

Executive Summary – Enforcement Matter – Case No. 61104
K-Solv Chemicals, LLC
RN100616721
Docket No. 2021-1006-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Unauthorized emissions which are excessive emissions events.

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

K-Solv, 1015 Lakeside Drive, Channelview, Harris County

Type of Operation:

Bulk petrochemical transfer and storage terminal

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The commenter have expressed an interest in this matter but has not indicated a desire to speak at Agenda.

Texas Register Publication Date: January 7, 2022

Comments Received: Yes, public comments were submitted by the Harris County Attorney's Office

Penalty Information

Total Penalty Assessed: \$11,413

Total Paid to General Revenue: \$11,413

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

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: April 22, 2021 through July 1, 2021

Date(s) of NOE(s): July 16, 2021

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Violation Information

1. Failed to prevent unauthorized emissions. The emissions event was determined to be an excessive emissions event [30 TEX. ADMIN. CODE § 106.6(b), Permit by Rule Registration No. 150670, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent submitted the initial notification for Incident No. 354013 on April 8, 2021 at 8:31 p.m.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, submit a corrective action plan ("CAP") in accordance with the TCEQ letter dated July 16, 2021 to address the excessive emissions event that occurred on April 7, 2021 (Incident No. 354013).
- b. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the CAP submittal in connection with the April 7, 2021 excessive emissions event within 15 days after the date of such requests, or by any other deadline specified in writing.
- c. Within 45 days, submit written certification to demonstrate compliance with a.
- d. Upon Executive Director approval of the CAP, implement the CAP in accordance with the approved schedule.
- e. Within 15 days after the completion of the CAP implementation, submit written certification to demonstrate compliance with d.

**Executive Summary – Enforcement Matter – Case No. 61104
K-Solv Chemicals, LLC
RN100616721
Docket No. 2021-1006-AIR-E**

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Yuliya Dunaway, Enforcement Division, Enforcement Team 4, MC R-13, (210) 403-4077; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Gary Weatherly, Vice President of Operations, K-Solv Chemicals, LLC, 16517 De Zavalla Road, Channelview, Texas 77530
Beau McDonald, Plant Manager, K-Solv Chemicals, LLC, 1015 Lakeside Drive, Channelview, Texas 77530

Respondent's Attorney: N/A

TCEQ Interoffice Memorandum

To: Commissioners

Thru: *SJ* Susan Jablonski, P.E., Deputy Director, Enforcement Division

From: Michael De La Cruz, Manager, Enforcement Division

Date: July 25, 2022

Subject: Response to Comment Received Concerning Proposed Agreed Enforcement Order
K-Solv Chemicals, LLC
Harris County; RN100616721; Enforcement Case No. 61104
Docket No. 2021-1006-AIR-E

In response to a publication in the *Texas Register* on January 7, 2022, one comment has been received regarding a proposed agreed enforcement order requiring certain actions of K-Solv Chemicals, LLC. The comment was received within the comment period.

The proposed agreed order includes two violations documented during a record review conducted from April 22, 2021 through July 1, 2021. The violations addressed in the proposed order include:

- 1) Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 106.6(b), Permit by Rule Registration No. 150670, and TEX. HEALTH & SAFETY CODE § 382.085(b). The emissions event was determined to be an excessive emissions event.
- 2) Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event, in violation of TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b).

The proposed agreed order assesses a penalty in the amount of \$11,413 and identifies the violations and specific technical requirements necessary to resolve them. Some of the comments received are not limited to the provisions of the proposed order addressing the violations. No changes to the proposed agreed order were made in response to the comments. A summary of the comments and staff response to the comments are provided below:

- Comment - The \$11,413 administrative penalty for the failure to prevent unauthorized emissions during the emissions event is insufficient to adequately punish an entity for failing to timely submit both initial and final emissions event reports, failing to properly identify all emitted pollutants in the final emissions event report, triggering a shelter-in-place for surrounding residents, and emitting at least 165,061 pounds of pollutants into the atmosphere.

Response - The proposed agreed order addresses the unauthorized emissions released during the excessive emissions event that occurred on April 7, 2021 and

were documented during a record review conducted from April 22, 2021 through July 1, 2021. During that investigation, the TCEQ Houston Regional Office did not document the failure to timely submit the final record for the emissions event and failure to properly identify all emitted pollutants in the final record for the emissions event. However, the TCEQ Houston Regional Office documented the failure to prevent unauthorized emissions during the excessive emissions event and failure to submit the initial notification for the reportable emissions event no later than 24 hours after the discovery of the emissions event. To address timely submission of reports, the administrative penalty in the proposed agreed order includes the penalties for the failure to prevent unauthorized emissions during the excessive emissions event and failure to submit the initial notification for the reportable emissions event no later than 24 hours after the discovery of the emissions event.

The TCEQ Penalty Policy includes a description of how the TCEQ evaluates the harm and severity of violations and how it determines proposed penalties. The calculated penalty includes adjustments that the agency may make to the base penalty amount after completing its review of case-specific information. The penalty calculation incorporates the consideration of the size of the respondent's site and its potential volume of pollutants and are defined as Minor or Major Sources per the specific program.

As stated in the TCEQ Penalty Policy, a Major Source is any stationary facility that is a source of nonhazardous air pollutants which directly emits, or has the potential to emit, 100 tons per year or more of any air pollutant. For the hazardous air pollutants ("HAP") listed in the Federal Clean Air Act, a source that emits or has the potential to emit 10 tons per year or more of a single pollutant or 25 tons per year or more of any combination of pollutants. Additionally, the site is considered Major if any source at the site is Major, even if the violation is not for that source.

For air violations, a Minor Source is defined as any non-Major Source. In the investigation report and review of pollutants that were released during this excessive emissions event, K-Solv Chemicals, LLC emitted less than 100 tons of any single air pollutant or in this specific case less than 100 tons of volatile organic compounds ("VOC"), less than 10 tons of a single HAP, and less than 25 tons of any combination of HAPs during the emissions event. K-Solv Chemicals, LLC also certified the emissions at the site under Permit by Rule ("PBR") Registration No. 150670 that established the federally enforceable limits below the Major Source thresholds. Therefore, at the time the enforcement case was developed, the site was determined to be a Minor Source in accordance with the TCEQ Penalty Policy. Thus, per the Penalty Policy, a Minor Source with a violation that was assessed as an Actual Release/Major Harm is 50% of the base penalty.

To address the excessive emission from K-Solv Chemicals, LLC releasing 165,061 pounds (82.54 tons) of VOC during the emissions event that lasted two hours and 42

minutes and initiated a shelter-in-place, the penalty for this violation was assessed as an Actual Release/Major Harm at one daily event because human health or the environment were exposed to significant amounts of pollutants that exceeded levels that are protective of human health or environmental receptors as a result of the violation per the TCEQ Penalty Policy. This resulted in the maximum penalty per violation per day under the TCEQ Penalty Policy for a Minor Source and the applicable statutory limits.

- Comment - The penalty for the failure to prevent unauthorized emissions from 43 different pollutants during the excessive emissions event was treated as one single event.

Response - Although K-Solv Chemicals, LLC reported 43 different pollutants that were released during the emissions event that lasted two hours and 43 minutes, K-Solv Chemicals, LLC complied with the TCEQ emissions event reporting requirement by reporting the 43 different pollutants that were released during the emissions event. Under its permits, K-Solv Chemicals, LLC is authorized to emit these 43 pollutants as VOC during normal operations. The maximum penalty is \$25,000 a day for each violation per TEX. WATER CODE § 7.052(c). Since K-Solv Chemicals, LLC is authorized to emit VOC, the 165,051 pounds of 43 different pollutants that were released during the emissions event were identified as VOC in the proposed agreed order and were not speciated during the development of the penalty because the emissions event is considered one violation. Also, since the emissions event lasted two hours with 43 events, this equates to one daily event per the TCEQ Penalty Policy. Therefore, the release of 165,051 pounds of VOC and approximately three-hour duration of the emissions event were considered when the administrative penalty for this violation was assessed per the TCEQ Penalty Policy.

- Comment - The penalty did not include a penalty assessment for the failure to include all emitted pollutants in the emissions event report or for the failure to prevent nuisance conditions.

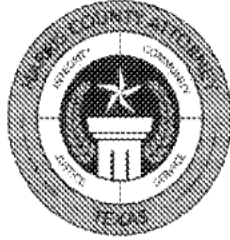
Response - Although particulate matter is a pollutant of concern in Harris County and the Houston-Galveston-Brazoria area, during the record review conducted from April 22, 2021 through July 1, 2021, the TCEQ Houston Regional Office did not document violations for failing to identify particulate matter on the final record for the excessive emissions event that occurred on April 7, 2021 and for failing to prevent nuisance conditions. Therefore, an administrative penalty was not assessed for allegations that were not documented as violations during the TCEQ investigation. However, if K-Solv Chemicals, LLC is emitting any unauthorized emissions or is causing nuisance conditions, a complaint may be filed with the TCEQ Houston Regional Office. The TCEQ Houston Regional Office will investigate all citizen complaints within its jurisdiction. If the TCEQ Houston Regional Office documents additional violations during later investigations, the alleged violations

will be evaluated in accordance with the TCEQ Enforcement Initiation Criteria to determine the appropriate level of enforcement to pursue.

A copy of the comments and the staff response to the comment are attached for your consideration. In summary, the commenter expresses concerns that the \$11,413 penalty is insufficient to adequately punish an entity for a large emission event that impacted the nearby community and respectfully requests that the TCEQ reconsider. Staff's position, as reflected in the response, is that the Penalty Policy was used to assess the penalty fairly. Accordingly, the Enforcement Division recommends that you adopt this proposed order.

Attachments

cc: General Counsel, MC 101, Building F
Special Counsel, MC 109, Building F
Manager, Air Section, Houston Regional Office, TCEQ
Yuliya Dunaway, Coordinator, Enforcement Division
Central Records, MC 213, Building E, 1st Floor
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Enforcement Division Electronic Reader File



OFFICE OF THE
HARRIS COUNTY ATTORNEY
CHRISTIAN D. MENEFE

February 8, 2022

Via Facsimile: (512) 239-2550 and Certified Mail No. 7012 0470 0001 4178 5151

Yulia Dunaway
P.O. Box 13087
Austin, Texas 78711-3087

Re: **Harris County Attorneys Comments Regarding Proposed Agreed Order**; K-Solv Chemicals, LLC; Texas Commission on Environmental Quality (TCEQ) Docket No. 2021-1006-AIR-E; RN100616721; Channelview, Harris County, Texas

Dear Ms. Dunaway:

The Harris County Attorney's Office (HCAO) would like to submit the following comments regarding TCEQ's proposed agreed order against K-Solv Chemicals, LLC (K-Solv) in TCEQ Docket No. 2021-1006-AIR-E (Proposed Agreed Order). The Proposed Agreed Order, attached as Exhibit A,¹ assesses \$11,413.00 in administrative penalties to resolve K-Solv's violations related to an excessive emissions event and failure to timely report the initial emissions event report.



Photo taken by Harris County Fire Marshal during the excessive emission event

¹ The Proposed Agreed Order was provided in response to an open records request seeking the Agreed Order associated with the January 7, 2022 Texas Register notice of a proposed agreed order at the K-Solv facility.

Background

K-Solv is a bulk liquid storage and transfer facility located at 1015 Lakeside Drive, Channelview (the Facility). The Facility is located next to residential homes. On April 7, 2021, K-Solv failed to properly ground a filling nozzle during the transfer of a toluene/naphthalene product mixture from a tote to a drum. K-Solv's improper grounding caused static electricity, erupting into fire that razed the entire container storage building, lasted two and a half hours, emitted over 43 different pollutants, and resulted in a shelter-in-place order for the residents of Lakeside Park Estates and Lakeview Homes. As reported by K-Solv, the event emitted the following pollutants:

CONTAMINANT	QUANTITY/OPACITY	UNITS
2-Phosphono-1, 2, 4-Butanetricarboxylic Acid	78	POUNDS
4-Nonylphenol branched, ethoxylated	982	POUNDS
Alcohols	2632	POUNDS
Alkoxyated polyamine	8453	POUNDS
Base oil	1240	POUNDS
Benzyl Alcohol	7286	POUNDS
Butyl acetate	536	POUNDS
Butyl alcohol, tert-	5884	POUNDS
Diethanolamine	11550	POUNDS
Dodecylbenzene sulfonic acid (DDBSA)	1005	POUNDS
Ethanol	763	POUNDS
Ethylenediamine	732	POUNDS
Glycol ethers	13704	POUNDS
Glycols	11256	POUNDS
Heptane,-n	3995	POUNDS
Hydrochloric acid	339	POUNDS
Isobutanol	2297	POUNDS
Isopropanol	9792	POUNDS
Methanol	412	POUNDS
Methyl Acetate	89	POUNDS
Methyl isobutyl carbinol	209	POUNDS
Methyl isobutyl ketone	4744	POUNDS
Methyl methacrylate	1872	POUNDS
Methylene chloride	2999	POUNDS
Mineral Spirits	175	POUNDS
Monoethanolamine	1402	POUNDS
N-Butyl alcohol	5255	POUNDS
N-Methyl-2-pyrrolidone	446	POUNDS
Naphtha	7083	POUNDS
Paraffins	726	POUNDS
Propan-2-ol, 1-methoxy-	91	POUNDS

Propanol, n-	3446	POUNDS
Propyl Acetate	1138	POUNDS
Propylene Carbonate	9676	POUNDS
Sorbitol	745	POUNDS
Tetrachloroethylene	10516	POUNDS
Tetrahydrofuran	394	POUNDS
Toluene	1228	POUNDS
Trichloroethylene	1539	POUNDS
Triethanolamine	3005	POUNDS
Turpentine	1852	POUNDS
Xylene	2067	POUNDS
Distillate oil residue	21428	POUNDS
Total Pounds	165061	POUNDS

TCEQ Investigation

The TCEQ emission event investigation resulted in a Notice of Enforcement (NOE)² for the following violations:

Tex. Health and Safety Code § 382.085(a) and (b) for failure to prevent unauthorized emissions to the atmosphere during the April 7, 2021 emissions event;

30 Tex. Admin. Code § 101.4 for discharging air contaminants in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animals life, vegetation, or property; and

Tex. Health and Safety Code § 382.085(b) and 30 Tex. Admin. Code § 101.201(a)(1)(B) by failing to notify the TCEQ Houston Regional Office of a reportable emissions event within 24 hours after the discovery of an event.

Harris County Pollution Control Investigation

Harris County Pollution Control Services Department (Pollution Control) is the Harris County Department tasked with responding to environmental emergencies and investigating for environmental compliance at regulated facilities. Like TCEQ, Pollution Control responded to the event and conducted an emission event investigation. In addition to the aforementioned TCEQ violations, the Pollution Control investigation documented the following additional violations related to the event:

- Tex. Health and Safety Code § 382.085(b) and 30 Tex. Admin. Code § 101.201(c) by failing to submit a final emission event report to Pollution Control no later than two weeks after the end of the emissions event.

² A copy of the July 16, 2021 TCEQ NOE is attached as Exhibit B.

- Tex. Health and Safety Code § 382.085(b) and 30 Tex. Admin. Code § 101.201 by failing to properly list all air contaminants involved in the emissions event. Specifically, K-Solv failed to include combustions compounds such as particulate matter in the final emissions event report.

The Pollution Control investigation also noted that a similar event occurred on April 19, 2007, when a fire started inside of a tank truck that was being loaded with xylene. That event resulted in an injured employee and over 47 hours of emissions.³

Request to Re-Evaluate Penalty

Based on the foregoing, the HCAO requests that the TCEQ reconsider whether an \$11,413.00 administrative penalty is an appropriate penalty where a facility failed to timely submit both initial and final emission events reports, failed to properly identify all emitted pollutants in the final emission event report, triggered a shelter-in-place for surrounding residents, and emitted at least 165,061 pounds of pollutants into the atmosphere, which was determined to be an excessive emissions event.

Based on the Proposed Agreed Order penalty calculation worksheet (PCW), TCEQ assessed a penalty of \$11,250.00 for the unauthorized emissions. As noted above, K-Solv reported that this emission event resulted in 165,061 pounds of 43 different pollutants. The PCW treats this as one violation event. The HCAO encourages the TCEQ to consider counting each pollutant as a separate event when determining the number of events for this unauthorized release of multiple pollutants. Had TCEQ elected to speciate the event, this would have resulted in a much higher day count of 43. To do otherwise punishes a release of multiple pollutants similar to a release of one pollutant, which have the potential to inflict more harm on the environment and any nearby communities.

The PCW does not include a penalty assessment for K-Solv's failure to include all emitted pollutants in the emission event report, such as particulate matter, or for a violation of 30 Tex. Admin. Code § 101.4. Particulate matter is a pollutant of concern in Harris County and the Houston-Galveston-Brazoria (HGB area) is unclassified for the 2012 fine particulate matter NAAQS (PM_{2.5}). In its 2020 report, the Houston Galveston Area Council states that there are "indication that increased PM_{2.5} concentrations may exist within the HGB region and beyond the existing monitoring network" and that "[m]ore work will be needed to confirm these indication."⁴ Given the concerns about particulate matter concentrations throughout the HGB area, failure to report particulate emissions from a serious industrial accident is a major violation.

In sum, the HCAO submits that a \$11,413.00 penalty is grossly insufficient to adequately punish an entity for a large emission event that impacted the nearby community and respectfully requests that the TCEQ reconsider.

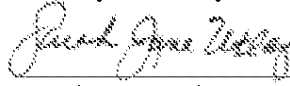
³ EPA Emergency Response, K-Solv Fire, at https://response.epa.gov/site/site_profile.aspx?site_id=2918

⁴ Houston-Galveston Area Council, Regional Air Quality Planning Advisory Committee, Houston-Galveston-Brazoria (HGB) PM_{2.5} Advance Path Forward Update (2020), at 6, <https://www.h-gac.com/getmedia/6b575914-9d73-491c-9c07-1729215056b1/ITEM-3a-PM2.5-Advance-Path-Forward-2020-Final-Draft.pdf>.

We appreciate your consideration of these comments. If you have any questions, please contact me at sarah.utley@cao.hctx.net or (713) 274-5124.

Sincerely,

CHRISTIAN D. MENEFEE
County Attorney



Sarah Jane Utley
Environmental Division Director

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EXHIBIT A

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 27, 2021

Mr. Gary Weatherly, Vice President of Operations
K-Solv Chemicals, LLC
16517 De Zavalla Road
Channelview, Texas 77530

Re: Proposed Agreed Order
K-Solv Chemicals, LLC; RN100616721
Docket No. 2021-1006-AIR-E; Enforcement Case No. 61104
FOR SETTLEMENT PURPOSES ONLY

Dear Mr. Weatherly:

The Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ") is pursuing an enforcement action against K-Solv Chemicals, LLC for violations of the Texas Health & Safety Code and/or Commission Rules. These violations were discovered during a record review conducted from April 22, 2021 through July 1, 2021, and documented in a letter dated July 16, 2021, from the TCEQ Houston Regional Office.

Please find enclosed a proposed agreed order which we have prepared in an attempt to expedite this enforcement action. The order assesses an administrative penalty of \$11,413, identifies the violations that we are addressing, and identifies specific technical requirements necessary to resolve them.

If you have any questions regarding this matter, we are available to discuss them in a conference in San Antonio or over the telephone. If we reach agreement in a timely manner, the TCEQ will then proceed with the remaining procedural steps to settle this matter. These steps include publishing notice of the proposed order in the *Texas Register*, and scheduling the matter for approval by the Commission. We believe that handling this matter expeditiously could save K-Solv Chemicals, LLC and the TCEQ a significant amount of time, as well as the expense associated with litigation.

Enclosed for your convenience is a return envelope. If you agree with the order as proposed, please sign and return the original order **and** the penalty payment (check payable to "TCEQ" and referencing K-Solv Chemicals, LLC, Docket No. 2021-1006-AIR-E) to:

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

Mr. Gary Weatherly
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September 27, 2021

Should you believe you are unable to pay the proposed administrative penalty, you may claim financial inability to pay part or all of the penalty amount. In order to qualify for financial inability to pay, the penalty must exceed \$3,600 and be greater than 1% of annual gross revenues. If this is the case, please contact us immediately to obtain a list of financial disclosure documents that must be submitted within 30 days of the receipt of this letter. These documents, once properly completed and submitted, will be thoroughly reviewed to determine if we agree with the claim of financial inability. Please be aware that if financial inability is proven to the satisfaction of staff, discussions pertaining to the penalty amount adjustment will focus only on deferral and not on waiver of the penalty amount.

You may be able to perform or contribute to a Supplemental Environmental Project ("SEP"), which is a project that benefits the environment, to offset a portion of your penalty. **If you are interested in performing an SEP, you must agree to the penalty amount and submit an SEP proposal within 30 days of receipt of this proposed order.**

For additional information about the types of SEPs available and eligibility criteria, please go to the TCEQ's web site link at <https://www.tceq.texas.gov/compliance/enforcement/sep> or contact the Enforcement Coordinator listed below.

Please note that any agreements we reach are subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).

If we cannot reach a settlement of this enforcement action or you do not wish to participate in this expedited process, we will proceed with enforcement under the Commission's Enforcement Rules, 30 TEX. ADMIN. CODE ch. 70. Specifically, if the signed order and penalty are not mailed and postmarked within 60 days from the date of this letter, your case will be forwarded to the Litigation Division and this settlement offer will no longer be available. The enforcement process described in 30 TEX. ADMIN. CODE ch. 70 requires the staff to prepare and issue an Executive Director's Preliminary Report and Petition to the Commission. If you would like to obtain a copy of 30 TEX. ADMIN. CODE ch. 70, or any other TCEQ rules, the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI-032) are located on our agency website at <http://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from the Central Office Publications Ordering Team at (512) 239-0028.

Mr. Gary Weatherly
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September 27, 2021

For any questions or comments about this matter or to arrange a meeting, please contact Ms. Yuliya Dunaway of my staff at (210) 403-4077 or at yuliya.dunaway@tceq.texas.gov.

Sincerely,



for: Michael De La Cruz, Manager
Enforcement Division
Texas Commission on Environmental Quality

MD/yd

Enclosures: Proposed Agreed Order, Return Envelope, Penalty Calculation Worksheet, Site Compliance History

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING K-SOLV CHEMICALS, LLC RN100616721

§ § § § §

BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-1006-AIR-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding K-Solv Chemicals, LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent 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 bulk petrochemical transfer and storage terminal located at 1015 Lakeside Drive in Channelview, Harris County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. During a record review conducted from April 22, 2021 through July 1, 2021, an investigator documented that:
a. The Respondent released 165,061.0 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 354013) that occurred on April 7, 2021 and lasted two hours and 42 minutes. The emissions event occurred due to the improper grounding/bonding of a filling nozzle in the Container Storage Area that caused static electricity, resulting in a fire and the release to the atmosphere. TCEQ staff determined that the emissions event was an excessive emissions event.

K-Solv Chemicals, LLC
DOCKET NO. 2021-1006-AIR-E
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- b. The initial notification for Incident No. 354013 was due by April 8, 2021 at 3:48 p.m., but was not submitted until April 8, 2021 at 8:31 p.m.
3. The Executive Director recognizes that the Respondent submitted the initial notification for Incident No. 354013 on April 8, 2021 at 8:31 p.m.

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. 382 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 106.6(b), Permit by Rule Registration No. 150670, and TEX. HEALTH & SAFETY CODE § 382.085(b). The emissions event was determined to be an excessive emissions event.
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event, in violation of TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. Pursuant to TEX. WATER CODE § 7.051, 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.
5. An administrative penalty in the amount of \$11,413 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid the \$11,413 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. 5 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: K-Solv Chemicals, LLC, Docket No. 2021-1006-AIR-E" to:

K-Solv Chemicals, LLC
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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 30 days after the effective date of this Order, submit a corrective action plan ("CAP") in accordance with the TCEQ letter dated July 16, 2021 to address the excessive emissions event that occurred on April 7, 2021 (Incident No. 354013).
 - b. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the CAP submittal in connection with the April 7, 2021 excessive emissions event within 15 days after the date of such requests, or by any other deadline specified in writing.
 - c. Within 45 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 2.e, to demonstrate compliance with Ordering Provision No. 2.a.
 - d. Upon Executive Director approval of the CAP, implement the CAP in accordance with the approved schedule.
 - e. Within 15 days after the completion of the CAP implementation, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d. 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

K-Solv Chemicals, LLC
DOCKET NO. 2021-1006-AIR-E
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with a copy to:

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

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 Plant operations referenced in this Order.
5. 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.
6. 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.
7. 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.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. 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.
10. 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

K-Solv Chemicals, LLC
DOCKET NO. 2021-1006-AIR-E
Page 5

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.

11. 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.

K-Solv Chemicals, LLC
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

 For the Commission

 Date

 For the Executive Director

 Date

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

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

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

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

 Signature

 Date

 Name (Printed or typed)
 Authorized Representative of
 K-Solv Chemicals, 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.



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	19-Jul-2021	Screening	27-Jul-2021	EPA Due	
	PCW	24-Sep-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	K-Solv Chemicals, LLC
Reg. Ent. Ref. No.	RN100616721
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	61104	No. of Violations	2
Docket No.	2021-1006-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$12,750
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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	-10.0% Adjustment	Subtotals 2, 3, & 7	-\$1,275
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Notes: Reduction for High Performer classification.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$62
--	-------------------	--------------

Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$575	*Capped at the Total EB \$ Amount	
Estimated Cost of Compliance	\$10,250		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$11,413
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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	\$11,413
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$11,413
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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	\$11,413
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Screening Date 27-Jul-2021

Docket No. 2021-1006-AIR-E

PCW

Respondent K-Solv Chemicals, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 61104

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100616721

Media Air

Enf. Coordinator Yuliya Dunaway

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	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 (number of judgments or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	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) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 27-Jul-2021
 Respondent K-Solv Chemicals, LLC
 Case ID No. 61104
 Reg. Ent. Reference No. RN100616721
 Media Air

Docket No. 2021-1006-AIR-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Enf. Coordinator Yuliya Dunaway

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 106.6(b), Permit by Rule Registration No. 150670, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 165,061.0 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 354013) that occurred on April 7, 2021 and lasted two hours and 42 minutes. The emissions event occurred due to the improper grounding/bonding of a filling nozzle in the Container Storage Area that caused static electricity, resulting in a fire and the release to the atmosphere. The emissions event was determined to be an excessive emissions event.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 50.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$12,500

\$12,500

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$12,500

One daily event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$12,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$575

Violation Final Penalty Total \$11,250

This violation Final Assessed Penalty (adjusted for limits) \$11,250

Economic Benefit Worksheet

Respondent K-Solv Chemicals, LLC
 Case ID No. 61104
 Reg. Ent. Reference No. RN100616721
 Media Air
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	7-Apr-2021	1-Jun-2022	1.15	\$575	n/a	\$575

Notes for DELAYED costs

Estimated cost to implement an approved corrective action plan to address the excessive emissions event that occurred on April 7, 2021 (Incident No. 354013). The Date Required is the date the emissions event occurred and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance **\$10,000**

TOTAL **\$575**

Screening Date 27-Jul-2021

Docket No. 2021-1006-AIR-E

PCW

Respondent K-Solv Chemicals, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 61104

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100616721

Media Air

Enf. Coordinator Yuliya Dunaway

Violation Number 2

Rule Cite(s)

Tex. Admin. Code § 101.201(a)(1)(B) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 354013 was due by April 8, 2021 at 3:48 p.m., but was not submitted until April 8, 2021 at 8:31 p.m.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

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

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

Number of violation days 1

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$62

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

Notes: The Respondent completed the corrective actions on April 8, 2021, prior to the Notice of Enforcement dated July 16, 2021.

Violation Subtotal \$168

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount 50

Violation Final Penalty Total \$163

This violation Final Assessed Penalty (adjusted for limits) \$163

Economic Benefit Worksheet

Respondent K-Solv Chemicals, LLC

Case ID No. 61104

Reg. Ent. Reference No. RN100616721

Media Air

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	6-Apr-2021	8-Apr-2021	0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to submit the initial notification for incident No. 354013. The Date Required is the date the initial notification was due and the Final Date is the date the initial notification was submitted.

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: TOTAL:

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 CN605668805, RN100616721, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN605668805, K-Solv Chemicals, LLC **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN100616721, K SOLV **Classification:** HIGH **Rating:** 0.00

Complexity Points: 11 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 1015 LAKESIDE DR, CHANNELVIEW, HARRIS COUNTY, TX

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HX2351A

AIR NEW SOURCE PERMITS PERMIT 87595

AIR NEW SOURCE PERMITS PERMIT 129626

AIR NEW SOURCE PERMITS REGISTRATION 150670

AIR NEW SOURCE PERMITS AFS NUM 4820101651

STORMWATER PERMIT TXR05AG56

AIR EMISSIONS INVENTORY ACCOUNT NUMBER

HX2351A

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

Date Compliance History Report Prepared: September 24, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 24, 2017 to September 24, 2021

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

Name: Yuliya Dunaway

Phone: (210) 403-4077

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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.

N/A

F. Environmental audits:

N/A

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

EXHIBIT B

20 3321

Jon Niemann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY***Protecting Texas by Reducing and Preventing Pollution*

July 16, 2021

CERTIFIED MAIL 91 7199 9991 7038 7439 3345
RETURN RECEIPT REQUESTED

Mr. Gary Weatherly
Vice President of Operations
K SOLV Chemicals LLC
16517 De Zavalla Road
Channelview, Texas 77530

Re: Notice of Enforcement for an Emissions Event Compliance Investigation File Review of:
K-SOLV, 1015 Lakeside Drive, Channelview (Harris County), Texas
Regulated Entity No.: 100616721, TCEQ ID No.: HX-2351-A, Incident No.: 354013
Investigation No.: 1723637

Dear Mr. Weatherly:

On April 22, 2021, Ms. Meagan Holliday of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for air quality. During this investigation, certain outstanding alleged violations were documented.

On June 25, 2021 a Notice of Preliminary Findings (NOPF) summarizing the alleged violations was sent to you. The NOPF process provided the opportunity to review and contest the alleged violations within 5 working days of the notification date. No meeting was requested. The alleged violations as described in the enclosed Summary of Investigation Findings were referred for enforcement.

Enclosed is a summary which lists the investigation findings and recommended corrective actions. Additional recommended corrective actions may be provided by the Enforcement Division.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Houston Region Office at (713) 767-3700 or the Central Office Publications Ordering Team at (512) 239-0028.

Also, please be advised that the Legislature has granted enforcement powers to the TCEQ to carry out its mission to protect human health and the environment. Due to the apparent seriousness of the alleged violations, formal enforcement action has been initiated, and additional violations may be cited upon further review. We encourage you to immediately begin taking actions to address the outstanding alleged violations.

TCEQ Region 12 • 3425 Polk St., Ste. H • Houston, Texas 77023-1452 • 713-767-3500 • Fax 713-767-3520

Austin Headquarters: 512-239-1000 • tceq.texas.gov • How is our customer service? tceq.texas.gov/customer/survey

printed on recycled paper

Mr. Gary Weatherly
Page 2
July 16, 2021

In responding with prompt corrective action, the administrative penalty to be assessed may be limited.

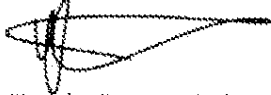
The Commission recognizes that the great majority of the regulated community wants to prevent pollution and to comply with environmental laws. We dedicate considerable resources toward making voluntary compliance achievable. But where compliance has not been met it is our duty to protect the public and the environment by enforcing the state's environmental laws, regulations, and permits.

Also, if you believe the violations documented in this notice have been cited in error, **and** you have additional information that we are unaware of, you may request a meeting to discuss this enforcement matter. To request meeting, send a letter describing the additional information to the address shown below.

Manager, Air Section
Enforcement Division, MC 219
Re: Enforcement Meeting Request
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

If you or members of your staff have any questions, please feel free to contact Ms. Meagan Holliday in the Houston Region Office at (713) 422-8931.

Sincerely,



Warda Omar, Air Section Program Coordinator
Houston Region Office
Texas Commission on Environmental Quality

WO/MH/rm

cc: Mr. Philip Evans, Senior Vice President, Technical Services, The WCM Group, 110 South Bender Avenue, Humble, Texas 77538

Dr. Latrice Babin, Interim Director, Pollution Control Services Department, 101 Richey, Suite H, Pasadena, Texas 77506

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

K SOLV 1015 LAKESIDE DR CHANNELVIEW, HARRIS COUNTY, TX 77530	Investigation # 1723637 Investigation Date: 04/22/2021
Additional ID(s): 150670 HX2351A	

OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF ENFORCEMENT

Track No: 780899 **Compliance Due Date:** To Be Determined

30 TAC Chapter 101.4

5C THSC Chapter 382.085(a)

5C THSC Chapter 382.085(b)

Alleged Violation:

Investigation: 1723637

Comment Date: 07/15/2021

Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on April 7, 2021, TCEQ/STEERS incident No. 354013.

Specifically, on April 7, 2021 at approximately 3:48 p.m. a fire occurred in the Container Storage Area at K-SOLV Chemicals LLC/ K-SOLV (K-SOLV). Based on information provided, the fire resulted in the release of 145,877 pounds (lbs.) of volatile organic compounds (VOCs); 536 lbs. of butyl acetate; 5,864 lbs. of butyl alcohol, tert; 89 lbs. of methyl acetate; 2,999 lbs. of methylene chloride; and 9,676 lbs. of propylene carbonate. Information provided indicates that the cause of the emissions event was static electricity due to improper grounding/bonding of a transfer fitting (filling nozzle) which ignited resulting in the fire. The event occurred while transferring a toluene/naphtha mixture to a drum at the small quantity drum filling spot (TDL-1) in the container storage area. Fire fighter officials evacuated the immediate area and a shelter-in-place was ordered for the Lakeside Park Estates and Lakeview Homes neighborhoods until approximately 8:00 p.m. that night as a result of the event. Additionally, two employees were taken to the hospital due to impact from the release and the subsequent fire. This event meets the demonstration criteria for an excessive emissions event.

This constitutes a violation of 5C Texas Health and Safety code (THSC) Section (§) 382.085(a), which states, "Except as authorized by commission rule or order, a person may not cause, suffer, allow, or permit the emission of an air contaminant or the performance of any activity that causes or contributes to, air pollution." This also constitutes a violation of Texas Title 30 Texas Administrative Code (30 TAC) §101.4, which states, "No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property." This further constitute a violation of 5C THSC §382.085(b).

Recommended Corrective Action: Submit a written description of corrective action taken and the required plan/or documentation necessary to address the outstanding alleged violation to prevent recurrence of a same or similar violation.

Track No: 780901 **Compliance Due Date:** To Be Determined

30 TAC Chapter 101.201(a)(1)(B)

5C THSC Chapter 382.085(b)

Alleged Violation:

Investigation: 1723637

Comment Date: 07/13/2021

Failure to notify the TCEQ Houston Region Office of a reportable emissions event within 24 hours after the discovery of the event.

K SOLV**Investigation # 1723637**

Specifically, an emissions event, Texas Commission on Environmental Quality (TCEQ) /State of Texas Environmental Electronic Reporting System (STEERS) Incident No. 354013, was discovered on April 7, 2021 at 3:48 p.m.; however, K-SOLV Chemicals LLC/ K-SOLV (K-SOLV) reported the event on April 8, 2021, at 8:31 p.m., which was approximately 5 hours late after the 24-hour deadline.

This constitutes a violation of Title 30 Texas Administrative Code (TAC) section (§) 101.201(a) (1)(B), which states "As soon as practicable, but not later than 24 hours after the discovery of an emissions event, the owner or operator of a regulated entity shall: notify the commission office for the region in which the regulated entity is located, and all appropriate local air pollution control agencies with jurisdiction, if the emissions event is reportable." This further constitutes a violation of 5C Texas Health and Safety Code (THSC) §382.085(b).

Recommended Corrective Action: Submit a written description of corrective action taken and the required plan/or documentation necessary to address the outstanding alleged violation to prevent recurrence of a same or similar violation.

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 25, 2022

Mr. Christian D. Menefee, County Attorney
Office of the Harris County Attorney
1019 Congress, 15th Floor
Houston, Texas 77002

Re: Comment Received, Proposed Agreed Enforcement Order
K-Solv Chemicals, LLC; RN100616721
Enforcement Case No. 61104; Docket No. 2021-1006-AIR-E

Dear Mr. Menefee:

We received your letter dated February 8, 2022 concerning the proposed agreed order for the K-Solv Chemicals, LLC bulk petrochemical transfer and storage terminal in Channelview, Harris County, Texas. I have forwarded your letter to our Houston Regional Office for their information and to our General Counsel's Office so that the Commissioners can consider your comments regarding the proposed order.

Texas Commission on Environmental Quality ("TCEQ") staff and K-Solv Chemicals, LLC agreed to the terms of the proposed order on November 29, 2021 which includes an administratively penalty of \$11,413. In addition, the proposed order recognizes that K-Solv Chemicals, LLC implemented a corrective action by submitting the initial notification for Incident No. 354013 on April 8, 2021 at 8:31 p.m.

The technical requirements in the proposed agreed order require K-Solv Chemicals, LLC to submit a corrective action plan ("CAP") in accordance with the TCEQ letter dated July 16, 2021 to address the excessive emissions event that occurred on April 7, 2021 (Incident No. 354013), respond completely and adequately to all requests for information concerning the CAP, and implement the CAP in accordance with the approved schedule.

In your comments, you expressed concerns related to the administratively penalty being insufficient to adequately punish K-Solv Chemicals, LLC, that the penalty for the failure to prevent unauthorized emissions during the excessive emissions event was treated as one single event, and that the penalty did not include a penalty assessment for the failure to include all emitted pollutants in the emissions event report or for the failure to prevent nuisance conditions. The TCEQ appreciates your concerns and has provided specific responses below to your stated concerns. The TCEQ takes its mission to protect public health and the environment very seriously; therefore, the TCEQ will continue to take action under our authority to ensure K-Solv Chemicals, LLC complies with the TCEQ rules and regulations and the technical requirements of this order once it is effective.

Specifically, you had a concern that the \$11,413 administrative penalty is insufficient to adequately punish an entity for failing to timely submit both initial and final emissions event reports, failing to properly identify all emitted pollutants in the final emissions event report, triggering a shelter-in-place for surrounding residents, and emitting at least 165,061 pounds of pollutants into the atmosphere. The proposed agreed order addresses the unauthorized emissions released during the excessive emissions event that occurred on April 7, 2021 and documented during a record review conducted from April 22, 2021 through July 1, 2021. During that investigation, the TCEQ Houston Regional Office did not document the failure to timely submit the final record for the emissions event and failure to properly identify all emitted pollutants in the final record for the emissions event. However, the TCEQ Houston Regional Office documented the failure to prevent unauthorized emissions during the excessive emissions event and failure to submit the initial notification for the reportable emissions event no later than 24 hours after the discovery of the emissions event. To address timely submission of reports, the administrative penalty in the proposed agreed order includes the penalties for the failure to prevent unauthorized emissions during the excessive emissions event and failure to submit the initial notification for the reportable emissions event no later than 24 hours after the discovery of the emissions event.

The TCEQ Penalty Policy includes a description of how the TCEQ evaluates the harm and severity of violations and how it determines proposed penalties. The calculated penalty includes adjustments that the agency may make to the base penalty amount after completing its review of case-specific information. The penalty calculation incorporates the consideration of the size of the respondent's site and its potential volume of pollutants and are defined as Minor or Major Sources per the specific program.

As stated in the TCEQ Penalty Policy, a Major Source is any stationary facility that is a source of nonhazardous air pollutants which directly emits, or has the potential to emit, 100 tons per year or more of any air pollutant. For the hazardous air pollutants ("HAP") listed in the Federal Clean Air Act, a source that emits or has the potential to emit 10 tons per year or more of a single pollutant or 25 tons per year or more of any combination of pollutants. Additionally, the site is considered Major if any source at the site is Major, even if the violation is not for that source.

For air violations, a Minor Source is defined as any non-Major Source. In the investigation report and review of pollutants that were released during this excessive emissions event, K-Solv Chemicals, LLC emitted less than 100 tons of any single air pollutant, or in this specific case less than 100 tons of volatile organic compounds ("VOC"), less than 10 tons of a single HAP, and less than 25 tons of any combination of HAPs during the emissions event. K-Solv Chemicals, LLC also certified the emissions at the site under PBR Registration No. 150670 that established the federally enforceable limits below the Major Source thresholds. Therefore, at the time the enforcement case was developed, the site was determined to be a Minor Source in accordance with the TCEQ Penalty Policy. Thus, per the Penalty Policy, a Minor Source with a violation that was assessed as an Actual Release/Major Harm is 50% of the base penalty.

To address the excessive emission from K-Solv Chemicals, LLC releasing 165,061 pounds (82.53 tons) of VOC during the emissions event that lasted two hours and 42 minutes and initiated a shelter-in-place, the penalty for this violation was assessed as an Actual

Release/Major Harm at one daily event because human health or the environment were exposed to significant amounts of pollutants that exceeded levels that are protective of human health or environmental receptors as a result of the violation per the TCEQ Penalty Policy. This resulted in the maximum penalty per violation per day under the TCEQ Penalty Policy for a Minor Source and the applicable statutory limits.

Specifically, you had a concern that the penalty for the failure to prevent unauthorized emissions from 43 different pollutants during the excessive emissions event was treated as one single event. Although K-Solv Chemicals, LLC reported 43 different pollutants that were released during the emissions event that lasted two hours and 43 minutes, K-Solv Chemicals, LLC complied with the TCEQ emissions event reporting requirement by reporting the 43 different pollutants that were released during the emissions event. Under its permits, K-Solv Chemicals, LLC is authorized to emit these 43 pollutants as VOC during normal operations. The maximum penalty is \$25,000 a day for each violation per TEX. WATER CODE § 7.052(c). Since K-Solv Chemicals, LLC is authorized to emit VOC, the 165,051 pounds of 43 different pollutants that were released during the emissions event were identified as VOC in the proposed agreed order and were not speciated during the development of the penalty because the emissions event is considered one violation. Also, since the emissions event lasted two hours with 43 events, this equates to one daily event per the TCEQ Penalty Policy. Therefore, the release of 165,051 pounds of VOC and approximately three-hour duration of the emissions event were considered when the administrative penalty for this violation was assessed per the TCEQ Penalty Policy.

Specifically, you had a concern that the penalty did not include a penalty assessment for the failure to include all emitted pollutants in the emissions event report or for the failure to prevent nuisance conditions. Although particulate matter is a pollutant of concern in Harris County and the Houston-Galveston-Brazoria area, during the record review conducted from April 22, 2021 through July 1, 2021, the TCEQ Houston Regional Office did not document violations for failing to identify particulate matter on the final record for the excessive emissions event that occurred on April 7, 2021 and for failing to prevent nuisance conditions. Therefore, an administrative penalty was not assessed for allegations that were not documented as violations during the TCEQ investigation. However, if K-Solv Chemicals, LLC is emitting any unauthorized emissions or is causing nuisance conditions, a complaint may be filed with the TCEQ Houston Regional Office. The TCEQ Houston Regional Office will investigate all citizen complaints within its jurisdiction. If the TCEQ Houston Regional Office documents additional violations during later investigations, the alleged violations will be evaluated in accordance with the TCEQ Enforcement Initiation Criteria to determine the appropriate level of enforcement to pursue.

Since an agreement was reached between K-Solv Chemicals, LLC and the TCEQ, the TCEQ has scheduled the agreed order for consideration by the TCEQ Commissioners at an upcoming Commissioners' Agenda, in accordance with 30 TEX. ADMIN. CODE § 70.10(c). During the Commissioners' Agenda, the TCEQ Commissioners can propose changes or other recommendations regarding the proposed agreed order. Upon adoption of the agreed order by the TCEQ Commissioners, the TCEQ will continue to monitor K-Solv Chemicals, LLC's compliance with the TCEQ rules, regulations, and agreed order and initiate additional enforcement actions as appropriate.

Mr. Christian D. Menefee

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July 25, 2022

We appreciate your input into the enforcement action currently pending against K-Solv Chemicals, LLC. The proposed agreed order is expected to be considered at an upcoming Commissioners' Agenda. Ms. Yuliya Dunaway is the Enforcement Coordinator assigned to this case. If you have further concerns or comments related to this order, please do not hesitate to call Ms. Dunaway at (210) 403-4077 or at yuliya.dunaway@tceq.texas.gov. For complaints related to K-Solv Chemicals, LLC's current operating conditions or procedures, you should continue to contact our Houston Regional Office at (713) 767-3700.

Sincerely,

A handwritten signature in black ink that reads "Susan M. Jablonski". The signature is written in a cursive style with a small dot above the 'i' at the end.

Susan M. Jablonski, P.E.
Deputy Director for Enforcement Division
Office of Compliance and Enforcement
Texas Commission on Environmental Quality

SJ/yd

RESPONSE TO COMMENT SUBMITTED BY

MARY W. KOKS ON BEHALF OF K-SOLV
CHEMICALS, LLC

March 11, 2022

Mr. Michael De La Cruz
Manager
Enforcement Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

RE: Proposed Agreed Order
K-Solv Chemicals, LLC
RN100616721
Docket No. 2021-1006-AIR-E; Enforcement Case No. 61104

Mr. De La Cruz,

The proposed Agreed Order referenced above was signed by K-Solv Chemicals, LLC (K-Solv) and returned to the Texas Commission on Environmental Quality (TCEQ) Enforcement Division along with a check in the amount of \$11,413.00 for the assessed penalty on December 7, 2021 (Exhibit A). Information regarding the proposed Agreed Order was subsequently published in the Texas Register, Volume 47, on January 7, 2022 commencing a 30-day public review and comment period (Exhibit B). Bank records show that the penalty check was subsequently cashed by TCEQ on December 9, 2021 (Exhibit C). Based on review of the public comment record, it appears that only one public comment was received addressing the referenced Agreed Order. The commentor, identified as the Harris County Attorney's Office (HCAO), submitted comments on the last day of the comment period, February 8, 2022 at approximately 4:47 PM. K-Solv did not receive a copy of the Objection from the HCAO and only recently found out about it being filed after contacting your office. The objection by the HCAO requests that TCEQ re-evaluate the penalty assessment based on the following additional topics:

HCAO Request to Re-evaluate Penalty:

1. HCAO encourages the TCEQ to re-assess the penalty amount by counting each pollutant emitted due to the fire as a separate event when determining the number of events for the penalty computation.
2. HCAO references violation cited by Pollution Control as Tex. 382.085(b) and 30 Tex. Admin. Code 101.201 - failure to list all air contaminants involved in the emissions event in the final emissions event report, specifically combustion products from the chemical fire such as particulate matter.

3. HCAO further alleges that the emissions event impacted the nearby community. HCAO also alleges that the event triggered a shelter-in-place order for the residents of Lakeside Park Estates and Lakeview Homes.
4. HCAO alleges that failure to report emissions of particulate matter generated by the fire should constitute a violation of 30 Tex. Admin. Code 101.4 (Nuisance) as particulate emissions in Harris County and the Houston-Galveston-Brazoria (HGB) area are of concern with respect to the area's current National Ambient Air Quality Standard (NAAQS) classification for fine particulate matter (PM_{2.5}).
5. HCAO references violation cited by the Harris County Pollution Control Services Department (Pollution Control) as Tex. Health and Safety Code 382.085(b) and 30 Tex. Admin. Code 101.201(c) - failure to submit a copy of the final emission event report (submitted to TCEQ via STEERS on April 21, 2021) to Pollution Control no later than two weeks after the end of the emission event.
6. HCAO alleges that a similar event occurred on April 19, 2007 (14 years prior) when a fire started inside a tank truck being loaded with Xylene resulting in an event that lasted over 47 hours.

K-Solv has concerns with the last-minute submission of comments and the request for a re-evaluation of the penalty assessment by HCAO after K-Solv's consideration and agreement to the terms and penalty amount set forth in the Agreed Order that was signed on November 15, 2021 and submitted to TCEQ on December 7, 2021. K-Solv provided timely and complete responses to all TCEQ and HCPCS inquiries and subsequent notices regarding the emission event. Furthermore, K-Solv has already submitted the Corrective Action Plan (CAP) required in the Agreed Order, responded timely to all TCEQ requests for information concerning the CAP, and received TCEQ Approval of the CAP on December 14, 2021, thereby already completing ordering provisions 2.(a) and 2.(b) of the Agreed Order. On behalf of K-Solv, the following information is being presented to address the additional information items. The responses to the items are provided below in numerical order:

1. **30 TAC 101.1(28) defines an emissions event as "any upset event or unscheduled maintenance, startup, or shutdown activity, from a common cause that results in unauthorized *emissions* of air *contaminants* from one or more emissions points at a regulated entity" (emphasis added). The request by HCAO to count each separate pollutant emitted as a result of one fire as a separate event would conflict with the definition of an "Emission Event" as stated in the rule. The fire was an upset event from a single common cause that resulted in unauthorized *emissions* of "air *contaminants*" (plural, specifically stating that an emission event includes *emissions* of one or more *contaminants*) from the container storage area at the K-Solv Channelview regulated entity. Had the legislature intended to regulate each and every contaminate as a separate *event*, then it clearly could have done so. But the language specifically and clearly says that an upset event is one from a common cause that results in *emissions* of air *contaminants*. Thus, the language intends to cover the *emissions* from the fire as one event.**
2. **Because the focus was on identifying and reporting chemical emissions associated with the event, the quantity of particulate matter generated by the fire was not estimated or included in the initial or final STEERS notification. Neither USEPA nor TCEQ offer**

specific guidance for estimating particulate emissions from a short duration event involving a chemical fire. USEPA has published emission factors for a variety of emission sources in its AP-42 publication including Chapter 2.5 for Open Burning. USEPA emission factors are based on source tests, modelling, mass balance or other information and some have been subject to more rigorous quality assurance. Each emission factor is assigned a reliability or robustness rating of A through to E with A being the best. A rating of "D" represents below average reliability and is developed from less robust test data obtained from a small number of installations which may not represent a random sample and may also exhibit variability. The agency makes it clear that its emissions factors are generally developed to represent long-term emissions and that where short-term fluctuations in emission rates are likely (as with accidental fires), a higher uncertainty is expected.

More importantly, EPA published emission factors in AP-42 Chapter 2.5 - Open Burning are based on combustion of solid municipal refuse, automobile components, agricultural materials, and leaves, and have a factor rating of D. The materials involved in the development of these factors is the common place burning whose particulate emissions can be more readily calculated and are not representative of the material consumed in the K-Solv fire, introducing complete uncertainty in the reliability of any estimate.

3. The Center for Technology and Environmental Health (CTEH), LLC, an internationally recognized consultant with expertise in emergency response, industrial hygiene and toxicology was immediately contracted by K-SOLV at significant expense \$1,130,400.00 to provide ambient air monitoring for the event to determine whether there had been any impact to the community, or to human health and the environment. CTEH initiated a comprehensive ambient air sampling for anticipated air contaminants at multiple locations throughout the surrounding community at approximately 18:56 (6:56 pm) on April 7, 2021, only two hours after the fire started. Monitoring continued during subsequent cleanup activities and was discontinued on April 18, 2021 at approximately 12:30. The results of the CTEH air monitoring for this period show that concentrations of anticipated air contaminants were not detected at levels indicating a health concern for members of the community beyond the K-Solv Property and adjacent Center Point utility easement. Summary information from the CTEH Air Monitoring report is attached (Exhibit D). Therefore, K-Solv disputes the allegation that emissions from the event impacted the surrounding community, since the ambient air sampling shows that this is not the case.

The fire began at approximately 3:48 PM on April 7, 2021 and was extinguished by 6:30 PM the same day. The shelter-in-place advisory was issued while fire suppression actions by the fire department were being implemented as a precautionary measure and was subsequently lifted at approximately 8:18 PM on April 7, 2021. The short duration of this shelter-in-place advisory also indicates that the fire department recognized the very short duration of a potential problem, which as stated above was demonstrated not to have impacted human health or the environment.

4. HCAO alleges that particulate matter emitted during the fire constitutes a major concern related to its impact on local and area PM_{2.5} concentrations. With respect to local impacts, the ambient air monitoring performed by CTEH in the surrounding community included sampling for PM_{2.5}. CTEH established a conservative site-specific action level

concentration for PM_{2.5} monitoring at 138 ug/m³ for 5 minutes based the upper boundary of the 1–3hr average action levels for sensitive populations (individuals with asthma or other respiratory diseases, individuals with cardiovascular disease, the elderly, children, pregnant women and smokers) that are recommended in the Wild Fire Smoke Guide for Public Officials, 2013, Table 3 (Exhibit E). According the CTEH monitoring report, of the 589 PM_{2.5} detections, only one site-specific action level exceedance was measured at 3:30 AM on April 8, 2021 at a location upwind of the site and was determined to be unrelated to the earlier fire (Exhibit D). As shown on the PM_{2.5} sampling locations map, the exceedance occurred at a sample location approximately 0.55 miles west north-west from the K-Solv site and immediately north of a large aggregate paved container storage yard.

With respect to impacts on the broader Houston-Galveston-Brazoria (HGB) area, the particulate matter emitted as a result of the fire does not have a significant impact on the area particulate matter concentrations. There is a single particulate matter monitor within 5 miles of the K-Solv facility. It is located almost due east at 87 degrees and is 4.31 miles from K-Solv. During the fire, the winds blew almost directly from the south at approximately 188 degrees. Therefore, this monitor would not have been directly downwind of the fire and could not directly measure the impact of the fire. However, we can look at the claim that the fire had a negative impact on the area particulate matter air quality by comparing PM_{2.5} concentrations measured at the nearby monitor during the year before the fire and since the fire. The following table presents that comparison.

PM_{2.5} Concentrations at Monitor EPA ID 48-201-0058

Time Period	Valid Daily Measurements	Max 24-Hour Concentration	98 th	
April 7, 2020 to April 6, 2021	357	50.3	24.0	10.3
April 7, 2021 to March 2, 2022	321	27.9	20.4	9.6

As shown in the table, PM_{2.5} concentrations at the nearby monitor since the fire are slightly lower than before. This is clear evidence that the fire has not had a negative impact on the surrounding air quality regarding particulate matter.

The reasonable conclusion is that the fire has not contributed to a significant degradation in local PM_{2.5} concentrations. The National Ambient Air Quality Standard (NAAQS) for PM_{2.5} is based on the 98th percentile 24-hour average concentration averaged over three (3) years. The fire lasted for a period of 2.5 hours on a single day. Therefore, only a single day's 24-hour average concentration would be affected. If high concentrations did occur as a result of the fire, the day's average might supplant one of the top 24-hour averages for the year. If this occurred, the previous 7th highest 24-hour average concentration would then become the 8th highest 24-hour concentration. The fire's impact would be the difference between the 7th and 8th highest 24-hour average concentrations for that year. Averaging this difference with two (2) other years would further dilute the impact the fire has on the local PM_{2.5} air quality.

30 TAC 101.4 states “No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property”. As described above, ambient monitoring in the surrounding community did not identify any contaminant concentrations resulting from the fire that were of a magnitude that would be considered injurious to human health or as to interfere with the normal use and enjoyment of property.

5. K-Solv provided initial notifications to The National Response Center (NRC), Texas Commission on Environmental Quality (TCEQ) Region 12 and Texas General Land Office (TGLO) on the day of the incident (April 7, 2021). Records from the NRC indicate that Harris County Pollution Control Services (HCPCS) was notified on April 7th (Exhibit F). Further, HCPCS investigators Darrin Cobb and Johnathan Martin were on-site at 4:45 pm on April 7, 2021 (within one hour of the commencement of the fire) conducting an investigation of the ongoing event. Although the fire was extinguished by 6:30 pm on April 7, 2021, the Harris County Fire Marshal’s Office (HCFMO) restricted access to the property until approximately 5:00 pm on April 8, 2021. HCFMO continued access to the property for several days after while it conducted a physical investigation of the site. Despite the limited access to its office facilities and files, absence of electrical power, and the ongoing coordination with emergency responders and remediation activities, K-Solv worked diligently to identify the information needed and prepared the emission estimates required for the initial notification that was submitted via the TCEQ STEERS electronic reporting system on April 8, 2021 at 8:31 PM.

The final emissions event report was prepared and submitted via the TCEQ STEERS electronic reporting system on April 21, 2021. HCPCS emailed a request for additional information to K-Solv on April 22, 2021 referencing the TCEQ STEERS Incident Tracking No. 354013. K-Solv was unaware that HCPCS was not automatically notified of the electronic STEERS initial and final notifications. Copies of both the initial STEERS notification and final STEERS report were provided to HCPCS in the subsequent response to the information request addressing the question as to why the initial and final STEERS notifications were not also provided to HCPCS. K-Solv also updated its Emergency Response Action Plan notifications section to include HCPCS on its list of agency contacts and incident reporting deadlines as documented in the correspondence to HCPCS dated June 9, 2021.

6. According to the Air Emission Event Final Report for incident 92054 that occurred at the K-Solv Channelview facility over 14 years ago on April 19, 2007 (Exhibit G) that was obtained from TCEQ website records, the event lasted 27 hrs and 30 minutes, not “over 47 hours” as stated in the HCAO comments. Further, this very old incident is the only other event of this kind during the history of the facility.

K-Solv respectfully requests that the TCEQ Enforcement Division consider the entirety of the facts as set out herein, recognize that K-Solv has already complied with all the listed technical requirements of the Agreed Order, has paid the fines as set out in the Agreed Order and thus, decline to revise the Agreed Order.

Mr. Michael De La Cruz
March 11, 2022
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Sincerely,

Mary W. Koks

MWK:jc

cc: Sarah Jane Utley, Environmental Division Director, Office of the Harris County Attorney,
1019 Congress, 15th Floor, Houston, TX 77002
Yulia Dunaway, G.I.T. Enforcement Coordinator, Texas Commission on Environmental
Quality, P.O. Box 13087, Austin, TX 78711-3087
Todd Riddle, President and COO, K-Solv Group, LLC, 952 Echo Lane, Suite 400,
Houston, TX 77024

1 From Please print and press hard.

Date **Dec-07-21** Sender's FedEx Account Num [Redacted]

Sender's Name **Todd Riddle** Phone **(713) 468-5768**

Company **KSOLV Group**

Address **952 Echo Lane Suite 400**
Dest./Floor/Suite/Room

City **Houston** State **Tx** ZIP **77024**

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Company **Texas Commission on Environmental Quality**

Address [Redacted] Dept./Floor/Suite/Room

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City **Austin** State **Tx** ZIP **78753**

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Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 27, 2021

Mr. Gary Weatherly, Vice President of Operations
K-Solv Chemicals, LLC
16517 De Zavalla Road
Channelview, Texas 77530

Re: Proposed Agreed Order
K-Solv Chemicals, LLC; RN100616721
Docket No. 2021-1006-AIR-E; Enforcement Case No. 61104
FOR SETTLEMENT PURPOSES ONLY

Dear Mr. Weatherly:

The Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ") is pursuing an enforcement action against K-Solv Chemicals, LLC for violations of the Texas Health & Safety Code and/or Commission Rules. These violations were discovered during a record review conducted from April 22, 2021 through July 1, 2021, and documented in a letter dated July 16, 2021, from the TCEQ Houston Regional Office.

Please find enclosed a proposed agreed order which we have prepared in an attempt to expedite this enforcement action. The order assesses an administrative penalty of \$11,413, identifies the violations that we are addressing, and identifies specific technical requirements necessary to resolve them.

If you have any questions regarding this matter, we are available to discuss them in a conference in San Antonio or over the telephone. If we reach agreement in a timely manner, the TCEQ will then proceed with the remaining procedural steps to settle this matter. These steps include publishing notice of the proposed order in the *Texas Register*, and scheduling the matter for approval by the Commission. We believe that handling this matter expeditiously could save K-Solv Chemicals, LLC and the TCEQ a significant amount of time, as well as the expense associated with litigation.

Enclosed for your convenience is a return envelope. If you agree with the order as proposed, please sign and return the original order **and** the penalty payment (check payable to "TCEQ" and referencing K-Solv Chemicals, LLC, Docket No. 2021-1006-AIR-E) to:

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

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Mr. Gary Weatherly
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September 27, 2021

Should you believe you are unable to pay the proposed administrative penalty, you may claim financial inability to pay part or all of the penalty amount. In order to qualify for financial inability to pay, the penalty must exceed \$3,600 and be greater than 1% of annual gross revenues. If this is the case, please contact us immediately to obtain a list of financial disclosure documents that must be submitted within 30 days of the receipt of this letter. These documents, once properly completed and submitted, will be thoroughly reviewed to determine if we agree with the claim of financial inability. Please be aware that if financial inability is proven to the satisfaction of staff, discussions pertaining to the penalty amount adjustment will focus only on deferral and not on waiver of the penalty amount.

You may be able to perform or contribute to a Supplemental Environmental Project ("SEP"), which is a project that benefits the environment, to offset a portion of your penalty. **If you are interested in performing an SEP, you must agree to the penalty amount and submit an SEP proposal within 30 days of receipt of this proposed order.**

For additional information about the types of SEPs available and eligibility criteria, please go to the TCEQ's web site link at <https://www.tceq.texas.gov/compliance/enforcement/sep> or contact the Enforcement Coordinator listed below.

Please note that any agreements we reach are subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).

If we cannot reach a settlement of this enforcement action or you do not wish to participate in this expedited process, we will proceed with enforcement under the Commission's Enforcement Rules, 30 TEX. ADMIN. CODE ch. 70. Specifically, if the signed order and penalty are not mailed and postmarked within 60 days from the date of this letter, your case will be forwarded to the Litigation Division and this settlement offer will no longer be available. The enforcement process described in 30 TEX. ADMIN. CODE ch. 70 requires the staff to prepare and issue an Executive Director's Preliminary Report and Petition to the Commission. If you would like to obtain a copy of 30 TEX. ADMIN. CODE ch. 70, or any other TCEQ rules, the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules (GI-032)* are located on our agency website at <http://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from the Central Office Publications Ordering Team at (512) 239-0028.

Mr. Gary Weatherly
Page 3
September 27, 2021

For any questions or comments about this matter or to arrange a meeting, please contact Ms. Yuliya Dunaway of my staff at (210) 403-4077 or at yuliya.dunaway@tceq.texas.gov.

Sincerely,



for:

Michael De La Cruz, Manager
Enforcement Division
Texas Commission on Environmental Quality

MD/yd

Enclosures: Proposed Agreed Order, Return Envelope, Penalty Calculation Worksheet, Site Compliance History

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
K-SOLV CHEMICALS, LLC
RN100616721

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-1006-AIR-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding K-Solv Chemicals, LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent 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 bulk petrochemical transfer and storage terminal located at 1015 Lakeside Drive in Channelview, Harris County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. During a record review conducted from April 22, 2021 through July 1, 2021, an investigator documented that:
 - a. The Respondent released 165,061.0 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 354013) that occurred on April 7, 2021 and lasted two hours and 42 minutes. The emissions event occurred due to the improper grounding/bonding of a filling nozzle in the Container Storage Area that caused static electricity, resulting in a fire and the release to the atmosphere. TCEQ staff determined that the emissions event was an excessive emissions event.

- b. The initial notification for Incident No. 354013 was due by April 8, 2021 at 3:48 p.m., but was not submitted until April 8, 2021 at 8:31 p.m.
3. The Executive Director recognizes that the Respondent submitted the initial notification for Incident No. 354013 on April 8, 2021 at 8:31 p.m.

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. 382 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 106.6(b), Permit by Rule Registration No. 150670, and TEX. HEALTH & SAFETY CODE § 382.085(b). The emissions event was determined to be an excessive emissions event.
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event, in violation of TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. Pursuant to TEX. WATER CODE § 7.051, 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.
5. An administrative penalty in the amount of \$11,413 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid the \$11,413 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. 5 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: K-Solv Chemicals, LLC, Docket No. 2021-1006-AIR-E" to:

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

2. The Respondent shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Order, submit a corrective action plan ("CAP") in accordance with the TCEQ letter dated July 16, 2021 to address the excessive emissions event that occurred on April 7, 2021 (Incident No. 354013).
 - b. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the CAP submittal in connection with the April 7, 2021 excessive emissions event within 15 days after the date of such requests, or by any other deadline specified in writing.
 - c. Within 45 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 2.e, to demonstrate compliance with Ordering Provision No. 2.a.
 - d. Upon Executive Director approval of the CAP, implement the CAP in accordance with the approved schedule.
 - e. Within 15 days after the completion of the CAP implementation, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

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 Plant operations referenced in this Order.
5. 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.
6. 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.
7. 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.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. 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.
10. 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.

11. 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 _____
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.

T. Riddle
Signature

11/15/21
Date

TODD RIDDLE
Name (Printed or typed)
Authorized Representative of
K-Solv Chemicals, LLC

CHIEF OPERATIONS OFFICER
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.



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES Assigned PCW 19-Jul-2021
 24-Sep-2021 Screening 27-Jul-2021 EPA Due

RESPONDENT/FACILITY INFORMATION
 Respondent K-Solv Chemicals, LLC
 Reg. Ent. Ref. No. RN100616721
 Facility/Site Region 12-Houston Major/Minor Source Minor

CASE INFORMATION
 Enf./Case ID No. 61104 No. of Violations 2
 Docket No. 2021-1006-AIR-E Order Type Findings
 Media Program(s) Air Government/Non-Profit No
 Multi-Media Enf. Coordinator Yuliya Dunaway
 EC's Team Enforcement Team 4
 Admin. Penalty \$ Limit Minimum \$0 Maximum \$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$12,750

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History -10.0% Adjustment Subtotals 2, 3, & 7 -\$1,275

Notes Reduction for High Performer classification.

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 -\$62

Economic Benefit 0.0% Enhancement* Subtotal 6 \$0

Total EB Amounts \$575
 Estimated Cost of Compliance \$10,250
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$11,413

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$11,413

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$11,413

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 \$11,413

Screening Date 27-Jul-2021

Docket No. 2021-1006-AIR-E

PCW

Respondent K-Solv Chemicals, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 61104

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100616721

Media Air

Enf. Coordinator Yuliya Dunaway

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	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) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 27-Jul-2021
Respondent K-Solv Chemicals, LLC
Case ID No. 61104
Reg. Ent. Reference No. RN100616721
Media Air

Docket No. 2021-1006-AIR-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Enf. Coordinator Yuliya Dunaway
Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 106.6(b), Permit by Rule Registration No. 150670, and
 Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 165,061.0 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 354013) that occurred on April 7, 2021 and lasted two hours and 42 minutes. The emissions event occurred due to the improper grounding/bonding of a filling nozzle in the Container Storage Area that caused static electricity, resulting in a fire and the release to the atmosphere. The emissions event was determined to be an excessive emissions event.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 50.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$12,500

\$12,500

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$12,500

One daily 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 \$12,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$575

Violation Final Penalty Total \$11,250

This violation Final Assessed Penalty (adjusted for limits) \$11,250

Economic Benefit Worksheet

Respondent K-Solv Chemicals, LLC

Case ID No. 61104

Reg. Ent. Reference No. RN100616721

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	7-Apr-2021	1-Jun-2022	1.15	\$575	n/a	\$575

Notes for DELAYED costs

Estimated cost to implement an approved corrective action plan to address the excessive emissions event that occurred on April 7, 2021 (Incident No. 354013). The Date Required is the date the emissions event occurred and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$575

Screening Date 27-Jul-2021
 Respondent K-Solv Chemicals, LLC
 Case ID No. 61104

Docket No. 2021-1006-AIR-E

PCW

Policy Revision 5 (January 28, 2021)
 PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100616721

Media Air

Enf. Coordinator Yuliya Dunaway

Violation Number 2

Rule Cite(s) Tex. Admin. Code § 101.201(a)(1)(B) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 354013 was due by April 8, 2021 at 3:48 p.m., but was not submitted until April 8, 2021 at 8:31 p.m.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1.0%

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

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction \$62
 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	

Notes The Respondent completed the corrective actions on April 8, 2021, prior to the Notice of Enforcement dated July 16, 2021.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$163

This violation Final Assessed Penalty (adjusted for limits) \$163

Economic Benefit Worksheet

Respondent K-Solv Chemicals, LLC
Case ID No. 61104
Reg. Ent. Reference No. RN100616721
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	8-Apr-2021	8-Apr-2021	0.00	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost to submit the initial notification for Incident No. 354013. The Date Required is the date the initial notification was due and the Final Date is the date the initial notification was submitted.

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 **TOTAL**

\$250

\$0

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 CN605668805, RN100616721, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN605668805, K-Solv Chemicals, LLC **Classification:** HIGH **Rating:** 0.00
Regulated Entity: RN100616721, K SOLV **Classification:** HIGH **Rating:** 0.00
Complexity Points: 11 **Repeat Violator:** NO
CH Group: 14 - Other
Location: 1015 LAKESIDE DR, CHANNELVIEW, HARRIS COUNTY, TX
TCEQ Region: REGION 12 - HOUSTON

ID Number(s):
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HX2351A **AIR NEW SOURCE PERMITS** PERMIT 87595
AIR NEW SOURCE PERMITS PERMIT 129626 **AIR NEW SOURCE PERMITS** REGISTRATION 150670
AIR NEW SOURCE PERMITS AFS NUM 4820101651 **STORMWATER** PERMIT TXR05AG56
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HX2351A

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

Date Compliance History Report Prepared: September 24, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 24, 2017 to September 24, 2021

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

Name: Yuliya Dunaway

Phone: (210) 403-4077

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

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

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.
N/A

F. Environmental audits:
N/A

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

Lonnie Hunt
Executive Director
Deep East Texas Council of Governments
Filed: December 29, 2021

Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code, (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **February 8, 2022**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on **February 8, 2022**. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission's enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: El Paso Water Utilities Public Service Board; DOCKET NUMBER: 2021-0537-PWS-E; IDENTIFIER: RN109218115; LOCATION: El Paso, El Paso County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.43(d)(2), by failing to provide the facility's pressure tanks with a pressure release device and an easily readable pressure gauge; 30 TAC §290.44(i)(2)(D), by failing to provide a tank vent that faces downward and is located to minimize the possibility of drawing contaminants into the stored water with a 16-mesh or finer corrosion-resistant screen; 30 TAC §290.44(i)(2)(E), by failing to provide the openings of connections for filling and emptying the tank with caps and keeper chains to ensure they are properly protected to prevent the possible entrance of contamination; 30 TAC §290.44(i)(2)(G), by failing to ensure that the discharge side of the pump is properly protected between uses by a protective cap and keeper chains; 30 TAC §290.44(i)(2)(H), by failing to ensure hoses used for the transfer of drinking water to and from the tank are used only for that purpose, are labeled for drinking water only, that the hoses conform to American National Standards Institute/National Sanitation Foundation Standard 61 and are certified by an entity recognized by the commission, that hoses and related appurtenances are cleaned and disinfected on a regular basis during prolonged use

or before start-up during intermittent use, and are properly stored between uses and provided with caps and keeper chains or have the ends connected together; and 30 TAC §290.44(i)(2)(L), by failing to maintain operational records detailing the amount of water hauled, purchases, microbiological sampling results, chlorine residual readings, dates of disinfection, and source of water; PENALTY: \$9,660; ENFORCEMENT COORDINATOR: Ryan Byer, (512) 239-2571; REGIONAL OFFICE: 401 East Franklin Avenue, Suite 560, El Paso, Texas 79901-1212, (915) 834-4949.

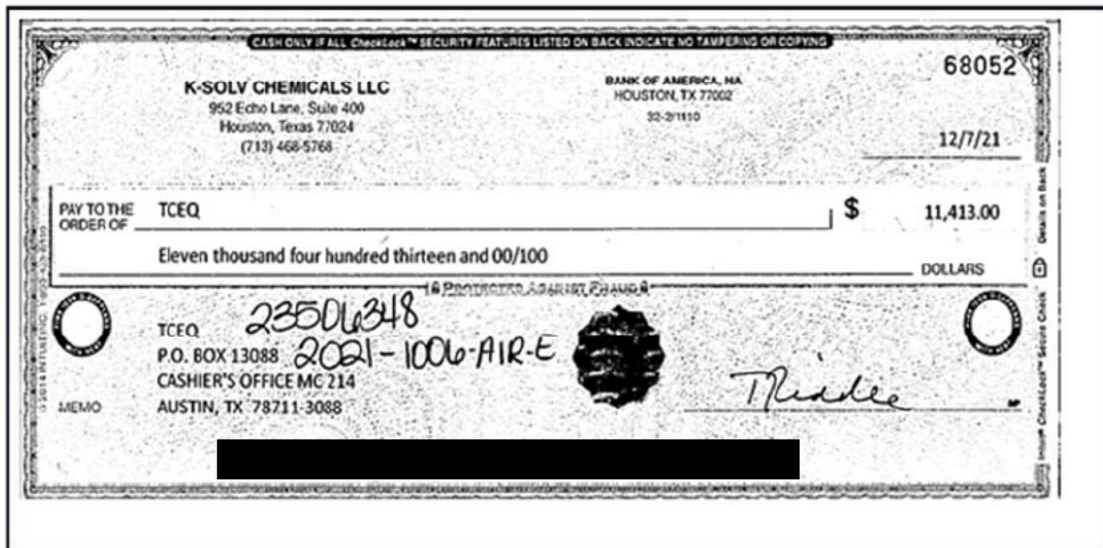
(2) COMPANY: Exxon Mobil Corporation; DOCKET NUMBER: 2021-1028-AIR-E; IDENTIFIER: RN102579307; LOCATION: Baytown, Harris County; TYPE OF FACILITY: petrochemical refinery; RULES VIOLATED: 30 TAC §§101.20(3), 116.715(a), and 122.143(4), Flexible Permit Numbers 18287, PSDTX730M4, and PAL7, Special Conditions Number 1, Federal Operating Permit Number O1229, General Terms and Conditions and Special Terms and Conditions Numbers 32 and 36 A, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$50,000; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$25,000; ENFORCEMENT COORDINATOR: Margarita Dennis, (817) 588-5892; REGIONAL OFFICE: 5425 Polk Street, Suite 11, Houston, Texas 77023-1452, (713) 767-3500.

(3) COMPANY: Exxon Mobil Corporation; DOCKET NUMBER: 2020-0394-AIR-E; IDENTIFIER: RN102579307; LOCATION: Baytown, Harris County; TYPE OF FACILITY: petrochemical refinery; RULES VIOLATED: 30 TAC §§101.20(3), 116.715(a), and 122.143(4), Flexible Permit Numbers 18287, PSDTX730M4, and PAL7, Special Conditions Number 1, Federal Operating Permit Number O1229, General Terms and Conditions and Special Terms and Conditions Numbers 32 and 36 A, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$26,250; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$10,500; ENFORCEMENT COORDINATOR: Margarita Dennis, (817) 588-5892; REGIONAL OFFICE: 5425 Polk Street, Suite 11, Houston, Texas 77023-1452, (713) 767-3500.

(4) COMPANY: Katco Vacuum Truck Service, L.P.; DOCKET NUMBER: 2021-0384-MSW-E; IDENTIFIER: RN101686665; LOCATION: Hebbronville, Jim Hogg County; TYPE OF FACILITY: oil field services facility; RULES VIOLATED: 30 TAC §§324.15, 327.5(a)(5) and (6), 334.75(b), and 40 Code of Federal Regulations §279.22(d), by failing to immediately remove and manage waste from discharges or spills of used oil, and failing to immediately abate and contain discharges or spills of petroleum products that are less than 25 gallons from aboveground storage tanks; and 30 TAC §328.23(a), by failing to store used oil filters in a manner that does not result in a discharge of oil into soil; PENALTY: \$3,150; ENFORCEMENT COORDINATOR: Ken Moller, (512) 239-6111; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(5) COMPANY: K-Solv Chemicals, LLC; DOCKET NUMBER: 2021-1006-AIR-E; IDENTIFIER: RN100616721; LOCATION: Channelview, Harris County; TYPE OF FACILITY: a bulk petrochemical transfer and storage terminal; RULES VIOLATED: 30 TAC §101.201(a)(1)(H) and Texas Health and Safety Code (THSC), §382.085(b), by failing to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event; and 30 TAC §106.6(b), Permit by Rule Registration Number 150670, and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$11,413; ENFORCEMENT COORDINATOR: Yuliyu Dunaway, (210) 403-4077; REGIONAL OFFICE: 5425 Polk Street, Suite 11, Houston, Texas 77023-1452, (713) 767-3500.

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Check Details

Check Number: 68052
Account Number: [REDACTED]
Account Name: K SOLV CHEMICALS LLC
Bank ID: [REDACTED]

Amount: 11,413.00
Posted Date: 12/09/2021
Paid Date: 12/09/2021



THE SCIENCE OF READYSM

K-SOLV GROUP

**AIR MONITORING AND SAMPLING
REPORT**

Channelview, Texas

DeZavalla Road Incident

April 7-18, 2021

Project #114363

Report Submitted on August 6, 2021

EXECUTIVE SUMMARY

On April 7, 2021, CTEH[®], LLC (CTEH) personnel responded to a request from OMI Environmental Solutions (OMI) to provide air monitoring, toxicology, and industrial hygiene safety support following a facility fire at K-Solv's Channelview facility located in Channelview, Texas. The response clean-up involved K-Solv entities as well as local and third-party resources. CTEH personnel provided air monitoring and analytical air sampling in order to inform the Incident Command (IC) team's decisions regarding community and worker health and safety. CTEH personnel developed and implemented an air sampling and analysis plan (SAP; Appendix A) to evaluate and document the potential presence of airborne chemicals resulting from the facility fire. In accordance with the IC-approved SAP, air monitoring and sampling activities were conducted in two broadly defined areas: work area and community.

CTEH personnel utilized handheld and radio-telemetering air monitors to assess real-time concentrations of chemicals and combustion products associated with the facility inventory in the work area and community. Air samples were collected to further evaluate offsite impact and sent to a third-party laboratory for analysis.

CTEH personnel conducted real-time air monitoring and analytical air sampling throughout the Emergency Response Phase from April 7 through April 18, 2021. Results in the community did not indicate an increased risk for adverse impact to public health. Concentrations of target analytes at or above CTEH site-specific action levels in the work area triggered appropriate safety responses, including worker egress from the work area or donning of appropriate personal protective equipment. Upon completion of IC directives for air monitoring and site transition to the Remediation Phase, CTEH ceased air monitoring activities on April 18, 2021, and demobilized from the site.

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1.0 DESCRIPTION OF THE INCIDENT AND RESPONSE

On April 7, 2021, at approximately 1630 CDT¹, OMI Environmental Solutions (OMI) requested that CTEH, LLC (CTEH) mobilize resources in support of a fire resulting from a drum transfer operation in the small quantity transfer area at the K-Solv Group (K-Solv) chemical storage and transfer facility in Channelview, Texas. CTEH personnel developed an Air Sampling and Analysis Plan (SAP; Appendix A) based on a chemical inventory list maintained for the K-Solv facility. CTEH personnel arrived at approximately 1800 on April 7, 2021, and began handheld real-time Community Monitoring in areas adjacent to the incident site for an array of analytes based on facility inventory and related combustion products. The community was defined as the neighborhood and facilities surrounding the K-Solv property which, following the fire's extinguishment on April 7 and the lifting of initial orders to shelter in place, remained open to the public for the duration of the response activities.

At 1830 on April 7, 2021, the facility fire was extinguished, and the Harris County Fire Marshal Office (HCFMO) initiated an assessment to determine the extent of damage to the facility and develop a plan to recover any remaining chemicals not consumed in the fire. Following extinguishment of the fire and once the Incident Command (IC) team determined that it was safe to do so, CTEH personnel-initiated 24-hour handheld and radio-telemetering Worker Monitoring within the work area just outside of the established exclusion zone. The work area was defined as any area on Lakeside Drive or DeZavalla Road within the bounds of the K-Solv facility property lines but outside of the K-Solv fence line and the wooded area south of the facility referred to as the Kirby Woods. Initial work area-related handheld real-time air monitoring was conducted in support of recovery and assessment operations. Subsequent operational efforts that were accompanied by real-time air monitoring included fire and vapor suppression, liquid product recovery, removal of contaminated soil from adjacent ditches, and offloading of recovered product from vacuum trucks into frac tanks.

On April 9, 2021, CTEH personnel established analytical air sampling stations throughout community areas adjacent to the site in an effort to assess for the presence of chemicals of interest beyond the scope of real-time instrumentation.

On April 16, 2021, at approximately 1600, handheld real-time Community Monitoring was discontinued, and radio-telemetering real-time air monitoring stations were demobilized. This decision was based on CTEH and IC review of air monitoring results following completion of off-site product recovery operations, transition of free-standing liquids to collection points within the facility, and collection of debris. With the cessation of overnight work activity and at the request of IC, Worker Monitoring was reduced from 24-hour monitoring to daytime-only monitoring. As part of a contingency effort, CTEH personnel maintained

¹ Central Daylight Time. All times are reported in CDT.

two personnel to continue conducting roaming handheld real-time air monitoring along the facility perimeter and analytical air sampling.

On April 18, 2021, CTEH personnel discontinued all remaining air monitoring and sampling efforts and demobilized from the site. This report describes the air monitoring and sampling activities performed by CTEH personnel within the community and operational areas outside of the exclusion zone. A site location map is provided in Appendix B.

2.0 CHEMICALS OF INTEREST

The chemicals of interest for this incident were based on a list of chemicals known to be within the inventory of the K-Solv facility. CTEH personnel used Safety Data Sheets maintained for the K-Solv facility and published information regarding health-based worker and community exposure guidelines to determine the chemicals expected to have the greatest potential for human health impacts. These chemicals of interest are listed in the SAP. Monitoring and sampling for some chemicals or indicators was added on an investigatory basis, conducted less frequently, or discontinued as product-specific information became available or as initial monitoring and sampling results indicated that these chemicals and indicators did not pose a health concern.

Real-time air monitoring using handheld instrumentation was performed for several analytes known and suspected to be present based on inventory or combustion products. Hydrocarbons such as benzene, toluene, hexane, and styrene were specifically included in the SAP along with volatile organic compounds (VOCs). Other analytes monitored based on inventory included but were not limited to hydrogen sulfide (H₂S), hydrogen chloride (HCl), acetone, chlorine (Cl₂), ethylene dichloride, ethanol, acetic acid, tetrahydrofuran, isopropyl alcohol, isobutyl alcohol, methyl isobutyl ketone (MIK), methyl ethyl ketone (MEK), butyl acetate, methylene chloride, and methyl methacrylate. Monitored combustion products included particulate matter (PM_{2.5} or PM₁₀), carbon monoxide (CO), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), and formaldehyde. Additionally, atmospheric flammability was assessed as a percentage of the lower explosive limit (%LEL). Additional information regarding these chemicals of interest can be found in the SAP. Additional analytes for which monitoring was conducted on an investigatory basis but were not listed in the SAP included 1,3-butadiene, cyclohexane, ethylbenzene, tetrachloroethylene, m-, o-, and p-xylenes, and oxygen.

2.1 Occupational and Community Exposure Standards and Guidelines

Results of real-time air monitoring and analytical air sampling were compared to CTEH site-specific action levels and/or applicable health-based occupational and community exposure standards and guidelines. Action levels are discussed in more detail in Section 2.2.

Analytical air sampling results were compared to the Texas Commission on Environmental Quality's (TCEQ) 24-hour Air Monitoring Comparison Values (AMCVs). Given the short duration of this event and subsequent remediation, the 24-hour AMCVs are sufficiently health protective in addition to being directly comparable to results from the 24-hour collection period. For detected analytes that do not have an established 24-hour AMCV, TCEQ-defined Long-Term screening values were used as an alternative means of comparison in order of preference as follows: Long-Term AMCV, Long-Term Effects Screening Level (ESL). While these long-term values are based on data concerning chronic effects and thus not relevant for comparison to 24-hour samples collected during a short-duration incident, they serve as a conservative benchmark.

Instances where target analytes without an established 24-hour AMCV were detected at concentrations above the Long-Term AMCV or ESL values were subsequently compared against Short-Term AMCVs or ESLs established by TCEQ to evaluate the potential for any acute health effects.

2.2 CTEH Site Specific Action Levels

CTEH site-specific action levels were employed in monitoring zones for two of the three broadly defined monitoring plans outlined in the SAP, Community Monitoring and Worker Monitoring, to provide information for corrective actions to limit exposure. These values do not replace occupational or community exposure standards or guidelines but are intended to be a concentration limit that triggers a course of action to reduce or eliminate exposure to workers or members of the public. CTEH site-specific action levels for the chemicals of interest are provided in the SAP. Site Assessment monitoring took place in areas that did not represent ambient air near breathing zone level and involved a variety of monitoring tasks intended to provide information to help delineate the nature and extent of the release; therefore, no action levels were employed for this monitoring plan.

2.2.1 Community Monitoring

Community Monitoring generally took place in residential and commercial locations immediately surrounding the incident site but not necessarily occupied by members of the community. The site-specific action levels established for Community Monitoring were 0.5 ppm for VOCs, 25 ppm for CO, and 138 $\mu\text{g}/\text{m}^3$ for $\text{PM}_{2.5}$ or PM_{10} with a sustained detection above these values for five minutes or more. Action levels for %LEL were 1% sustained for one minute or more or an instantaneous detection of 10%. All remaining action levels for Community Monitoring were instantaneous detections set at instrument detection limits.

2.2.2 Worker Monitoring

Worker Monitoring generally took place in the presence of workers performing/supporting remediation operations, with readings being taken at a height consistent with that of the sampler's breathing zone and

in proximity to workers without interfering or obstructing their remediation tasks. All site-specific action levels established for Worker Monitoring were set at values based on American Conference for Governmental Industrial Hygienists (ACGIH) Threshold-Limit Values (TLVs; ACGIH 2021), National Institute for Occupational Safety and Health (NIOSH) Recommended Exposure Limits (RELs; NIOSH 2007), Occupational Safety and Health Administration (OSHA) Permissible Exposure Limits (PELs; 29 CFR 1910), or United States Environmental Protection Agency (USEPA) wildfire smoke guidelines (USEPA 2019).

3.0 METHODS

An Air Sampling and Analysis Plan (SAP) was developed based on the initial information available regarding the incident and focused on the most important and readily monitored hazards associated with this event. The SAP includes air monitoring and sampling methodology and instrumentation. Subsequent to the initial IC-approved SAP (version 1.0), a modified SAP (version 1.1) was prepared in accordance with on-site conditions and submitted for IC review and approval (Appendix A).

3.1 Real-Time Air Monitoring

Air monitoring refers to the use of direct-reading instruments that report instantaneous measurements of a substance in real-time. Real-time air monitoring provides near-instantaneous feedback of airborne chemical concentrations that can quickly indicate conditions that may have an impact on worker or community health.

An air monitoring strategy was developed in association with the Community Monitoring and Worker Monitoring plans in the SAP to monitor potential exposures in the community and work area, respectively. The community was designated as the area immediately surrounding the work area, including residential and commercial locations where there existed a potential for exposure. The work area included both the portion of DeZavalla Road that borders the K-Solv Facility as well as the frac tank and operations staging lot on the north side of the facility.

The third monitoring plan, Site Assessment, was used for investigation purposes such as monitoring sources, headspaces, other locations that can help identify hazard sources that do not represent an atmospheric condition that would relate to a worker or community exposure.

3.1.1 Handheld Real-Time Air Monitoring

Handheld real-time air monitoring for VOCs, CO, and %LEL was conducted using RAE Systems MultiRAEs with photoionization detectors (PIDs) and 10.6 electron volt (eV) lamps, chemical-specific sensors, and combustible gas sensors, respectively. RAE Systems UltraRAEs were used to conduct monitoring for benzene. Benzene monitoring was also conducted using Dräger X-pid 8500 instruments, and these instruments were also used to measure concentrations of 1,3-butadiene, toluene, ethylbenzene,

cyclohexane, n-hexane, m-, o-, and p-xylenes, tetrachloroethylene, acetone, and styrene. PM_{2.5} monitoring was conducted using TSI DustTrak and AM510 aerosol monitors. Gastec handheld piston pumps with chemical-specific colorimetric detector tubes as listed in Tables 4.1 and 4.2 were used to conduct monitoring for all other analytes and were also used for benzene, toluene, and styrene monitoring.

3.1.2 Radio-Telemetry Real-Time Air Monitoring

Radio-telemetry RAE Systems AreaRAE units were deployed along the perimeter of the facility to allow for continuous air monitoring. AreaRAEs were given location IDs starting at AR001 on the northwest corner of the facility through AR005, counterclockwise around the facility, to the north side as seen in Appendix B. AreaRAEs were equipped with PIDs and 10.6 eV lamps for VOC monitoring, combustible gas sensors for %LEL monitoring, chemical-specific sensors for oxygen and Cl₂ monitoring. All analytes excluding Cl₂ were monitored from 2350 on April 7 through 1606 on April 16, 2021. Cl₂ sensors were installed in AreaRAEs starting at 0043 on April 8, 2021, and were removed at 0908 on April 11, 2021, following review of work area data. Because of the particular sensitivity of Cl₂ sensors, Cl₂ detections at radio-telemetry stations were assessed for confirmation using multiple secondary handheld instruments.

AreaRAE data were received and monitored in a centralized location by CTEH personnel to allow for rapid recognition, communication, and response to changing conditions. Action levels listed in the Worker Monitoring plan in the SAP apply to radio-telemetry real-time monitoring data collected via AreaRAEs stationed along the perimeter of the facility. Detections were verified using handheld real-time instrumentation. Elevated concentrations of any chemical of concern were monitored by CTEH field personnel to assess for impact to workers, and further, the community.

3.2 Air Sampling

Air sampling refers to the collection of discrete quantities of air using containers or chemical-specific media for further analysis in an off-site laboratory. Laboratory analysis of analytical air samples provides chemical-specific results at lower chemical detection limits than real-time instrumentation. In an effort to provide air quality data beyond the scope of real-time instrumentation, discrete air samples were collected using 1.4-liter evacuated canisters regulated to continuously collect air over a 24-hour period in designated areas along the perimeter of the facility and in the community. A map of analytical sampling locations is provided in Appendix B. All analytical air samples were sent to Pace Analytical, a National Environmental Laboratory Accreditation Program (NELAP)-accredited laboratory, for chemical analysis of VOCs by USEPA method TO-15 with an additional request to report tentatively identified compounds (TICs).

Data validation was conducted by Environmental Standards, Inc. on all analytical air sampling data. Data validation is a systematic process to review analytical results and laboratory quality control samples to evaluate data integrity and ensure that the data met established data quality objectives.

4.0 RESULTS

Real-time air monitoring and analytical air sampling were conducted to provide site management with information regarding the potential for exposure to chemicals of interest within the general vicinity of the facility and in the surrounding community as outlined in the SAP. Monitoring and sampling results are summarized in the following tables, with Community Monitoring and Worker Monitoring results in Tables 4.1 and 4.2, respectively; radio-telemetering real-time monitoring results in Table 4.3; and a summary of the results of analytical air sampling in Table 4.4. Maps of cumulative handheld real-time air monitoring locations, radio-telemetering real-time air monitoring locations, and analytical air sampling locations are provided in Appendix B. Trend graphs of radio-telemetering real-time air monitoring results are provided in Appendix C. Laboratory results for analytical air samples are provided in Appendix D, and complete laboratory reports are provided in Appendix E. Data validation reports are provided in Appendix F.

Table 4.1 Handheld Real-Time Community Monitoring Results

April 7, 2021 at 18:56 – April 18, 2021 at 12:30

Analyte	Instrument	Number of Readings	Number of Detections	Concentration Range*
Acetic acid	Gastec #81	4	0	< 0.2 ppm
	Gastec #81L	84	0	< 0.05 ppm
Acid gases	Gastec #80	1	0	< 0.5 ppm
Benzene	Dräger X-pid 8500	6	0	< 0.05 ppm
	UltraRAE	1069	7	0.05 - 0.15 ppm
Butyl acetate	Gastec #142L	13	0	< 2 ppm
Cl ₂	Gastec #8La	109	0	< 0.05 ppm
CO	MultiRAE	252	0	< 1 ppm
HCl	Gastec #14L	105	0	< 0.05 ppm
Isobutyl alcohol	Gastec #116	12	0	< 3 ppm
%LEL	MultiRAE	3512	0	< 1 %
MIK	Gastec #153L	13	0	< 1.5 ppm
Methyl methacrylate	Gastec #149	12	0	< 1 ppm
Methylene chloride	Gastec #138L	3	0	< 3 ppm
NO ₂	Gastec Tube 9L	86	0	< 0.1 ppm
	AM510	548	548	0.001 - 0.1 mg/m ³

Analyte	Instrument	Number of Readings	Number of Detections	Concentration Range*
PM _{2.5}	DustTrak	41	41	0.011 - 0.99 mg/m ³
SO ₂	Gastec Tube 5Lb	37	0	< 0.05 ppm
Styrene	Gastec #124L	45	0	< 0.5 ppm
Tetrahydrofuran	Gastec #159	13	0	< 2 ppm
Toluene	Dräger X-pid 8500	2	0	< 1 ppm
	Gastec #122	51	0	< 1 ppm
	Gastec #122L	1	0	< 0.5 ppm
VOCs	MultiRAE	3535	57	0.1 - 0.4 ppm

*If no detection was observed, the instrument detection limit preceded by "<" is provided.
 ppm = parts per million; mg/m³ = milligrams per cubic meter

Table 4.2 Handheld Real-Time Worker Monitoring Results
April 7, 2021 at 20:16 – April 18, 2021 at 12:13

Analyte	Instrument	Number of Readings	Number of Detections	Concentration Range*
1,3-butadiene	Dräger X-pid 8500	8	0	< 0.2 ppm
Acetic acid	Gastec #81	2	0	< 0.2 ppm
	Gastec #81L	23	0	< 0.05 ppm
Acetone	Dräger X-pid 8500	1	0	< 4.3 ppm
Acid gases	Gastec #80	16	0	< 0.5 ppm
Benzene	Dräger X-pid 8500	88	14	0.07 - 0.33 ppm
	Gastec #121L	5	0	< 0.05 ppm
	UltraRAE	188	22	0.01 - 1.75 ppm
Butyl acetate	Gastec #142L	2	0	< 2 ppm
Cl ₂	Gastec #8La	37	0	< 0.05 ppm
CO	MultiRAE	31	0	< 1 ppm
Cyclohexane	Dräger X-pid 8500	9	0	< 1.2 ppm
Ethylbenzene	Dräger X-pid 8500	57	0	< 3 ppm
HCl	Gastec #14L	25	0	< 0.05 ppm
n-hexane	Dräger X-pid 8500	72	0	< 1 ppm
%LEL	MultiRAE	523	0	< 1 %
MIK	Gastec #153L	4	0	< 1.5 ppm
Styrene	Dräger X-pid 8500	65	0	< 3 ppm
	Gastec #124L	9	0	< 0.5 ppm
Tetrachloroethylene	Dräger X-pid 8500	3	1	7.66 ppm
	Dräger X-pid 8500	73	1	1.02 ppm
Toluene	Gastec #122	6	0	< 1 ppm
	Gastec #122L	3	0	< 0.5 ppm
VOCs	MultiRAE	616	226	0.1 - 65 ppm
m-xylene	Dräger X-pid 8500	62	0	< 3 ppm
o-xylene	Dräger X-pid 8500	62	0	< 3 ppm
p-xylene	Dräger X-pid 8500	49	0	< 3 ppm

*If no detection was observed, the instrument detection limit preceded by "<" is provided.
 ppm = parts per million; mg/m³ = milligrams per cubic meter

Table 4.3 Radio-Telemetry Real-Time Air Monitoring Results Summary

April 7, 2021 at 23:50 – April 16, 2021 at 16:06

AreaRAE Unit	Location	Analyte	Number of Readings	Number of Detections	Concentration Range*
AR001	SW corner of staff parking lot at K-Solv 5' from fence line. 300' east of De Zavalla Rd.	%LEL	41,863	0	< 1.0 %
		Cl ₂	12,869	2,105	0.1 - 0.4 ppm
		Oxygen	41,862	41,862	20.4 - 22.2 %
		VOCs	41,863	18,838	0.1 - 48.6 ppm
AR002	SW fence line corner	%LEL	42,180	0	< 1.0 %
		Cl ₂	12,954	1,005	0.1 - 0.4 ppm
		Oxygen	42,180	42,180	20.2 - 22.3 %
		VOCs	42,180	15,223	0.1 - 96.5 ppm
AR003	Lakeside Dr. south of facility approx. 40 yards west of curve	%LEL	42,163	0	< 1.0 %
		Cl ₂	12,615	3,289	0.1 - 0.4 ppm
		Oxygen	42,162	42,162	20.2 - 21.6 %
		VOCs	42,162	13,674	0.1 - 52.5 ppm
AR004	Corner of Lakeside Dr. and Lakeside Dr.	%LEL	42,288	0	< 1.0 %
		Cl ₂	12,871	3,607	0.1 - 0.9 ppm
		Oxygen	42,288	42,288	20.3 - 20.9 %
		VOCs	42,288	13,435	0.1 - 24.6 ppm
AR005	South side of office/house in parking lot. 100' west of Lakeside Dr.	%LEL	42,500	0	< 1.0 %
		Cl ₂	15,173	2,536	0.1 - 0.4 ppm
		Oxygen	42,500	42,500	20.2 - 21.1 %
		VOCs	42,500	2,830	0.1 - 30.2 ppm

*If no detection was observed, the instrument detection limit preceded by "<" is provided.
ppm = parts per million

Table 4.4 Analytical Air Sampling Results Summary
April 9, 2021 – April 18, 2021

Analyte	Screening Value (ppb)	Screening Value Source	Number of Samples	Number of Detections	Detection Range* (ppbv)
1,1,2-Trichlorotrifluoroethane	500	Long-Term ESL	30	3	0.0796 (J) - 0.0814 (J)
1,2-Dichloroethane	94	24-hour AMCV	30	13	0.0833 (J) - 3.48
1,2,4-Trimethylbenzene	37	Long-Term AMCV	30	23	0.0828 (J) - 10.4
1,3-Butadiene	430	24-hour AMCV	30	9	0.154 (J) - 1.46 (J)
1,3,5-Trimethylbenzene	37	Long-Term AMCV	30	11	0.085 (J) - 2.41
1,4-Dichlorobenzene	27	Long-Term ESL	30	7	0.0601 (J) - 0.148 (J)
1,4-Dioxane	20	Long-Term ESL	30	3	0.109 (J) - 0.289
2-Butanone (MEK)	3000	Long-Term AMCV	30	28	0.3 (J) - 2.05 (J)
2-Propanol	200	Long-Term ESL	30	28	0.517 (J) - 199
2,2,4-Trimethylpentane	380	Long-Term AMCV	30	14	0.142 (J) - 3.99
4-Ethyltoluene	25	Long-Term AMCV	30	11	0.105 (J) - 7.22
4-Methyl-2-pentanone (MIBK)	20	Long-Term AMCV	30	20	0.0998 (J) - 35.4
	200	Short-Term AMCV			
Acetone	6700	Long-Term AMCV	30	30	2.32 - 24.6
Benzene	100	24-hour AMCV	30	30	0.221 - 9.11
Butane	10000	Long-Term AMCV	30	30	0.829 - 13
Carbon disulfide	10	Long-Term ESL	30	1	0.61
Carbon tetrachloride	2	Long-Term AMCV	30	29	0.0769 (J) - 12.3

Analyte	Screening Value (ppb)	Screening Value Source	Number of Samples	Number of Detections	Detection Range* (ppbv)
	20	Short-Term AMCV			
Chloroform	2	Long-Term AMCV	30	3	0.108 (J) - 0.224
Chloromethane	50	Long-Term AMCV	30	30	0.555 - 1.17
Cyclohexane	100	Long-Term AMCV	30	17	0.12 (J) - 2.02
Dichlorodifluoromethane	1000	Long-Term AMCV	30	30	0.409 - 0.932
Ethanol	1000	Long-Term ESL	30	30	4.16 - 261 (J)
Ethylbenzene	440	Long-Term AMCV	30	27	0.0866 (J) - 15
Heptane	2200	Long-Term AMCV	30	20	0.123 (J) - 6.46
m&p-Xylene	140	Long-Term AMCV	30	28	0.135 (J) - 61.4
Methyl methacrylate	50	Long-Term ESL	30	12	0.192 (J) - 22.8
Methylene Chloride	100	Long-Term AMCV	30	30	0.143 (J) - 80.3
MTBE	50	Long-Term AMCV	30	17	0.0694 (J) - 2.53
n-Hexane	5400	24-hour AMCV	30	22	0.373 (J) - 34.7
Naphthalene	9.5	Long-Term AMCV	30	1	0.392
Nonane	280	Long-Term AMCV	30	5	0.0583 (J) - 1.62
o-Xylene	140	Long-Term AMCV	30	24	0.0975 (J) - 21.5
Pentane	8100	Long-Term AMCV	30	30	0.347 - 39.7
Propene	NE (simple asphyxiant)	NA	30	6	1.3 - 5.13
Styrene	110	Long-Term AMCV	30	17	0.0855 (J) - 0.873

Analyte	Screening Value (ppb)	Screening Value Source	Number of Samples	Number of Detections	Detection Range* (ppbv)
Tetrachloroethylene	3.8	Long-Term AMCV	30	22	0.0814 (J) - 85.5
	1000	Short-Term AMCV			
Tetrahydrofuran	50	Long-Term ESL	30	4	0.853 - 3.8
Toluene	1100	Long-Term AMCV	30	30	0.332 (J) - 53
Trichloroethylene	10	Long-Term AMCV	30	19	0.108 (J) - 5.72
Trichlorofluoromethane	1000	Long-Term AMCV	30	30	0.195 (J) - 0.276
Vinyl acetate	85	Long-Term ESL	30	3	0.153 (J) - 5.27
Vinyl chloride	0.47	Long-Term AMCV	30	2	0.126 (J) - 0.227

*ppbv = parts per billion by volume; (J) indicates that the reported value is an estimated detection; NE = not established; NA = not applicable

5.0 DISCUSSION

CTEH personnel collected 11,614 handheld real-time air monitoring readings throughout the duration of recovery and remediation efforts in support of the DeZavalla Road Incident.

5.1 Handheld Real-Time Air Monitoring

5.1.1 Community Monitoring

The community was defined as the surrounding neighborhood and facilities, which remained open to the public for the duration of the response. A total of 9,572 real-time air monitoring readings were documented in the community over the course of the incident. Of the 18 analytes monitored, there were 589 PM_{2.5} detections, 57 VOC detections, and seven benzene detections.

As seen in Table 4.1, VOC detections ranged from 0.1 to 0.4 ppm, which were below the site-specific action level concentration of 0.5 ppm. Further assessment following VOC detections included monitoring for benzene and toluene. Benzene was detected in seven instances, and toluene was not detected. The Community Monitoring site-specific action level for benzene was set at instrument detection limits; therefore, all seven benzene detections were considered action level exceedances. Each of these detections was reported to the CTEH project manager, and further assessment was conducted for

potential offsite issues. Other benzene and VOC readings in nearby areas around the same time suggest that these events were not sustained. All seven benzene detections were recorded between 0255 and 0454 on April 8, 2021, with concentrations ranging from 0.05 through 0.15 ppm. All instantaneous benzene detections in the community were below the short-term AMCV of 180 ppb, which is intended for comparison to air monitoring data from instantaneous to one hour in duration (TCEQ 2015).

Of the 589 PM_{2.5} detections, one site-specific action level exceedance of 0.990 µg/m³ for five minutes was detected at 0330 on April 8, 2021. This detection was recorded upwind of the incident site after the fire had been extinguished and was determined to be unrelated to the incident. Further real-time monitoring for particulate matter resulted in no additional exceedances.

5.1.2 Worker Monitoring

A total of 2,042 real-time air monitoring readings were documented in the work area on Lakeside Drive and DeZavalla Road within the bounds of the K-Solv facility property lines but outside of the K-Solv fence line. Results are summarized in Table 4.2. Of the 21 analytes monitored, CTEH personnel recorded 226 VOC detections, 36 benzene detections, one toluene detection, and one tetrachloroethylene detection.

As defined in the Air Sampling and Analysis Plan, the Worker Monitoring site-specific action level for VOCs was 10 ppm sustained for five minutes, at which point CTEH personnel conducted further air monitoring for specific chemicals of interest. Of the 226 VOC detections from within the work area, nine VOC detections exceeded the site-specific action level concentration of 10 ppm. These nine detections ranged from 10.1 ppm to 65.0 ppm. Six of these detections were recorded in areas where workers were not present; no further monitoring was warranted as these VOC detections did not pose a risk of overexposure. Two detections above 10 ppm were not sustained and therefore did not constitute an action level exceedance. One detection of 65 ppm was recorded near a vac truck during product recovery, and the operator was advised to move across the road where VOC concentrations were below 10 ppm. Follow-up monitoring resulted in a toluene detection of 1.02 ppm, which was below the action level concentration of 20 ppm. Although this detection of toluene is well below the NIOSH-REL TWA of 100 ppm, the vacuum truck operators were moved to the upwind side of the source out of an abundance of caution. No benzene, n-hexane, acetone, or m- and o-xylenes were detected.

As a follow up to other VOC detections and in accordance with the action prescribed in the SAP, 36 detections of benzene were recorded. Of these, five detections of benzene exceeded the concentration component of the Worker Monitoring site-specific action level concentration of 0.5 ppm ranging in concentration from 0.57 ppm to 1.75 ppm. One of these detections at 1.0 ppm was recorded on April 7 during vac truck operations. This detection was not sustained, and workers were advised to remain upwind. Two of the detections over 0.5 ppm took place on April 8, 2021, during radio-telemetering station confirmation readings where workers were not present; the sampler then egressed. The remaining two

benzene detections greater than 0.5 ppm, which were recorded on April 10, 2021, were noted to not be sustained for five minutes or more.

A single detection of tetrachloroethylene was documented at the southwest corner of the K-Solv facility fence line. At this time, workers were upwind clearing debris from the concrete pad inside the fence line. Tetrachloroethylene was not included in the SAP and therefore did not have a site-specific action level but was monitored for on an investigatory basis. The single detection of 7.66 ppm at 1508 on April 15, 2021, was followed by additional measurements at 1536 and 1650 with results below the detection limit of 2 ppm. Although these were instantaneous measurements collected within a two-hour period, tetrachloroethylene concentrations observed were well below the OSHA-PEL TWA of 100 ppm, which is intended for comparison to air sampling data for an 8-hour exposure.

5.2 Radio-Telemetering Real-Time Air Monitoring

CTEH personnel deployed radio-telemetering RAE Systems AreaRAE units along the perimeter of the facility to allow for continuous air monitoring in various areas as well as to serve as an early indication of potential need for offsite egress from any chemicals of concern.

Radio-telemetered real-time air monitoring included a total of 699,461 readings collected at five locations for VOCs, %LEL, oxygen, and Cl₂. Over the course of the AreaRAE deployment, no detections of %LEL were recorded, nor did oxygen readings vary from normal ambient atmospheric conditions at any of the five locations around the facility. VOC detections above the CTEH site-specific action level were evaluated using handheld real-time monitoring instruments to determine concentrations of other target analytes, and CTEH personnel took actions as needed to protect workers as described in 5.1.2.

During instances in which AreaRAE units detected Cl₂, further assessment was conducted using secondary handheld instruments. These instruments included Gastec colorimetric detector tubes No. 8La with a detection limit of 0.05 ppm, which is lower than the AreaRAE Cl₂ sensor detection limit of 0.1 ppm. Measurements to further assess radio-telemetered Cl₂ detections indicated that Cl₂ was not present. Due to the continued absence of Cl₂ in work area data, air monitoring for Cl₂ via AreaRAE units was discontinued.

5.3 Analytical Air Sampling

CTEH personnel deployed a total of 33 1.4-liter evacuated canisters regulated to continuously collect air over a 24-hour period in four designated areas in the community. As previously mentioned, lab results were evaluated by comparison to health-protective screening levels. Although screening levels that are based on longer-duration exposures (e.g., Long-Term AMCV and ESL values) are not relevant for comparison to 24-hour samples collected during a short-duration incident, they serve as a conservative comparison for evaluating the detected analytes. While MIBK, tetrachloroethylene, and carbon

tetrachloride were intermittently detected at concentrations above the conservative chronic benchmark values, air concentrations of these three analytes remained below their respective Short-Term AMCV concentrations. Thus, all analytical air sampling results were below the most applicable and available TCEQ screening levels for each respective analyte, and detected VOCs were not present at concentrations indicating an acute or lasting human health concern.

6.0 CONCLUSION

On April 7, 2021, CTEH personnel responded to a request from OMI to provide air monitoring for workers and the community outside the K-Solv facility fence line in Channelview, Texas. CTEH personnel provided support with handheld real-time air monitoring, radio-telemetering air monitoring, and analytical air sampling.

The results of handheld and radio-telemetering real-time air monitoring indicated that the target analytes were not detected at levels indicating a health concern to members of the community; nor were target analytes detected in analytical air samples at levels that would indicate a health concern to members of the community. A review of the Worker Monitoring real-time air monitoring data indicates that when target analytes were detected at sustained concentrations at or above site-specific action levels, appropriate corrective and preventative actions were implemented to protect workers on-site.

7.0 REFERENCES

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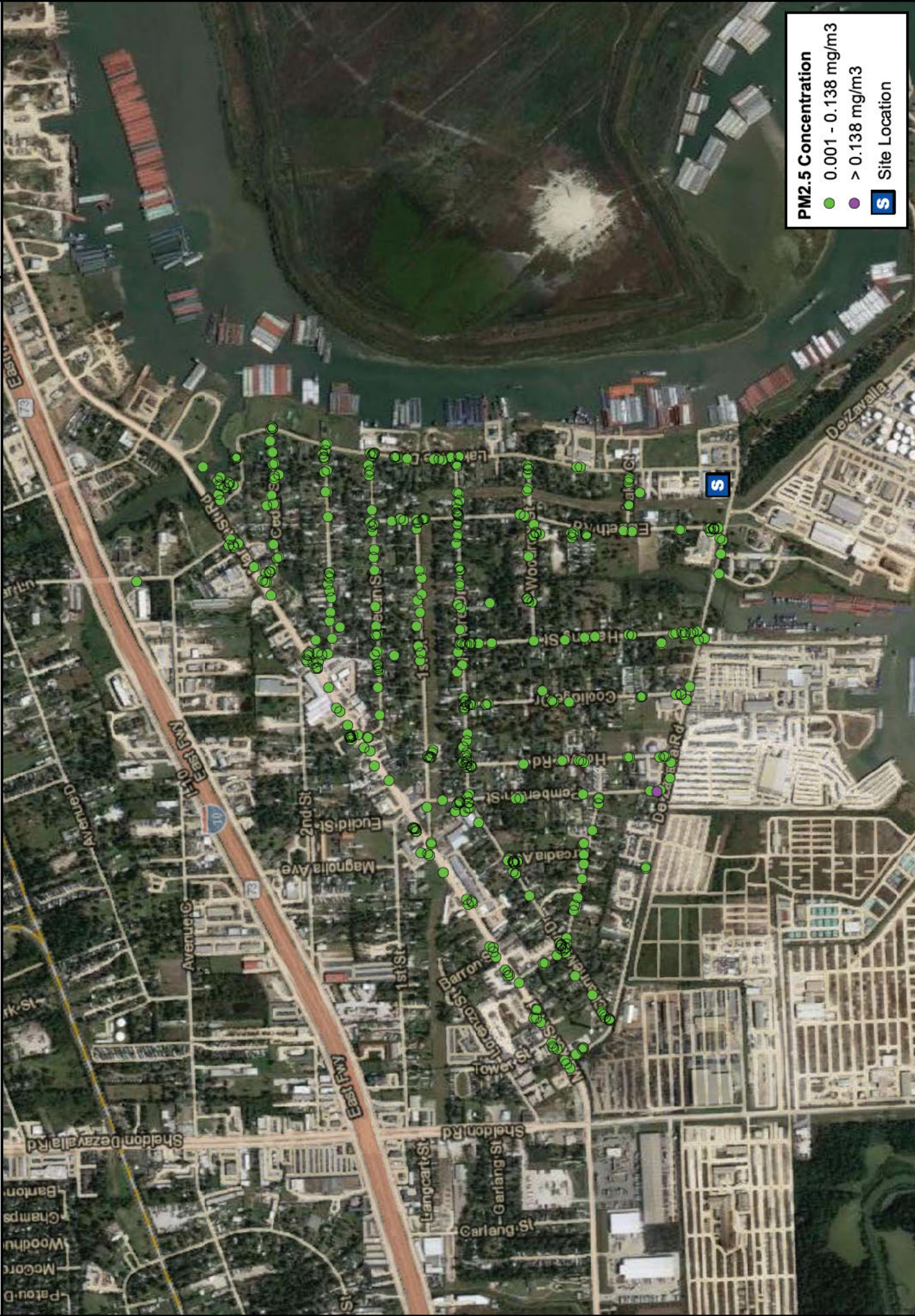


Community Real-Time Air Monitoring Locations | PM2.5

DeZavalla Road Incident | April 7, 2021 18:00 CDT - April 18, 2021 12:30 CDT



Project: 114363
Client: K-Solv Group
City: ChannelView, TX
County: Harris



PM2.5 Concentration

- 0.001 - 0.138 mg/m3
- > 0.138 mg/m3

Site Location

- S

Wildfire Smoke

A Guide for Public Health Officials

Revised June 2013



Please Note:

Due to the 2012 revisions to the Air Quality Index (AQI) breakpoints based on 24-hr average for particulate matter (PM_{2.5}) concentration, Table 3 (page 31) of this version of the Wildfire Smoke Guide has been updated to reflect the new values. Please note that the 1-3 hr and 8 hr average concentrations have not yet been revised.

More information on the US Environmental Protection Agency (US EPA) updates to the AQI and the 24-hr average for particulate matter may be found at <http://www.epa.gov/airquality/particlepollution/actions.html#dec12>.

For questions, please email carpa@arb.ca.gov.

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Health effects of smoke

The effects of smoke range from eye and respiratory tract irritation to more serious disorders, including reduced lung function, bronchitis, exacerbation of asthma, and premature death. Studies have found that fine particles are linked (alone or with other pollutants) with increased mortality and aggravation of pre-existing respiratory and cardiovascular disease. In addition, particles are respiratory irritants, and exposures to high concentrations of particulate matter can cause persistent cough, phlegm, wheezing, and difficulty breathing. Particles can also affect healthy people, causing respiratory symptoms, transient reductions in lung function, and pulmonary inflammation. Particulate matter can also affect the body's immune system and the physiological mechanisms that remove inhaled foreign materials from the lungs, such as pollen and bacteria. As noted earlier, particulate matter exposure is the principal public health threat from short-term exposures to wildfire smoke.



Carbon monoxide (CO) enters the bloodstream through the lungs and reduces oxygen delivery to the body's organs and tissues. CO concentrations typical of population exposures related to wildfire smoke do not pose a significant hazard, except to some sensitive individuals and to firefighters very close to the fire line. Individuals who may experience health effects from lower levels of CO are those who have cardiovascular disease: they may experience chest pain and cardiac arrhythmias. At higher levels (such as those that occur in major

structural fires), CO exposure can cause headache, weakness, dizziness, confusion, nausea, disorientation, visual impairment, coma, and death, even in otherwise healthy individuals.

Wildfire smoke also contains significant quantities of respiratory irritants, which can act in concert to produce eye and respiratory irritation and potentially exacerbate asthma. Formaldehyde and acrolein are two of the principal contributors to the cumulative irritant properties of smoke.

One concern that may be raised by members of the general public is whether they run an increased risk of cancer or of other chronic health conditions (e.g. heart disease) from short-term exposure to wildfire smoke. People exposed to toxic air pollutants at sufficient concentrations and durations may have slightly increased risks of cancer or of experiencing other chronic health problems. However, in general, the long-term risks from short-term smoke exposures are quite low. Short-term elevated exposures to wildfire carcinogens are also small relative to total lifetime exposures to carcinogens in diesel exhaust and other combustion sources. Epidemiological studies have shown that urban firefighters exposed to smoke over an entire working lifetime have about a three-fold increased risk of developing lung cancer (Hansen 1990). This provides some

perspective on the magnitude of potential risks from short-term wildfire events. The major known carcinogenic components of smoke are polycyclic aromatic hydrocarbons (PAHs). Although other known carcinogens, such as benzene and formaldehyde, are also present in smoke, they are thought to present a lesser risk.

Not everyone who is exposed to thick smoke will have health problems. The level and duration of exposure, age, individual susceptibility, including the presence or absence of pre-existing lung or heart disease, and other factors play significant roles in determining whether someone will experience smoke-related health problems.

Sensitive populations

Most healthy adults and children will recover quickly from smoke exposure and will not suffer long-term consequences. However, certain sensitive populations may experience more severe short-term and chronic symptoms. Much of the information about how particulate matter affects these groups has come from studies involving airborne particles in cities, though a few studies examining the effects of exposure to smoke suggest that the health effects of wildfire smoke are likely to be similar (Naeher et al. 2007). More research is needed to determine whether particles from wildfires affect susceptible subpopulations differently.

Individuals with asthma and other respiratory diseases. More than 35 million people in the US suffer from chronic lung diseases such as asthma and chronic obstructive pulmonary disease (COPD) (American Lung Association 2008). Levels of pollutants that may not affect healthy people may cause breathing difficulties for people with asthma, COPD, or other chronic lung diseases. Asthma is a condition characterized by chronic inflammation of the bronchi and smaller airways, with intermittent airway constriction, causing shortness of breath, wheezing, chest tightness, and coughing, sometimes accompanied by excess mucus production. During an asthma attack, the muscles tighten around the airways and the lining of the airways becomes inflamed and swollen, constricting the free flow of air. Because children's airways are narrower than those of adults, irritation that might create minor problems for an adult may result in significant obstruction in the airways of a young child. However, this disease affects all age groups: the highest mortality rates from asthma occur among older adults.

A significant fraction of the population may have airway hyperresponsiveness, an exaggerated tendency of the large and small airways (bronchi and bronchioles, respectively) to constrict in response to respiratory irritants, cold dry air, and other stimuli. While airway hyperresponsiveness is considered a hallmark of asthma, this tendency may also be found in many individuals without asthma as well; for example, during and following a lower respiratory tract infection. In such individuals, smoke exposure may cause asthma-like symptoms.

Individuals with COPD, which is generally considered to encompass emphysema and chronic bronchitis, may also experience worsening of their conditions because of

exposure to wildfire smoke. Patients with COPD often have an asthmatic component to their condition, which may result in their experiencing asthma-like symptoms. However, because their lung capacity has typically been seriously compromised, additional constriction of the airways in individuals with COPD may result in symptoms requiring medical attention. Researchers have reported that individuals with COPD run an increased risk of requiring emergency medical care after exposure to particulate matter or forest fire smoke. Exposure to smoke may also depress the lung's ability to fight infection. People with COPD may develop lower respiratory infections after exposure to wildfire smoke, which may require urgent medical care as well. In addition, because COPD is usually the result of many years of smoking, individuals with this condition may also have heart disease, and are potentially at risk from both conditions.

Individuals with cardiovascular disease. Diseases of the circulatory system include high blood pressure, cardiovascular diseases, such as coronary artery disease and congestive heart failure, and cerebrovascular conditions, such as hardening of the arteries (atherosclerosis) that bring blood to the brain. These chronic conditions can render individuals susceptible to attacks of angina pectoris (transient chest pain), heart attacks, sudden death due to a cardiac arrhythmia, acute congestive heart failure, or stroke. Cardiovascular diseases are the leading cause of mortality in the United States: about 30 to 40 percent of all deaths each year. The vast majority of these deaths occur in people over age 65. Studies have linked urban particulate matter to increased risks of heart attacks, cardiac arrhythmias, and other adverse effects in those with cardiovascular disease. People with chronic lung or heart disease may experience one or more of the following symptoms: shortness of breath, chest tightness, pain in the chest, neck, shoulder or arm, palpitations, or unusual fatigue or lightheadedness. Chemical messengers released into the blood because of particle-related lung inflammation may increase the risk of blood clot formation, angina episodes, heart attacks, and strokes.

The elderly. Researchers have estimated that tens of thousands of elderly people die prematurely each year from exposure to particulate air pollution, as older adults are more likely to have pre-existing lung and heart diseases, and therefore are more susceptible to particle-associated effects. The elderly may also be more affected than younger people because important respiratory defense mechanisms decline with age. Particulate air pollution can compromise the function of cells involved in immune defenses in the lungs, potentially increasing susceptibility to bacterial or viral respiratory infections, which may carry a worse prognosis in older adults.

Children. Children, even those without any pre-existing illness or chronic conditions, are considered a sensitive population because their lungs are still developing, making them more susceptible to air pollution than healthy adults. Several factors lead to increased exposure in children compared with adults: they tend to spend more time outside; they engage in more vigorous activity; and they inhale more air (and therefore more smoke constituents) per pound of body weight. These are all reasons to try to limit children's vigorous outdoor activities during smoky conditions. Studies have shown that particle pollution is associated with increased respiratory symptoms and decreased lung function in children, including symptoms such as episodes of coughing and difficulty

breathing. These can result in school absences and other limitations of normal childhood activities.

Pregnant women. While there have not been studies of the effects of exposure to wildfire smoke on pregnancy outcomes, there is substantial evidence of adverse effects of repeated exposures to cigarette smoke, including both active and passive smoking. Wildfire smoke contains many of the same compounds as cigarette smoke. In addition, recent data suggest that exposures to ambient air pollution in cities may result in low birth weight, preterm birth, and possibly other more serious adverse reproductive effects, including infant mortality. Therefore, it would be prudent to consider pregnant women as a potentially susceptible population as well.

Smokers. People who smoke, especially those who have smoked for many years, have compromised lung function. However, due to adaptation of their lungs to ongoing irritation, smokers are generally less likely to report symptoms from exposure to irritant chemicals than are nonsmokers. Nevertheless, they may still be injured by wildfire smoke. Therefore, because they may not experience the same degree of irritation from wildfire smoke as nonsmokers, some smokers may unwittingly put themselves at greater risk of potentially harmful wildfire smoke exposures.

Specific strategies to reduce smoke exposure

Stay indoors

The most common advisory issued during a smoke episode is to stay indoors. The usefulness of this strategy depends on how well the building limits smoke from coming in from outdoors and on minimizing indoor pollution sources. Staying indoors may therefore provide some protection, especially in a tightly closed, air-conditioned home in which the air conditioner re-circulates indoor air. Generally, newer homes are “tighter” and keep ambient air pollution out more effectively than older homes.

Staying inside with the doors and windows closed can usually reduce exposure to ambient air pollution by about a third or more. Homes with central air conditioning generally re-circulate indoor air, though some outdoor smoky air can still be drawn inside (e.g., when people enter or exit). In homes without air conditioning, indoor concentrations of fine particles can approach 70 to 100 percent of the outdoor levels. In very leaky homes and buildings, outdoor particles can easily infiltrate indoors, so guidance to stay inside may



Table 3. Recommended Actions for Public Health Officials ^{2,3}

AQI Category (AQI Values)	PM2.5 or PM10 Levels (ug/m ³)			Visibility - Arid Conditions (miles)	Recommended Actions
	1-3hr avg	8 hr avg	24 hr avg ¹		
Good (0 to 50)	0 – 38	0 – 22	0 – 12	≥ 11	<ul style="list-style-type: none"> • If smoke event forecast, implement communication plan
Moderate (51 to 100)	39 – 88	23 – 50	12.1 – 35.4	6 – 10	<ul style="list-style-type: none"> • Issue public service announcements (PSAs) advising public about health effects and symptoms and ways to reduce exposure • Distribute information about exposure avoidance
Unhealthy for Sensitive Groups (101 to 150)	89 – 138	51 – 79	35.5– 55.4	3 – 5	<ul style="list-style-type: none"> • If smoke event projected to be prolonged, evaluate and notify possible sites for cleaner air shelters • If smoke event projected to be prolonged, prepare evacuation plans
Unhealthy (151 to 200)	139 – 351	80 – 200	55.5 – 150.4	1.5 – 2.75	<ul style="list-style-type: none"> • Consider “Smoke Day” for schools (i.e., no school that day), possibly based on school environment and travel considerations • Consider canceling public events, based on public health and travel considerations
Very Unhealthy (201 to 300)	352 – 526	201 – 300	150.5 – 250.4	1 – 1.25	<ul style="list-style-type: none"> • Consider closing some or all schools (Newer schools with a central air cleaning filter may be more protective than older, leakier homes. See “Closures”, below.) • Cancel outdoor events (e.g., concerts and competitive sports)
Hazardous (> 300)	> 526	> 300	> 250.5-500	< 1	<ul style="list-style-type: none"> • Close schools • Cancel outdoor events (e.g., concerts and competitive sports) • Consider closing workplaces not essential to public health • If PM level is projected to remain high for a prolonged time, consider evacuation of sensitive populations

¹Revised 24 hour average breakpoints from the **Revised Air Quality Standards for Particle Pollution and Updates to the Air Quality Index**, US Environmental Protection Agency, December 14, 2012. Available at <http://www.epa.gov/airquality/particlepollution/actions.html#dec12>.

²These 1- and 8-hr PM2.5 levels are estimated using the 24-hr breakpoints of the PM2.5 Air Quality Index included in the February 7, 2007 issue paper (http://www.epa.gov/airnow/aqi_issue_paper_020707.pdf) by dividing the 24-hr concentrations by the following ratios: 8-hr ratio is 0.7, 1-hr ratio is 0.4. Visibility is based on 1-hr values. If only PM10 measurements are available during smoky conditions, it can be assumed that the PM10 is composed primarily of fine particles (PM2.5), and that therefore the AQI and associated cautionary statements and advisories for PM2.5 may be used. This assumption is reflected in the column headings for Table 3.

³ Washington and Montana have developed more precautionary breakpoints, which can be found at: <http://www.deq.mt.gov/FireUpdates/BreakpointsRevised.asp> and <http://www.ecy.wa.gov/programs/air/pdfs/WAQA.pdf>

Donny Hearn

From: SOPCZAK, MIKIE S <msopczak@omies.com>
Sent: Thursday, June 3, 2021 10:41 AM
To: Donny Hearn; Philip Evans
Cc: Ksolv Response
Subject: Fw: OMI-NRC#1302230 notification for Ksolv Fire

Importance: High

Please see below.

Mikie Sopczak

Director, EHS&S

1717 W. 13th Street | Deer Park, TX 77536

O: 281.930.1200 | C: 713.203.3926 | E: msopczak@ksolv.com

24/7 Emergency Response: 800.645.6671



Ksolv



Garner



OMI

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From: Colette Hollis <colettehollis@omies.com>
Sent: Tuesday, April 13, 2021 12:37 PM
To: SOPCZAK, MIKIE S <msopczak@omies.com>; Ksolv Response <response@ksolv.com>
Subject: Fwd: NRC#1302230

Mikie- see below

Colette L. Hollis

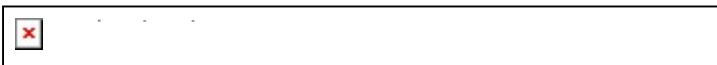
Director, Operations Center

1717 W. 13th Street | Deer Park, TX 77536

O: 281.930.1200 | C: 504.415.2385 | E: colettehollis@omies.com

24/7 Emergency Response: 800.645.6671

Environmental & Safety Products: 888.928.9664 | omiesp.com | orders@omies.com



From: Colette Hollis <colettehollis@omies.com>
Sent: Wednesday, April 7, 2021 9:58:56 PM
To: WADE, SHANON J <swade@omies.com>
Subject: Fwd: NRC#1302230

This will be the actual NRC report for the incident today. Please forward on.

Colette L. Hollis

Director, Operations Center

1717 W. 13th Street | Deer Park, TX 77536

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From: HQS-SMB-NRC@uscg.mil <HQS-SMB-NRC@uscg.mil>

Sent: Wednesday, April 7, 2021 9:57:10 PM

To: Colette Hollis <colettehollis@omies.com>

Subject: NRC#1302230

NATIONAL RESPONSE CENTER 1-800-424-8802

*** For Public Use ***

Information released to a third party shall comply with any applicable federal and/or state Freedom of Information and Privacy Laws

Incident Report # 1302230

INCIDENT DESCRIPTION

*Report taken by NRC on 07-APR-21 at 21:38 ET.

Incident Type: FIXED

Incident Cause: UNKNOWN

Affected Area:

Incident occurred on 07-APR-21 at 16:00 local incident time.

Affected Medium: AIR / ATMOSPHERE / POSSIBLY GROUND

SUSPECTED RESPONSIBLE PARTY

Organization: KSOLV CHEMICALS

CHANNELVIEW, TX

Type of Organization: PRIVATE ENTERPRISE

INCIDENT LOCATION

1015 LAKESIDE County: HARRIS

City: CHANNELVIEW State: TX

KSOLV CHEMICALS

RELEASED MATERIAL(S)

CHRIS Code: UNK Official Material Name: UNKNOWN MATERIAL

Also Known As: UNKNOWN VARIOUS CHEMICALS

Qty Released: 20000 GALLON(S)

DESCRIPTION OF INCIDENT

CALLER IS REPORTING A FIRE AND A RELEASE OF NO MORE THAN 20,000 GALLONS OF VARIOUS HAZARDOUS CHEMICALS AT THE INCIDENT LOCATION. IT

IS CURRENTLY UNKNOWN WHAT CAUSED THE FIRE. NO INJURIES OR FATALITIES WERE REPORTED. THE FIRE IS EXTINGUISHED.

THE QUANTITY STATED FOR THE AMOUNT RELEASED IS A WORST CASE SCENARIO AND MAY NOT BE THE ACTUAL AMOUNT RELEASED. IT IS CURRENTLY UNKNOWN IF THE MATERIALS WERE SPILLED ONTO THE GROUND OR BURNED UP IN THE ATMOSPHERE.

INCIDENT DETAILS

Package: N/A
Building ID:
Type of Fixed Object: CHEMICAL FACILITY
Power Generating Facility: UNKNOWN
Generating Capacity:
Type of Fuel:
NPDES:
NPDES Compliance: UNKNOWN

IMPACT

Fire Involved: YES Fire Extinguished: YES

INJURIES: NO Sent to Hospital: Empl/Crew: Passenger:
FATALITIES: NO Empl/Crew: Passenger: Occupant:
EVACUATIONS:UNKNOWN Who Evacuated: Radius/Area:

Damages: NO

	Hours	Direction of
Closure Type Description of Closure	Closed	Closure

Air: NO

Road: NO Major Artery:NO

Waterway:NO

Track: NO

Passengers Transferred: NO
Environmental Impact: UNKNOWN
Media Interest: UNKNOWN

REMEDIAL ACTIONS

UNKNOWN
Release Secured: UNKNOWN
Release Rate:
Estimated Release Duration:

WEATHER

ADDITIONAL AGENCIES NOTIFIED

Federal:
State/Local:

State/Local On Scene: FD, PD
State Agency Number:

NOTIFICATIONS BY NRC

CENTERS FOR DISEASE CONTROL (GRASP)

07-APR-21 21:59

ASST COMDT FOR INTELLIGENCE (CG-2) (OFFICE OF INTELLIGENCE PLANS AND POLICY (CG-25))

07-APR-21 21:59

CGIS HOUSTON (SPECIAL AGENT CGIS)

07-APR-21 21:59

CHEM SAFETY AND HAZARD INVEST BOARD (MAIN OFFICE)

07-APR-21 21:59

DEPT OF HEALTH AND HUMAN SERVICES (SECRETARY OPERATION CENTER (SOC))

07-APR-21 21:59

DHS TEXAS FUSION CENTER (INTELLIGENCE OFFICERS)

07-APR-21 21:59

DOT CRISIS MANAGEMENT CENTER (MAIN OFFICE)

07-APR-21 21:59

EPA CRIMINAL INVESTIGATION DIVISION (CID LOUISIANA)

07-APR-21 21:59

EPA CRIMINAL INVESTIGATION DIVISION (CID REGION 6)

07-APR-21 21:59

U.S. EPA VI (MAIN OFFICE)

07-APR-21 22:02

GULF STRIKE TEAM (MAIN OFFICE)

07-APR-21 21:59

HARRIS COUNTY FIRE MARSHAL'S OFFICE (EMERGENCY OPERATIONS HAZMAT DIVISION)

07-APR-21 21:59

HARRIS COUNTY POLLUTION CONTROL (EMERGENCY RESPONSE AND ENFORCEMENT)

07-APR-21 21:59

HOUSTON POLICE DEPARTMENT (CRIMINAL INTELLIGENCE DIVISION)

07-APR-21 21:59

HOUSTON REGIONAL INTEL SERVICE (FUSION CENTER)

07-APR-21 21:59

JFO-LA (COMMAND CENTER)

07-APR-21 21:59

CISA CENTRAL (MAIN OFFICE)

07-APR-21 21:59

NOAA RPTS FOR TX (MAIN OFFICE)

07-APR-21 21:59

OCCUPATIONAL SAFETY & HEALTH ADMIN (DALLAS OFFICE)

07-APR-21 21:59

PORT OF HOUSTON AUTH POLICE DEPT (POLICE DEPARTMENT)

07-APR-21 21:59

PORT OF HOUSTON AUTH POLICE DEPT (FIRE DEPARTMENT)

07-APR-21 21:59

PIPELINE & HAZMAT SAFETY ADMIN (HAZARDOUS MATERIAL ACCIDENT INVESTIGATION)

07-APR-21 21:59

REPORTING PARTY (RP SUBMITTER)

07-APR-21 21:59

SAN ANTONIO POLICE DEPT (SOUTHWEST FUSION CENTER (SWFC))

07-APR-21 21:59

SECTOR HOUSTON-GALVESTON (INTELLIGENCE OPERATIONS)

07-APR-21 21:59

DOI/OEPC (OEPC ALBUQUERQUE R6)

07-APR-21 21:59
TCEQ (MAIN OFFICE)
07-APR-21 21:59
TCEQ (REGION 12)
07-APR-21 21:59
TEXAS FUSION CENTER (COUNTER TERRORISM)
07-APR-21 21:59
TX DEPT OF STATE HEALTH SERVICES (COMMAND CENTER)
07-APR-21 21:59
TX GENERAL LAND OFFICE (TXGLO REGION 2)
07-APR-21 21:59
TEXAS STATE OPERATIONS CENTER (COMMAND CENTER)
07-APR-21 21:59
USCG DISTRICT 8 (MAIN OFFICE)
07-APR-21 21:59
USCG DISTRICT 8 (PLANNING)
07-APR-21 21:59
U.S. FISH AND WILDLIFE (REGION 2 SPILL RESPONSE COORDINATOR)
07-APR-21 21:59

ADDITIONAL INFORMATION

*** END INCIDENT REPORT #1302230 ***
Report any problems by calling 1-800-424-8802
PLEASE VISIT OUR WEB SITE AT <http://nrc.uscg.mil>

Air Emission Event Report Database Incident 92054

Incident Tracking Number:	92054	Incident Status:	CLOSED		
Report Type:	FINAL	Report Date:	06/06/2007		
Name of Owner or Operator:	K-SOLV LP	CN:	CN602495640		
Regulated Entity Name:	K SOLV	RN:	RN100616721		
Physical Location:	1015 LAKESIDE DR; CHANNELVIEW, TX 77530				
County:	HARRIS				
Event/Activity Type:	EMISSIONS EVENT				
Date and Time Event Discovered or Scheduled Activity Start:	04/19/2007 12:30 PM				
Date and Time Event or Scheduled Activity Ended:	04/20/2007 04:00 PM				
Event Duration:	27 hours, 30 minutes				
Process Unit or Area Common Names					
Loading Rack					
Facility Common Name		Facility Identification Number (FIN)			
K-Solv Channelview					
1 - Emission Point Common Name:		Emission Point Number:			
Tanker Truck					
List of Air Contaminant Compounds - 4 total					
Description	Est. Quantity/ Opacity	Units	Emission Limit	Units	Authorization
Carbon Dioxide	21.21	TONS/YR	0.0		
Opacity	100.0	% OPACITY	0.0		
VOC	11.19	LBS/HR	10.0	TONS/YR	PBR 106.261
Xylene	1.46	TONS/YR	10.0	TONS/YR	PBR 106.261
Cause of Emission Event or Excess Opacity Event, or Reason for Scheduled Activity:					
The emissions event is a result of a fire inside a tank truck being loaded with xylene.					
Actions Taken, or Being Taken, to Minimize Emissions And/or Correct the Situation:					
Fire was extinguished.					
Basis Used to Determine Quantities and Any Additional Information Necessary to Evaluate the Event:					
CO Emission Factors					
Initial Notification Date/Time:	UNKNOWN	Method:	STEERS		
Notification Jurisdictions:	REGION 12 - HOUSTON				
Publication Status:	VERIFIED BY A CUSTOMER				

Texas Commission on Environmental Quality Investigation Report

The TCEQ is committed to accessibility. If you need assistance in accessing this document, please contact oce@tceq.texas.gov

Customer: K-Solv Chemicals, LLC
Customer Number: CN605668805

Regulated Entity Name: K SOLV

Regulated Entity Number: RN100616721

Investigation # 1723637

Incident Numbers

354013

Investigator: MEAGAN HOLLIDAY

Site Classification MINOR SOURCE

Conducted: 04/22/2021 -07/01/2021

SIC Code: 5171

NAIC Code: 493190

NAIC Code: 424710

SIC Code: 4226

Program(s): AIR NEW SOURCE PERMITS

Investigation Type: Compliance Invest File Review

Location: 1015 LAKESIDE DRIVE

Additional ID(s): 150670
HX2351A

Address: 1015 LAKESIDE DR,
CHANNELVIEW, TX , 77530

Local Unit: REGION 12 - HOUSTON

Activity Type(s): EEE - Flag code for emissions event investigations that meet the requirements for Excessive Emissions Event per 30 TAC 101.222(a).
UML3IH - AIR UML3IH - IN HOUSE
UPSETMAINTENANCE LEVEL 3

Principal(s):

Role	Name
RESPONDENT	K-SOLV CHEMICALS LLC

Contact(s):

Role	Title	Name	Phone
REGULATED ENTITY CONTACT	VICE PRESIDENT OF OPERATIONS	MR GARY WEATHERLY	Work (281) 452-4000 Cell (713) 829-6097
REGULATED ENTITY CONTACT	SENIOR VICE PRESIDENT, TECHNICAL SERVICES	MR PHILIP B EVANS	Fax (281) 446-3348 Phone (281) 446-7070

Other Staff Member(s):

Role	Name
QA Reviewer	WARDA OMAR
Supervisor	WARDA OMAR

Associated Check List

Checklist Name

AIR EMISSIONS EVENT REVIEW (ON OR AFTER
01/05/2006)

Unit Name

Container Storage Area

Investigation Comments:

INTRODUCTION

An in-house investigation was conducted in response to an incident notification (STEERS No. 354013 submitted on April 8, 2021 at 8:31 p.m. by K-SOLV Chemicals LLC/ K-SOLV (K-SOLV) to determine compliance with the emissions event rules. The incident occurred on April 7, 2021 at 3:48 p.m. in the Container Storage Area and ended on April 7, 2021 at 6:30 p.m. The final report was submitted on April 21, 2021. The initial incident notification and the final report are provided in Attachment 1.

Daily Narrative

The following information was requested on April 22, 2021: Emissions Event Affirmative Defense Demonstration Review; Nonconfidential Process Description; and Mailing Information.

The deadline for receipt of the requested information was May 7, 2021. The information was received on May 6, 2021. See Attachment 2.

Review of the 12 months Emissions Events Summary

Based on a review of the 12-month summary this was the only reportable emissions event to have occurred in the Container Storage Area during the past year.

The total duration of reportable emissions events in the Container Storage Area for the past 12 months was 2 hours and 42 minutes. Based on 2,080 annual operating hours, reportable emissions events have accounted for 0.13% of its total annual operating hours.

Discussion of the Emissions Event

Based on information provided, the cause of the emissions event was static electricity due to the improper grounding/bonding of a transfer fitting (filling nozzle) which ignited and resulted in a fire. The event occurred while transferring a toluene/naphtha mixture from a tote to a drum at the small quantity drum filing spot (TDL-1) in the container storage area. According to K-SOLV, the fire spread throughout the container storage. K-SOLV added that the root cause of the fire has not been finalized.

The duration of the event was 2 hours and 42 minutes. The Container Storage Area's annual operating hours were 2,080. This incident accounted for 0.13% of its total operating hours. For more information relating to the quantity of emissions released and impact on human health or the environment, refer to the Excessive Emissions Event Review section of the report.

EXCESSIVE EMISSIONS EVENT REVIEW

Based upon review of the information provided, it was determined that this incident is an excessive emissions event for the following demonstration criteria for excessive emissions event under 30 TAC §101.222(a):

30 TAC 101.222(a)(3) the quantity and impact on human health or the environment of the emissions event-

It was reported that the following compounds were released as a result of the fire from the Container Storage (Emission Point Number: CS):

COMPOUNDS

QUANTITY (POUNDS)

2-Phosphono-1, 2, 4-Butanetricarboxylic Acid 78

4-Nonylphenol branched, ethoxylated	982
alcohols	2,632
alkoxylated polyamine	8,453
base oil	1,240
benzyl Alcohol	7,286
diethanolamine	11,550
dodecylbenzene sulfonic acid (DDBSA)	1,005
ethanol	763
ethylenediamine	732
glycol ethers	13,704
glycols	11,256
heptane,-n	3,995
hydrochloric acid	339
isobutanol	2,297
isopropanol	9,792
methanol	412
methyl isobutyl carbinol	209
methyl isobutyl ketone	4,744
methyl methacrylate	1,872
mineral Spirits	175
monoethanolamine	1,402
n-Butyl alcohol	5,255
n-Methyl-2-pyrrolidone	446
naphtha	7,083
paraffins	726
propan-2-ol, 1-methoxy-	91
propanol, n-	3,446
propyl Acetate	1,138
sorbitol	745
tetrachloroethylene	10,516
tetrahydrofuran	394
toluene	1,228
trichloroethylene	1,539
triethanolamine	3,005
turpentine	1,852
xylene	2,067
distillate oil residue	21,428
TOTAL VOC	145,877
butyl acetate	536
butyl alcohol, tert-	5,884
methyl Acetate	89
methylene chloride	2,999
propylene Carbonate	9,676

The fire associated with the event resulted in an impact on human health and the environment. Specifically, fire officials evacuated the immediate area and a shelter-in-place was ordered for the Lakeside Park Estates and Lakeview Homes neighborhoods until approximately 8:00 p.m. that night as a result of the event. Additionally, two employees were taken to the hospital due to impacts from the release and the subsequent fire.

Exit Interview

A Notice of Preliminary Findings (NOPF) letter with the alleged violations was sent on June 25, 2021.

No meeting was requested; however, K SOLV submitted a response to the NOPF Letter. K-SOLV provided information relating to corrective actions that have been implemented in response to the event; however, since this incident is determined to be excessive all information relating to Corrective Action Plan (CAP) will be

evaluated in the proposed CAP investigation. The violations will remain as listed on the Summary of Investigation Findings.

The company was notified of the investigation findings with an Exit Interview Form (EIF) sent via email on July 12, 2021.

A copy of the NOPF Letter and EIF is provided in Attachment 3.

GENERAL FACILITY AND PROCESS INFORMATION

Process Description

K-SOLV stores products in closed totes and drums in the container storage area while the products await shipment. K-SOLV conducts periodic small quantity transfers into drums at the drum filling spot (TDL-1), which is equipped to collect vapor emissions displaced during drum filling. The vapor emissions are then routed to a carbon adsorption system consisting of at least two vapor phase activated carbon canisters connected in series (CAS-7). K-SOLV samples the CAS for VOC breakthrough at the outlet of the first canister in the series. When a breakthrough concentration of 100 ppmv is measured, the vent gas flow is redirected to the second canister and a fresh carbon canister is installed as the final polishing bed.

BACKGROUND

Agreed Orders, Court Orders, and Other Compliance Agreements

In the past five years there have been zero Air Agreed Orders, Court Orders or other Compliance Agreements.

Prior Enforcement Issues

There were no same or similar violations issued in the past five years.

Complaints

A database search confirmed that there were no complaints related to this incident.

ADDITIONAL INFORMATION

Conclusions, Recommendations, and Current Enforcement Actions

It was determined that this event was an excessive emissions event. A Corrective Action Plan (CAP) request was sent on July 16, 2021 for this incident. Additionally, a Notice of Enforcement (NOE) will be issued for the unauthorized emissions that resulted from this incident.

Additional Issues

No additional issues.

Report Attachments

1. Initial Notification and Final Report
2. Additional Information
3. Exit Interview Form

NOE Date: 7/16/2021

**OUTSTANDING ALLEGED VIOLATION(S)
ASSOCIATED TO A NOTICE OF ENFORCEMENT**

Track Number: 780899

Compliance Due Date: To Be Determined

Violation Start Date: 4/7/2021

30 TAC Chapter 101.4

5C THSC Chapter 382.085(a)

5C THSC Chapter 382.085(b)

Alleged Violation:

Investigation: 1723637

Comment Date: 07/16/2021

Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on April 7, 2021, TCEQ/STEERS Incident No. 354013.

Specifically, on April 7, 2021 at approximately 3:48 p.m. a fire occurred in the Container Storage Area at K-SOLV Chemicals LLC/ K-SOLV (K-SOLV). Based on information provided, the fire resulted in the release of 145,877 pounds (lbs.) of volatile organic compounds (VOCs); 536 lbs. of butyl acetate; 5,884 lbs. of butyl alcohol, tert; 89 lbs. of methyl acetate; 2,999 lbs. of methylene chloride; and 9,676 lbs. of propylene carbonate. Information provided indicates that the cause of the emissions event was static electricity due to improper grounding/bonding of a transfer fitting (filling nozzle) which ignited resulting in the fire. The event occurred while transferring a toluene/naphtha mixture to a drum at the small quantity drum filling spot (TDL-1) in the container storage area. Fire fighter officials evacuated the immediate area and a shelter-in-place was ordered for the Lakeside Park Estates and Lakeview Homes neighborhoods until approximately 8:00 p.m. that night as a result of the event. Additionally, two employees were taken to the hospital due to impact from the release and the subsequent fire. This event meets the demonstration criteria for an excessive emissions event.

This constitutes a violation of 5C Texas Health and Safety code (THSC) Section (§) 382.085(a), which states, "Except as authorized by commission rule or order, a person may not cause, suffer, allow, or permit the emission of an air contaminant or the performance of any activity that causes or contributes to, air pollution." This also constitutes a violation of Texas Title 30 Texas Administrative Code (30 TAC) §101.4, which states, "No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property." This further constitute a violation of 5C THSC §382.085(b).

Recommended Corrective Action: Submit a written description of corrective action taken and the required plan/or documentation necessary to address the outstanding alleged violation to prevent recurrence of a same or similar violation.

Track Number: 780901

Compliance Due Date: To Be Determined

Violation Start Date: 4/7/2021

30 TAC Chapter 101.201(a)(1)(B)

5C THSC Chapter 382.085(b)

Alleged Violation:

Investigation: 1723637

Comment Date: 07/13/2021

Failure to notify the TCEQ Houston Region Office of a reportable emissions event within 24 hours after the discovery of the event.

Specifically, an emissions event, Texas Commission on Environmental Quality (TCEQ) /State of Texas Environmental Electronic Reporting System (STEERS) Incident No. 354013, was discovered on April 7, 2021 at 3:48 p.m.; however, K SOLV Chemical LLC/ K SOLV (K SOLV) reported the event on April 8, 01, at 8:31

p.m., which was approximately 5 hours late after the 24-hour deadline.

This constitutes a violation of Title 30 Texas Administrative Code (TAC) section (§) 101.201(a)(1)(B), which states "As soon as practicable, but not later than 24 hours after the discovery of an emissions event, the owner or operator of a regulated entity shall: notify the commission office for the region in which the regulated entity is located, and all appropriate local air pollution control agencies with jurisdiction, if the emissions event is reportable." This further constitutes a violation of 5C Texas Health and Safety Code (THSC) §382.085(b).

Recommended Corrective Action: Submit a written description of corrective action taken and the required plan/or documentation necessary to address the outstanding alleged violation to prevent recurrence of a same or similar violation.

Signed Megan Hattaway
Environmental Investigator

Date _____

Signed [Signature]
Supervisor

Date _____

Attachments: (in order of final report submittal)

- ___ Enforcement Action Request (EAR)
- ___ Letter to Facility (specify type) : _____
- Investigation Report
- ___ Sample Analysis Results
- ___ Manifests
- ___ Notice of Registration

- ___ Maps, Plans, Sketches
- ___ Photographs
- ___ Correspondence from the facility
- ___ Other (specify) : _____
- _____
- _____



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	19-Jul-2021			
	PCW	24-Sep-2021	Screening	27-Jul-2021	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	K-Solv Chemicals, LLC
Reg. Ent. Ref. No.	RN100616721
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	61104	No. of Violations	2
Docket No.	2021-1006-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$12,750
---	-------------------	----------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-10.0%	Adjustment	Subtotals 2, 3, & 7	-\$1,275
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Notes	Reduction for High Performer classification.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$62
--	-------------------	-------

Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$575	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$10,250	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$11,413
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
---	------	------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$11,413
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$11,413
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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.
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PAYABLE PENALTY	\$11,413
------------------------	----------

Screening Date 27-Jul-2021

Docket No. 2021-1006-AIR-E

PCW

Respondent K-Solv Chemicals, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 61104

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100616721

Media Air

Enf. Coordinator Yuliya Dunaway

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	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) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date	27-Jul-2021	Docket No.	2021-1006-AIR-E	PCW
Respondent	K-Solv Chemicals, LLC			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61104			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN100616721			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="50.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text" value="x"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent K-Solv Chemicals, LLC
Case ID No. 61104
Reg. Ent. Reference No. RN100616721
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	7-Apr-2021	1-Jun-2022	1.15	\$575	n/a	\$575

Notes for DELAYED costs
 Estimated cost to implement an approved corrective action plan to address the excessive emissions event that occurred on April 7, 2021 (Incident No. 354013). The Date Required is the date the emissions event occurred and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$10,000

TOTAL \$575

Screening Date 27-Jul-2021 **Docket No.** 2021-1006-AIR-E **PCW**
Respondent K-Solv Chemicals, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 61104 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100616721
Media Air
Enf. Coordinator Yuliya Dunaway

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1)(B) and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 354013 was due by April 8, 2021 at 3:48 p.m., but was not submitted until April 8, 2021 at 8:31 p.m.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				x	1.0%
Less than 30% of the rule requirements were not met.					

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$62

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

Notes: The Respondent completed the corrective actions on April 8, 2021, prior to the Notice of Enforcement dated July 16, 2021.

Violation Subtotal \$188

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

Estimated EB Amount \$0 **Violation Final Penalty Total** \$163

This violation Final Assessed Penalty (adjusted for limits) \$163

Economic Benefit Worksheet

Respondent K-Solv Chemicals, LLC
Case ID No. 61104
Reg. Ent. Reference No. RN100616721
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	8-Apr-2021	8-Apr-2021	0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit the initial notification for Incident No. 354013. The Date Required is the date the initial notification was due and the Final Date is the date the initial notification was submitted.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$0

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 CN605668805, RN100616721, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN605668805, K-Solv Chemicals, LLC **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN100616721, K SOLV **Classification:** HIGH **Rating:** 0.00

Complexity Points: 11 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 1015 LAKESIDE DR, CHANNELVIEW, HARRIS COUNTY, TX

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HX2351A **AIR NEW SOURCE PERMITS PERMIT 87595**
AIR NEW SOURCE PERMITS PERMIT 129626 **AIR NEW SOURCE PERMITS REGISTRATION 150670**
AIR NEW SOURCE PERMITS AFS NUM 4820101651 **AIR EMISSIONS INVENTORY ACCOUNT NUMBER HX2351A**

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

Date Compliance History Report Prepared: February 17, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 24, 2016 to September 24, 2021

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Yuliya Dunaway **Phone:** (210) 403-4077

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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.

N/A

F. Environmental audits:

N/A

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
K-SOLV CHEMICALS, LLC
RN100616721**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2021-1006-AIR-E**

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding K-Solv Chemicals, LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent 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 bulk petrochemical transfer and storage terminal located at 1015 Lakeside Drive in Channelview, Harris County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. During a record review conducted from April 22, 2021 through July 1, 2021, an investigator documented that:
 - a. The Respondent released 165,061.0 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 354013) that occurred on April 7, 2021 and lasted two hours and 42 minutes. The emissions event occurred due to the improper grounding/bonding of a filling nozzle in the Container Storage Area that caused static electricity, resulting in a fire and the

release to the atmosphere. TCEQ staff determined that the emissions event was an excessive emissions event.

- b. The initial notification for Incident No. 354013 was due by April 8, 2021 at 3:48 p.m., but was not submitted until April 8, 2021 at 8:31 p.m.
3. The Executive Director recognizes that the Respondent submitted the initial notification for Incident No. 354013 on April 8, 2021 at 8:31 p.m.

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. 382 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 106.6(b), Permit by Rule Registration No. 150670, and TEX. HEALTH & SAFETY CODE § 382.085(b). The emissions event was determined to be an excessive emissions event.
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. Pursuant to TEX. WATER CODE § 7.051, 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.
5. An administrative penalty in the amount of \$11,413 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid the \$11,413 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. 5 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: K-Solv Chemicals, LLC, Docket No. 2021-1006-AIR-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, submit a corrective action plan ("CAP") in accordance with the TCEQ letter dated July 16, 2021 to address the excessive emissions event that occurred on April 7, 2021 (Incident No. 354013).
 - b. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the CAP submittal in connection with the April 7, 2021 excessive emissions event within 15 days after the date of such requests, or by any other deadline specified in writing.
 - c. Within 45 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 2.e, to demonstrate compliance with Ordering Provision No. 2.a.
 - d. Upon Executive Director approval of the CAP, implement the CAP in accordance with the approved schedule.
 - e. Within 15 days after the completion of the CAP implementation, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

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 Plant operations referenced in this Order.
5. 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.
6. 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.
7. 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.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. 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.
10. 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.

11. 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

6/29/2022

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
K-Solv Chemicals, LLC



Title

If mailing address has changed, please check this box and provide the new address below: