

Executive Summary – Enforcement Matter – Case No. 61178
Occidental Chemical Corporation
RN100211176
Docket No. 2021-1067-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Oxychem Ingleside Plant, located two miles west of State Highway 1069 on State Highway 361, Gregory, San Patricio County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2023-0684-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 23, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,125

Amount Deferred for Expedited Settlement: \$2,625

Total Paid to General Revenue: \$5,250

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$5,250

Name of SEP: Texas Congress of Parents and Teachers dba Texas PTA (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - High

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 7, 2021 through July 8, 2021 and March 16, 2022 through April 15, 2022

Date(s) of NOE(s): August 4, 2021 and June 23, 2022

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RN100211176
Docket No. 2021-1067-AIR-E

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,399.50 pounds ("lbs") of carbon monoxide, 461.30 lbs of nitrogen oxides, and 695.60 lbs of volatile organic compounds from the Cracking Multi-Point Ground Flare, Emissions Point Number CR-8, during an emissions event (Incident No. 354843) that occurred on April 26, 2021 and lasted three hours and 22 minutes. The emissions event occurred due to the unwiring of the closed limit switch on Motor Operated Valve MOV-0262 during a maintenance activity that interlocked and tripped the cogeneration duct burners, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 107530, PSDTX1338, and GHGPSDTX40, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O3806, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 741.00 lbs of vinyl chloride as fugitive emissions, during an emissions event (Incident No. 376274) that occurred on March 16, 2022 and lasted 32 minutes. The emissions event occurred due to the appropriate installation practices not being followed when utilizing mechanical advantage for the installation of a spool piece to an out-of-service pipe that caused the separation of a blinded flange connected to the in-service process piping, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 19169, SC No. 1, FOP No. O1240, GTC and STC No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By June 24, 2021, the Respondent evaluated all Motor Operated Valves to verify that the applicable interlocks are listed in the operating procedures and evaluated all current interlocks on Motor Operate Valves MOV-0262 and MOV-0272 to confirm if they still meet the original design intent or need to be removed if the current interlocks are no longer required in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 354843.

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Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Within 30 days, implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 376274; and
 - b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

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

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

SEP Third-Party Administrator: Texas PTA, 408 West 11th Street, Austin, Texas 78701

Respondent: Todd Behne, Plant Manager, Occidental Chemical Corporation, P.O. Box CC, Ingleside, Texas 78362

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	9-Aug-2021	Screening	12-Aug-2021	EPA Due	
	PCW	8-May-2023				

RESPONDENT/FACILITY INFORMATION	
Respondent	Occidental Chemical Corporation
Reg. Ent. Ref. No.	RN100211176
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	61178	No. of Violations	2
Docket No.	2021-1067-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$15,000
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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	0.0% Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: Enhancement for two NOVs with dissimilar violations. Reduction for two notices of intent to conduct an audit and one disclosure of violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,875
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$937
Estimated Cost of Compliance	\$20,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$13,125
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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	\$13,125
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$13,125
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DEFERRAL	20.0% Reduction	Adjustment	-\$2,625
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$10,500
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Screening Date 12-Aug-2021

Docket No. 2021-1067-AIR-E

PCW

Respondent Occidental Chemical Corporation

Policy Revision 5 (January 28, 2021)

Case ID No. 61178

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100211176

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	2	4%
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>)	2	-2%
	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>)	1	-2%
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)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with dissimilar violations. Reduction for two notices of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 12-Aug-2021
Respondent Occidental Chemical Corporation
Case ID No. 61178
Reg. Ent. Reference No. RN100211176
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2021-1067-AIR-E

PCW

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

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 107530, PSDTX1338, and GHGPSDTX40, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O3806, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,399.50 pounds ("lbs") of carbon monoxide, 461.30 lbs of nitrogen oxides, and 695.60 lbs of volatile organic compounds from the Cracking Multi-Point Ground Flare, Emissions Point Number CR-8, during an emissions event (Incident No. 354843) that occurred on April 26, 2021 and lasted three hours and 22 minutes. The emissions event occurred due to the unwiring of the closed limit switch on Motor Operated Valve MOV-0262 during a maintenance activity that interlocked and tripped the cogeneration duct burners, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

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

Notes The Respondent completed the corrective measures by June 24, 2021, prior to the Notice of Enforcement dated August 4, 2021.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$81

Violation Final Penalty Total \$5,625

This violation Final Assessed Penalty (adjusted for limits) \$5,625

Economic Benefit Worksheet

Respondent Occidental Chemical Corporation
Case ID No. 61178
Reg. Ent. Reference No. RN100211176
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	26-Apr-2021	24-Jun-2021	0.16	\$81	n/a	\$81

Notes for DELAYED costs

Estimated cost to evaluate all Motor Operated Valves to verify that the applicable interlocks are listed in the operating procedures and to evaluate all current interlocks on Motor Operate Valves MOV-0262 and MOV-0272 to confirm if they still meet the original design intent or need to be removed if the current interlocks are no longer required in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 354843. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$10,000

TOTAL \$81

Screening Date 12-Aug-2021
Respondent Occidental Chemical Corporation
Case ID No. 61178
Reg. Ent. Reference No. RN100211176
Media Air
Enf. Coordinator Yuliya Dunaway

Docket No. 2021-1067-AIR-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 19169, SC No. 1, FOP No. O1240, GTC and STC No. 21, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 741.00 lbs of vinyl chloride as fugitive emissions, during an emissions event (Incident No. 376274) that occurred on March 16, 2022 and lasted 32 minutes. The emissions event occurred due to the appropriate installation practices not being followed when utilizing mechanical advantage for the installation of a spool piece to an out-of-service pipe that caused the separation of a blinded flange connected to the in-service process piping, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly 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 \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$856

Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent Occidental Chemical Corporation
Case ID No. 61178
Reg. Ent. Reference No. RN100211176
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	16-Mar-2022	1-Dec-2023	1.71	\$856	n/a	\$856

Notes for DELAYED costs
 Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 376274. 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 \$856

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 CN600125256, RN100211176, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN600125256, Occidental Chemical Corporation
Classification: SATISFACTORY **Rating:** 2.70

Regulated Entity: RN100211176, OXYCHEM INGLESIDE PLANT
Classification: HIGH **Rating:** 0.00

Complexity Points: 33 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 4133 STATE HIGHWAY 361, SAN PATRICIO COUNTY, TEXAS

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER SD0092F
AIR OPERATING PERMITS PERMIT 3806
AIR NEW SOURCE PERMITS PERMIT 35335
AIR NEW SOURCE PERMITS PERMIT 18432
AIR NEW SOURCE PERMITS PERMIT 19169
AIR NEW SOURCE PERMITS REGISTRATION 71365
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX880
AIR NEW SOURCE PERMITS REGISTRATION 82050
AIR NEW SOURCE PERMITS REGISTRATION 11162
AIR NEW SOURCE PERMITS REGISTRATION 33375
AIR NEW SOURCE PERMITS REGISTRATION 34359
AIR NEW SOURCE PERMITS PERMIT 136971
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1338M1
AIR NEW SOURCE PERMITS REGISTRATION 151095
AIR NEW SOURCE PERMITS REGISTRATION 168043
AIR NEW SOURCE PERMITS REGISTRATION 144449
AIR NEW SOURCE PERMITS REGISTRATION 142485
AIR NEW SOURCE PERMITS REGISTRATION 158596
AIR NEW SOURCE PERMITS REGISTRATION 160522
AIR NEW SOURCE PERMITS REGISTRATION 152603
WASTEWATER EPA ID TX0104876
POLLUTION PREVENTION PLANNING ID NUMBER P00483
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 38280
TAX RELIEF ID NUMBER 16656
TAX RELIEF ID NUMBER 19468
TAX RELIEF ID NUMBER 23361
TAX RELIEF ID NUMBER 19470
TAX RELIEF ID NUMBER 19457
TAX RELIEF ID NUMBER 19469

AIR OPERATING PERMITS PERMIT 1240
AIR NEW SOURCE PERMITS ACCOUNT NUMBER SD0092F
AIR NEW SOURCE PERMITS AFS NUM 4840900044
AIR NEW SOURCE PERMITS PERMIT 2339A
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX776
AIR NEW SOURCE PERMITS REGISTRATION 74337
AIR NEW SOURCE PERMITS REGISTRATION 79508
AIR NEW SOURCE PERMITS REGISTRATION 10922A
AIR NEW SOURCE PERMITS REGISTRATION 11184A
AIR NEW SOURCE PERMITS REGISTRATION 33580
AIR NEW SOURCE PERMITS PERMIT 107530
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX880M1
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1338
AIR NEW SOURCE PERMITS PERMIT AMOC12
AIR NEW SOURCE PERMITS REGISTRATION 166399
AIR NEW SOURCE PERMITS REGISTRATION 148172
AIR NEW SOURCE PERMITS REGISTRATION 153311
AIR NEW SOURCE PERMITS REGISTRATION 162240
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSPTX40M1
WASTEWATER PERMIT WQ0003083000
AIR EMISSIONS INVENTORY ACCOUNT NUMBER SD0092F
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD982286932
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50322

TAX RELIEF ID NUMBER 19476
TAX RELIEF ID NUMBER 19477
TAX RELIEF ID NUMBER 19455
TAX RELIEF ID NUMBER 19460
TAX RELIEF ID NUMBER 19467

Compliance History Period: September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

Date Compliance History Report Prepared: February 21, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 21, 2018 to February 21, 2023

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.):

Item 1	March 14, 2018	(1491896)
Item 2	April 18, 2018	(1495188)
Item 3	May 16, 2018	(1502108)
Item 4	June 18, 2018	(1509232)
Item 5	July 18, 2018	(1564194)
Item 6	August 17, 2018	(1482067)
Item 7	September 19, 2018	(1528777)
Item 8	October 19, 2018	(1535099)
Item 9	November 19, 2018	(1542954)
Item 10	December 19, 2018	(1546694)
Item 11	February 15, 2019	(1564193)
Item 12	April 16, 2019	(1573326)
Item 13	May 06, 2019	(1553904)
Item 14	May 16, 2019	(1586259)
Item 15	June 19, 2019	(1586260)
Item 16	July 11, 2019	(1578387)
Item 17	July 16, 2019	(1578671)
Item 18	July 19, 2019	(1594673)
Item 19	September 19, 2019	(1600973)
Item 20	October 17, 2019	(1614755)
Item 21	November 15, 2019	(1620544)
Item 22	December 19, 2019	(1627894)
Item 23	January 17, 2020	(1635520)
Item 24	February 19, 2020	(1642137)
Item 25	March 18, 2020	(1648649)
Item 26	April 17, 2020	(1655004)
Item 27	May 19, 2020	(1661563)
Item 28	June 16, 2020	(1611829)
Item 29	June 18, 2020	(1668097)
Item 30	August 14, 2020	(1681811)
Item 31	August 20, 2020	(1666281)
Item 32	September 17, 2020	(1688390)
Item 33	November 19, 2020	(1716835)
Item 34	December 17, 2020	(1716836)
Item 35	January 19, 2021	(1716837)
Item 36	February 19, 2021	(1729916)
Item 37	April 20, 2021	(1729918)
Item 38	April 23, 2021	(1705151)
Item 39	June 16, 2021	(1742249)
Item 40	July 19, 2021	(1753150)
Item 41	August 19, 2021	(1758555)
Item 42	September 16, 2021	(1767847)
Item 43	November 12, 2021	(1785081)

Item 44	December 17, 2021	(1792114)
Item 45	January 19, 2022	(1799963)
Item 46	February 15, 2022	(1807795)
Item 47	March 11, 2022	(1789315)
Item 48	March 16, 2022	(1814838)
Item 49	May 12, 2022	(1830304)
Item 50	June 06, 2022	(1817018)
Item 51	June 09, 2022	(1789283)
Item 52	June 15, 2022	(1836554)
Item 53	July 07, 2022	(1825130)
Item 55	July 21, 2022	(1819175)
Item 56	August 17, 2022	(1849901)
Item 57	September 02, 2022	(1840635)
Item 58	September 13, 2022	(1857670)
Item 59	October 13, 2022	(1847847)
Item 60	October 18, 2022	(1864024)
Item 61	October 20, 2022	(1847078)
Item 62	November 17, 2022	(1870933)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 06/06/2022 (1812103)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter O 335.431
40 CFR Chapter 268, SubChapter I, PT 268, SubPT E 268.50(b)
40 CFR Chapter 268, SubChapter I, PT 268, SubPT E 268.50(c)
PP.II.A.2. Duty to Comply OP
PP.V.B.1. Container Storage Areas OP
Description: Failed to store hazardous waste in a permitted container storage area for less than one year.

- 2 Date: 11/30/2022 (1876790)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

Notice of Intent Date: 04/30/2019 (1558359)
No DOV Associated

Notice of Intent Date: 10/02/2201 (1605461)
Disclosure Date: 06/29/2020

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)(2)(E)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(a)

Rqmt Prov: PERMIT SC 4D

Description: Failed to identify all aqueous wastes for TAB (Total Annual Benzene- In-Waste) characterization.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)(2)(E)
2H THSC Chapter 161, SubChapter A 161.355(a)(2)
2H THSC Chapter 161, SubChapter A 161.355(b)
2H THSC Chapter 161, SubChapter A 161.355(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)(1)

Rqmt Prov: PERMIT SC 4D

Description: Failed to accurately quantify the waste's benzene quantity and concentration.

Viol. Classification: Minor

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)
Rqmt Prov: PERMIT SC 4D

OP STC 8C

Description: Failed to establish record keeping requirements for benzene quantifications.

Viol. Classification: Minor

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(2)

Rqmt Prov: PERMIT SC 4D
OP STC 8D

Description: Failed to submit required reports including reports indicating a change in the process stream and certification of compliance with 6BQ.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(e)(1)
Rqmt Prov: PERMIT SC 4D

Description: Failed to demonstrate control and return to process (or treat) of non-aqueous waste applicable to 6BQ facilities.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(e)
Rqmt Prov: OP Gen. Terms & Cond.
PERMIT SAC 4D
PERMIT SC 4D

Description: Failed to demonstrate benzene in uncontrolled aqueous waste was less than 6 Mg/yr, as applicable to 6BQ facilities and as determined by 61.335(k).

Viol. Classification: Minor
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(k)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(k)(2)

Rqmt Prov: PERMIT SC 4D

Description: demonstrate that aqueous wastes have less than 6 Mg/yr.

Viol. Classification: Minor
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(4)(iv)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(i)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(f)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(g)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(h)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT N 63.343(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT N 63.343(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT N 63.343(d)

Rqmt Prov: PERMIT SC 4D

Description: Failed to conduct initial and quarterly visual inspections, and initial and annual monitoring requirements for fixed-roof tanks and vent systems; and failure to visually inspect (initially & quarterly) unburied sewers managing BROWN waste.

Viol. Classification: Minor
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(h)
Rqmt Prov: PERMIT SC 4D

Description: Failed to establish record keeping requirements for visual inspections when a problem is identified; and for record keeping requirements for instrument monitoring.

Viol. Classification: Minor
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(6)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(7)

Rqmt Prov: PERMIT SC 4D

Description: Failed to submit quarterly reports

Viol. Classification: Minor
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(8)
Rqmt Prov: PERMIT SC 4D

Description: Failed to submit annual reports

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)(2)(F)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(d)

Rqmt Prov: PERMIT SC 4B
PERMIT SC 5C
OP ST & C 1E
OP STC 9

Description: Initial notification submitted for EACT failed to identify specific process vents, storage vessels, transfer

racks, equipment, and waste streams not subject to 40 CFR 63, Subpart YY for Ethylene Production.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1039
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1108(b)(4)(ii)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1109(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(a)(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.998(b)(3)(i)(B)

Description: Failed to complete reporting and recordkeeping requirements including submitting the Notification of Compliance Status for the ethylene plant, and the indication that the performance test was conducted for Ethylene MACT.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(a)(5)

Rqmt Prov: PERMIT SC 5C
OP STC 1E
OP STC 9

Description: Failed to submit periodic reports in accordance with Ethylene MACT .

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(e)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.998(b)(3)

Description: Temperatures for the non-flare combustion device were taken on a 6 min average and maintained but not averaged on a 24 hour basis.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(b)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(e)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1028(e)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1030(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1031(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1037(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(e)

Rqmt Prov: PERMIT SC 5C
OP STC 1E
OP STC 9

Description: Failed to identify equipment subject to MACT UU as a method of compliance for LOAR, including failure to identify and record which pumps, agitators, pressure relief devices and compressors may be exempt from monitoring and inspection requirements under MACT UU.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1027(b)(3)(iv)

Rqmt Prov: PERMIT SC 5C
OP STC 1E
OP STC 9

Description: UU required re-monitoring after repair occurred outside of 90 days of the repair* and connector leaker tags cannot be removed until the re-monitoring occurs within the 90 days after repair.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1027(b)(2)

Rqmt Prov: PERMIT SC 5C
OP STC 1E
OP STC 9

Description: Failure to treat two connectors that had readings of 500 ppm as leaks. (7958.3 monitored on 8/1/2017, and 16855.3 monitored on 6/7/2017). Subsequent monitoring has shown these connectors are no longer leaking.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-7a(d)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1024(a)

Rqmt Prov: OP Gen. Terms & Cond.
PERMIT SC 12 H
PERMIT SC 5C

Description: Failed to repair components within the fifteen-day timeframe.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.485a(b)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023(b)
 Rqmt Prov: PERMIT SC 12
 PERMIT SC 13
 PERMIT SC 5C
 OP STC 13
 OP STC 1E
 OP STC 9

Description: Failed to follow proper Method 21 monitoring procedures.
 Viol. Classification: Minor
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.485a(b)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023(b)

Description: Failed to use the calculated response time measurements in the monitoring as required by Method 21.
 Viol. Classification: Minor
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.485a(b)(2)

Description: Failed to correctly calculate correctly calculate the drift percentages daily.
 Viol. Classification: Minor
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.485a(b)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023(b)(3)

Rqmt Prov: PERMIT SC 12
 PERMIT SC 13
 PERMIT SC 5C
 OP STC 13
 OP STC 1E
 OP STC 9

Description: Failure to locate the record for the daily calibration for three dates. - 7/28/2017: phx21-1938; - 10/9/2017: phx21-1939; 4/15/2019: phx21-1944
 Viol. Classification: Minor
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.486a(b)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023(e)(1)

Rqmt Prov: PERMIT SC 5C
 OP STC 1E
 OP STC 9

Description: A leaker tag was discovered in use where the Equipment ID is no longer legible. (Tag IDs 15107)
 Viol. Classification: Minor
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.486a(e)(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.486a(e)(3)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(b)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(b)(3)

Rqmt Prov: PERMIT SC 5C
 OP STC 1E
 OP STC 9

Description: The ID for 2 tags were swapped on the components for two tags:17924 - PRV to atm and I 7923 - connector. (Both components were monitored quarterly. As such, no monitoring was missed.)
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.480a
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.480a(b)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.486a(e)(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.489a

Description: Applicability for NSPS VVa equipment was not identified in the NSR or Title V application or permit.
 Viol. Classification: Minor
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.487a

Description: Failed to submit semiannual reports for NSPS VVa.
 Viol. Classification: Minor
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Wa 60.486a(a)(3)

Description: Failed to log the correct date on inspections from 6/3/17, 6/10/ 17, and 6/11/17.

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
OCCIDENTAL CHEMICAL
CORPORATION
RN100211176

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-1067-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Occidental Chemical Corporation (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 4133 State Highway 361 in San Patricio County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$13,125 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$5,250 of the penalty and \$2,625 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$5,250 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of the Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms

and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreements, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that by June 24, 2021, the Respondent evaluated all Motor Operated Valves to verify that the applicable interlocks are listed in the operating procedures and evaluated all current interlocks on Motor Operate Valves MOV-0262 and MOV-0272 to confirm if they still meet the original design intent or need to be removed if the current interlocks are no longer required in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 354843.

II. ALLEGATIONS

1. During a record review for the Plant conducted from May 7, 2021 through July 8, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 107530, PSDTX1338, and GHGPSDTX40, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O3806, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 2,399.50 pounds ("lbs") of carbon monoxide, 461.30 lbs of nitrogen oxides, and 695.60 lbs of volatile organic compounds from the Cracking Multi-Point Ground Flare, Emissions Point Number CR-8, during an emissions event (Incident No. 354843) that occurred on April 26, 2021 and lasted three hours and 22 minutes. The emissions event occurred due to the unwiring of the closed limit switch on Motor Operated Valve MOV-0262 during a maintenance activity that interlocked and tripped the cogeneration duct burners, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. During a record review for the Plant conducted from March 16, 2022 through April 15, 2022, an investigator documented that the Respondent failed to prevent unauthorized

emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 19169, SC No. 1, FOP No. O1240, GTC and STC No. 21, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 741.00 lbs of vinyl chloride as fugitive emissions, during an emissions event (Incident No. 376274) that occurred on March 16, 2022 and lasted 32 minutes. The emissions event occurred due to the appropriate installation practices not being followed when utilizing mechanical advantage for the installation of a spool piece to an out-of-service pipe that caused the separation of a blinded flange connected to the in-service process piping, resulting in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Occidental Chemical Corporation, Docket No. 2021-1067-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$5,250 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements at the Plant:
 - a. Within 30 days after the effective date of this Order, implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 376274.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No.

3.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Air Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
500 North Shoreline, Suite 500
Corpus Christi, Texas 78401

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
6. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's

jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

7/7/2023

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 OAG 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 OAG 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

5/24/2023

Date

TODD BEHNE

Name (Printed or typed)
Authorized Representative of
Occidental Chemical Corporation

PLANT MANAGER

Title

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

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.

Attachment A
Docket Number: 2021-1067-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Occidental Chemical Corporation
Payable Penalty Amount:	\$10,500
SEP Offset Amount:	\$5,250
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Congress of Parents and Teachers dba Texas PTA
Project Name:	<i>Texas PTA Clean School Bus Replacement Program</i>
Location of SEP:	Texas Air Quality Control Region 214: Corpus Christi-Victoria - Preference for San Patricio County

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Congress of Parents and Teachers dba Texas PTA** for the *Texas PTA Clean School Bus Replacement Program*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the contribution will be used to reduce nitrogen oxides, volatile organic compounds, carbon monoxide, and particulate matter emissions by replacing older diesel buses with newer buses that meet more stringent emission standards. The Third-Party Administrator shall use the SEP Offset Amount for up to 100% of the purchase price of a model year 2010 or newer bus to replace a diesel school bus that is model year 2002 or older. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

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

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

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions which contribute to the formation of ozone and may cause or exacerbate many respiratory diseases,

including asthma. In addition, by encouraging less school bus idling, this SEP contributes to public awareness of environmental matters.

c. Minimum Expenditure

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

2. Performance Schedule

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

Texas PTA
408 West 11th Street
Austin, Texas 78701

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

Occidental Chemical Corporation
Docket No. 2021-1067-AIR-E
Agreed Order - Attachment A

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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