart H 63.173
4F TWC Chapter 63, SubChapter A 63.181

Rqmt Prov: PERMIT SC 15

Description: There are multiple components associated with the closed vent system in the field, which are not identified as being equipped with a closed-vent system. Examples of this include 7304505, 7211139, 522288, 7211178, and 7211177.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT SC 15

Description: Two relief valves in the Syngas plant (found on top of V 14-10-5) are miscategorized 8in in the LeadDas database as valves. Traditional valves and relief valves are given different emission factors, and as such, emissions have been incorrectly calculated for these components.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.161
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180
4F TWC Chapter 63, SubChapter A 63.181

Rqmt Prov: PERMIT SC 15

Description: Linde failed to identify all equipment that is in organic hazardous air pollutant service as defined in 40 CFR 63.161. Specifically, heavy liquid components in Ethylene Glycol service did not have the appropriate information documented as required under 40 CFR 63.181(i).

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180

Rqmt Prov: PERMIT SC 15

Description: Linde failed to detect leaks using the maximum reading detected during Method 21 monitoring as required for pumps subject to the HON and for components in 2SVHP service.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180

Rqmt Prov: PERMIT SC 15

Description: Based on field verifications and a comparative monitoring analysis, Linde failed to be comply with the procedures for Method 21 monitoring as required by 40 CFR 63.180(b)(1). Specifically, the field observations revealed that certain interfaces for pumps and compressors were not monitored as described in 40 CFR 60, Appendix A-7, Method 21, Section 8.3.1.3.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180

Rqmt Prov: PERMIT SC 15

Description: The Certificate of Authentication (COA) for Zero Gas T-005761, used for some time during the audit period to calibrate does not have the percent accuracy documented,

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180

Rqmt Prov: PERMIT SC 15

Description: Calibration gases are not being alternated with zero gas when span points are being added to the TV A-1 OOOB. Zero gas is being utilized correctly when the bwnp test is conducted, but the actual calibration needs to be conducted in the same manner

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
4F TWC Chapter 63, SubChapter A 63.181

Rqmt Prov: PERMIT SC 15

Description: There is currently no written schedule for when connectors are monitored in the Methanol Plant.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
4F TWC Chapter 63, SubChapter A 63.172

Rqmt Prov: PERMIT SC 15

Description: There is currently no record of the annual closed-vent system (CVS) annual inspection in the Methanol Plant.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 63, Subpart H 63.168

Rqmt Prov: PERMIT SC 15

Description: There is currently no written plan for Difficult-To-Monitor (DTM) components in the Methanol Plant. For DTMs, a written plan is required to state the reason why a component is DTM (e.g. , 2 meters above support surface) and required to be monitored annually

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167

Rqmt Prov: PERMIT SC 15

Description: There were 7 open ended lines (OELs) identified during walkthrough. Two were the result of maintenance activities (7211480 & 7211459) were unplugged and had loose connections for nitrogen purges that were left open to the atmosphere. Three were found during the sampling observation and were drained, closed & plugged. The final 2 were valves (7210042 and 7210044) associated with an instrumentation system that were not capped, plugged or equipped with a double blocked valve.

Notice of Intent Date: 04/12/2019 (1555623)
Disclosure Date: 04/12/2019

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.120(a)(1)
30 TAC Chapter 122, SubChapter B 122.122(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.100(e)
4F TWC Chapter 63, SubChapter A 63.101

Rqmt Prov: PERMIT SC 1
OP ST & C 12

Description: Failed to appropriately Identify HON unit boundaries and HON sources.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT SC 1
OP ST & C 12

Description: Failed to maintain compliance with annual maximum allowable emission rates for VOC and NOx.

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

Rqmt Prov: PERMIT SC 1

Description: Failed to obtain authorization for ammonia emissions from the Neutralization Tank, Equalization Tank, and West Basin.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC 1

Description: Failed to correctly authorize all MSS and process emissions from its flares, EPNs SG20-3-2 (Cold Flare), SG21-1-1 (High Pressure Flare), SG20-2-2 (Acid Gas Flare).

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)

Description: Failed to conduct the minimum interval 10-year internal floating roof and seals inspection for the De-Inventory Tank (SG13-25-1).

Viol. Classification: Minor

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

Rqmt Prov: PERMIT Copper limits conditions

Description: Failed to comply with permitted copper limits as required in TPOES WQ004092000.
Disclosure Date: 09/10/2019

Viol. Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.1130
30 TAC Chapter 122, SubChapter B 122.132(d)(2)

Description: Failed to determine the applicability of the 2016 Boiler MACT rule to the CE Boiler and Superheater.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 122, SubChapter B 122.132(d)(2)

Description: Failed to evaluate the superheater retubing project for air permitting requirements or NSPS applicability prior to start of project.

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.132(d)(2)
 Description: Failed to assess VOC and HAP control regulations for applicability to the wastewater treatment system.
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.132(d)(2)

Description: Failed to assess VOC control regulations for applicability to the Rectisol Underground Process Vessel.
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(a)

Description: Failed to identify records to assess if the following units should be included on the Notice of Registration: Resid tanks, "Clearwater Sewer" oil separators, frac tanks, and process sewer systems.
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter R 335.503(a)
 30 TAC Chapter 335, SubChapter A 335.6(c)
 30 TAC Chapter 335, SubChapter C 335.62

Description: Failed to evaluate whether the following wastes should be included on the Notice of Registration could not be completed due to a lack of available waste profiles for review: Resid tanks materials, upstream contributions to "Clearwater Sewer" and process sewer systems, Methanol stripper tails, compressed gas cylinders, and aerosol cans.
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Rqmt Prov: PERMIT Part IV.A.3

Description: Failed to investigate exceedances for storm water benchmark sampling within the 90 day requirement.
 Viol. Classification: Minor
 Citation: 25 TAC Chapter 295, SubChapter H 295.182(a)

Description: Failed to provide a complete list of the items required for reporting (e.g., batteries from forklifts, UPS systems, pesticide drums, unlabeled drums) in the Tier II report.

Notice of Intent Date: 12/12/2019 (1617171)
 Disclosure Date: 04/22/2020
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(1)
 30 TAC Chapter 115, SubChapter H 115.725(d)(3)

Description: The high-pressure flare HRVOC flow meter was offline for more than 5% of the year. Flow meter was not being pressure and temperature compensated.
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 Rqmt Prov: OP SC 3.a(iv)(1)

Description: Quarterly visible emission observations were missed for the CE Boiler and the superheater.
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PERMIT SC 3(D)(2)

Description: MSS recordkeeping requirements of NSR permit were not being followed.
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)(6)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT JJJJ 60.4245(b)
 Rqmt Prov: OP 3.A(iv)(1)

Description: Run time records for emergency generator have not been kept. Also, visible emissions observations have not been conducted for the emergency generator.

Notice of Intent Date: 03/29/2021 (1708843)
 No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:
N/A

Sites Outside of Texas:
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
LYONDELLBASELL ACETYLS,
LLC
RN100217207**

**§
§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2021-0817-IWD-E**

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding LyondellBasell Acetyls, LLC (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a carbon monoxide, hydrogen, and methanol manufacturing plant located at 11603B Strang Road, approximately one-half mile east of the intersection of Strang Road and Miller Cut-Off Road in La Porte, Harris County, Texas (the "Plant"). The Plant is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$17,600 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$7,040 of the penalty, and \$3,520 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$7,040 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A" – incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During a record review conducted on May 19, 2021, an investigator documented that the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004092000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, Outfall Nos. 001 and 002, as shown in the effluent violation table below:

Effluent Violation Table			
Monitoring Period	Outfall No. 001	Outfall No. 002	
	Total Suspended Solids	Total Organic Carbon	pH
	Daily Maximum Loading Limit = 1017.9 lbs/day	Daily Maximum Concentration Limit = 75 mg/L	Daily Maximum Limit = 9 SU
September 2020	2298	c	c
December 2020	c	510	c
March 2021	c	129	9.5

mg/L = milligrams per liter
lbs/day = pounds per day

c = compliant
SU = Standard Units

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: LyondellBasell Acetyls, LLC, Docket No. 2021-0817-IWD-E" to:

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

2. The Respondent shall implement and complete an SEP as set forth in Section I, Paragraph No. 4. The amount of \$7,040 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date of the Executive Director demands payment.

3. The Respondent shall, within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0004092000, including specific corrective actions that were implemented at the Plant to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, or other records to demonstrate compliance with the permitted effluent limitations. 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:

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

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
6. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

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

LyondellBasell Acetyls, LLC
DOCKET NO. 2021-0817-IWD-E
Page 6

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



10/12/2022

For the Executive Director

Date

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

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

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

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

DocuSigned by:

Signature 04996D3257184DB...

08/09/2022

Date

Stephen G. Goff

Site Manager

Name (Printed or typed)
Authorized Representative of
LyondellBasell Acetyls, 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.

Attachment A
Docket Number: 2021-0817-IWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	LyondellBasell Acetyls, LLC
Payable Penalty Amount:	\$14,080
SEP Offset Amount:	\$7,040
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	City of Morgan’s Point
Project Name:	<i>Colonel James Morgan New Washington Prairie</i>
Location of SEP:	Harris County

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above, **City of Morgan’s Point**, for the *Colonel James Morgan New Washington Prairie* project (the “Project”). The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ, which details the terms and conditions of the Project.

Specifically, the SEP Offset Amount will be used to preserve in perpetuity 52 acres of land within the City of Morgan’s Point in Harris County. Sixteen acres shall be preserved as palustrine emergent and palustrine forested wetlands. Thirty-six acres shall be maintained by the Third-Party Administrator as open space for public use.

The Third-Party Administrator shall use SEP Funds to restore the 36 acres of the property to its original native Texas Coastal Prairie grasslands. The Third-Party Administrator shall clear and eradicate the existing non-native grasses and trees and reestablish native prairie grasses and shrubs.

The Third-Party Administrator shall use SEP Funds to mitigate stormwater runoff from the 36 acres of the property through construction of one storm water management pond. The stormwater management pond will collect and train the property’s stormwater

runoff and prevent offsite discharge. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

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

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

b. Environmental Benefit

Permanently preserving 36 acres of the property as open space will prevent future development and maintain a natural barrier between residential communities and the industrial Barbours Cut Shipping Terminal. Restoring the 36 acres back to its natural Texas Coastal Prairie grasslands will enhance the quality of the Property’s natural resources and wildlife. The restored natural prairie will provide habitats for a wide range of animals including the Monarch butterfly which has a significant population in the area during its migration to Mexico. Further, the stormwater management pond will mitigate the offsite discharge of runoff which will reduce the amount of pollutants reaching the surrounding environment.

c. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **City of Morgan’s Point SEP** and shall mail the contribution with a copy of the Agreed Order to:

City of Morgan’s Point
Attention: City Administrator
510 Bayridge Road
Morgan’s Point, Texas 77571

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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