

**Executive Summary – Enforcement Matter – Case No. 61207**

**Air Products LLC**

**RN108401332**

**Docket No. 2021-1087-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Air Products Baytown 3 Facility, 7714 West Bay Road, Baytown, Chambers County

**Type of Operation:**

Natural gas plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 12, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$37,500

**Amount Deferred for Expedited Settlement:** \$7,500

**Total Paid to General Revenue:** \$30,000

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**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:** April 29, 2021 through May 14, 2021, June 15, 2021 through June 21, 2021, May 24, 2021 through June 7, 2021, and June 21, 2021 through October 15, 2021

**Date(s) of NOE(s):** August 10, 2021, November 17, 2021, November 18, 2021, and December 1, 2021

**Executive Summary – Enforcement Matter – Case No. 61207**

**Air Products LLC**

**RN108401332**

**Docket No. 2021-1087-AIR-E**

***Violation Information***

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 399.60 pounds ("lbs") of nitrogen oxides ("NOx") from the Warm Flare, Emissions Point Number ("EPN") 2, during an emissions event (Incident No. 354510) that began on April 19, 2021 and lasted ten hours and 29 minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit Nos. 133027 and N220, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O3991, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 5, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 462.23 lbs of NOx and 1,427.68 lbs of carbon monoxide ("CO") from the Warm Flare, EPN 2, during an emissions event (Incident No. 290089) that began on August 11, 2018 and lasted 19 hours and 14 minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit Nos. 133027 and N220, SC No. 1, FOP No. O3991, GTC and STC No. 5, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 252.45 lbs of NOx and 1,126.34 lbs of CO from the Warm Flare, EPN 2, during an emissions event (Incident No. 288588) that began on July 18, 2018 and lasted 11 hours and 11 minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit Nos. 133027 and N220, SC No. 1, FOP No. O3991, GTC and STC No. 5, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to prevent unauthorized emissions. Specifically, the Respondent released 0.15 lb of NOx and 0.25 lb of CO from the Cold Flare, EPN 3, and released 302.25 lbs of NOx and 263.03 lbs of CO from the Warm Flare, EPN 2, during an emissions event (Incident No. 289617) that occurred on August 4, 2018 and lasted ten hours and 51 minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit Nos. 133027 and N220, SC No. 1, FOP No. O3991, GTC and STC No. 5, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

a. Within 30 days:

**Executive Summary – Enforcement Matter – Case No. 61207**

**Air Products LLC**

**RN108401332**

**Docket No. 2021-1087-AIR-E**

- i. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 354510;
  - ii. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 290089;
  - iii. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 288588; and
  - iv. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 289617.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Amanda Diaz, Enforcement Division, Enforcement Team 2, MC R-12, (713) 422-8912; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Charles Shuemaker, Site Superintendent, Air Products LLC, P.O. Box 1887, Baytown, Texas 77521

Enrique Millan, Vice President, Air Products LLC, P.O. Box 1887, Baytown, Texas 77521

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	16-Aug-2021		
	<b>PCW</b>	4-Apr-2024	<b>Screening</b>	17-Aug-2021
			<b>EPA Due</b>	

<b>RESPONDENT/FACILITY INFORMATION</b>				
<b>Respondent</b>	Air Products LLC			
<b>Reg. Ent. Ref. No.</b>	RN108401332			
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major	

<b>CASE INFORMATION</b>				
<b>Enf./Case ID No.</b>	61207	<b>No. of Violations</b>	4	
<b>Docket No.</b>	2021-1087-AIR-E	<b>Order Type</b>	1660	
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No	
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Amanda Diaz	
		<b>EC's Team</b>	Enforcement Team 2	
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$30,000
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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.

<b>Compliance History</b>	25.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$7,500
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<b>Notes</b>	Enhancement for one NOV with the same or similar violations and one agreed order containing a denial of liability.			
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<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.			
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$11,054	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$40,000	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$37,500
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
<b>Final Penalty Amount</b>	\$37,500

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$37,500
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<b>DEFERRAL</b>	20.0%	Reduction	Adjustment	-\$7,500
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral offered for expedited settlement.
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<b>PAYABLE PENALTY</b>	\$30,000
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<b>Screening Date</b>	17-Aug-2021	<b>Docket No.</b>	2021-1087-AIR-E	<b>PCW</b>
<b>Respondent</b>	Air Products LLC			
<b>Case ID No.</b>	61207			
<b>Reg. Ent. Reference No.</b>	RN108401332			
<b>Media</b>	Air			
<b>Enf. Coordinator</b>	Amanda Diaz			

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

### 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> )	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)25%

>> 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 one NOV with the same or similar violations and one agreed order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)25%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%25%

<b>Screening Date</b>	17-Aug-2021	<b>Docket No.</b>	2021-1087-AIR-E	<b>PCW</b>
<b>Respondent</b>	Air Products LLC	<i>Policy Revision 5 (January 28, 2021)</i>		
<b>Case ID No.</b>	61207	<i>PCW Revision February 11, 2021</i>		
<b>Reg. Ent. Reference No.</b>	RN108401332			
<b>Media</b>	Air			
<b>Enf. Coordinator</b>	Amanda Diaz			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit Nos. 133027 and N220, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O3991, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 5, and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	Failed to prevent unauthorized emissions. Specifically, the Respondent released 399.60 pounds ("lbs") of nitrogen oxides ("NOx") from the Warm Flare, Emissions Point Number ("EPN") 2, during an emissions event (Incident No. 354510) that began on April 19, 2021 and lasted ten hours and 29 minutes.			
			<b>Base Penalty</b>	\$25,000
>> Environmental, Property and Human Health Matrix				
OR	<b>Release</b>	<b>Harm</b>		
		Major	Moderate	Minor
	Actual			X
	Potential			
			<b>Percent</b>	30.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
			<b>Percent</b>	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.			
			<b>Adjustment</b>	\$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			
			<b>Violation Base Penalty</b>	\$7,500
One monthly event is recommended.				
<b>Good Faith Efforts to Comply</b>		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.			
			<b>Violation Subtotal</b>	\$7,500
>> Economic Benefit (EB) for this violation				
			<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>		\$1,744	<b>Violation Final Penalty Total</b>	\$9,375
			<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$9,375

# Economic Benefit Worksheet

**Respondent** Air Products LLC  
**Case ID No.** 61207  
**Reg. Ent. Reference No.** RN108401332  
**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	19-Apr-2021	13-Oct-2024	3.49	\$1,744	n/a	\$1,744
Notes for DELAYED costs	Estimated cost to implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 354510. The Date Required is the date the emissions event began 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	\$1,744
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<b>Screening Date</b> 17-Aug-2021 <b>Respondent</b> Air Products LLC <b>Case ID No.</b> 61207 <b>Reg. Ent. Reference No.</b> RN108401332 <b>Media</b> Air <b>Enf. Coordinator</b> Amanda Diaz		<b>Docket No.</b> 2021-1087-AIR-E <b>PCW</b>																		
<i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>																				
<b>Violation Number</b> 2 <b>Rule Cite(s)</b> 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit Nos. 133027 and N220, SC No. 1, FOP No. O3991, GTC and STC No. 5, and Tex. Health & Safety Code § 382.085(b)																				
<b>Violation Description</b> Failed to prevent unauthorized emissions. Specifically, the Respondent released 462.23 lbs of NOx and 1,427.68 lbs of carbon monoxide ("CO") from the Warm Flare, EPN 2, during an emissions event (Incident No. 290089) that began on August 11, 2018 and lasted 19 hours and 14 minutes.																				
		<b>Base Penalty</b> \$25,000																		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																				
OR	<table border="1"> <thead> <tr> <th></th> <th colspan="3">Harm</th> </tr> <tr> <th>Release</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> </thead> <tbody> <tr> <td>Actual</td> <td></td> <td></td> <td>x</td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>				Harm			Release	Major	Moderate	Minor	Actual			x	Potential				<b>Percent</b> 30.0%
		Harm																		
	Release	Major	Moderate	Minor																
Actual			x																	
Potential																				
<b>&gt;&gt; Programmatic Matrix</b>																				
Matrix Notes	<table border="1"> <thead> <tr> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>			Falsification	Major	Moderate	Minor					<b>Percent</b> 0.0%								
	Falsification	Major	Moderate	Minor																
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.																				
			<b>Adjustment</b> \$17,500																	
			\$7,500																	
<b>Violation Events</b>																				
Number of Violation Events 1		1 Number of violation days																		
<table border="1"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td>x</td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>		daily		weekly		monthly	x	quarterly		semiannual		annual		single event		<b>Violation Base Penalty</b> \$7,500				
daily																				
weekly																				
monthly	x																			
quarterly																				
semiannual																				
annual																				
single event																				
One monthly event is recommended.																				
<b>Good Faith Efforts to Comply</b>		<b>0.0%</b>	<b>Reduction</b> \$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.																		
		<b>Violation Subtotal</b> \$7,500																		
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>																		
<b>Estimated EB Amount</b> \$3,089		<b>Violation Final Penalty Total</b> \$9,375																		
		<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$9,375																		



Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.

Air Products LLC 61207 RN108401332 Air 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	11-Aug-2018	13-Oct-2024	6.18	\$3,089	n/a	\$3,089
Notes for DELAYED costs	Estimated cost to implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 290089. The Date Required is the date the emissions event began 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	\$3,089
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Screening Date		17-Aug-2021		Docket No.		2021-1087-AIR-E		PCW	
Respondent		Air Products LLC		Policy Revision 5 (January 28, 2021)					
Case ID No.		61207		PCW Revision February 11, 2021					
Reg. Ent. Reference No.		RN108401332							
Media		Air							
Enf. Coordinator		Amanda Diaz							
Violation Number		3							
Rule Cite(s)		30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit Nos. 133027 and N220, SC No. 1, FOP No. O3991, GTC and STC No. 5, and Tex. Health & Safety Code § 382.085(b)							
Violation Description		Failed to prevent unauthorized emissions. Specifically, the Respondent released 252.45 lbs of NOx and 1,126.34 lbs of CO from the Warm Flare, EPN 2, during an emissions event (Incident No. 288588) that began on July 18, 2018 and lasted 11 hours and 11 minutes.							
				Base Penalty		\$25,000			
>> Environmental, Property and Human Health Matrix									
OR		Release		Major		Moderate		Minor	
		Actual						x	
		Potential							
				Percent		30.0%			
>>Programmatic Matrix									
Matrix Notes		Falsification		Major		Moderate		Minor	
				Percent		0.0%			
		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				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		\$7,500			
Economic Benefit (EB) for this violation									
		Estimated EB Amount		\$3,122		Violation Final Penalty Total		\$9,375	
				This violation Final Assessed Penalty (adjusted for limits)		\$9,375			

# Economic Benefit Worksheet

**Respondent** Air Products LLC  
**Case ID No.** 61207  
**Reg. Ent. Reference No.** RN108401332  
**Media** Air  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	18-Jul-2018	13-Oct-2024	6.24	\$3,122	n/a	\$3,122
Notes for DELAYED costs	Estimated cost to implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 288588. The Date Required is the date the emissions event began 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	\$3,122
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<b>Screening Date</b> 17-Aug-2021		<b>Docket No.</b> 2021-1087-AIR-E		<b>PCW</b>	
<b>Respondent</b> Air Products LLC		<i>Policy Revision 5 (January 28, 2021)</i>			
<b>Case ID No.</b> 61207		<i>PCW Revision February 11, 2021</i>			
<b>Reg. Ent. Reference No.</b> RN108401332					
<b>Media</b> Air					
<b>Enf. Coordinator</b> Amanda Diaz					
<b>Violation Number</b> 4					
<b>Rule Cite(s)</b>		30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit Nos. 133027 and N220, SC No. 1, FOP No. O3991, GTC and STC No. 5, and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>		Failed to prevent unauthorized emissions. Specifically, the Respondent released 0.15 lb of NOx and 0.25 lb of CO from the Cold Flare, EPN 3, and released 302.25 lbs of NOx and 263.03 lbs of CO from the Warm Flare, EPN 2, during an emissions event (Incident No. 289617) that occurred on August 4, 2018 and lasted ten hours and 51 minutes.			
		<b>Base Penalty</b>		\$25,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>	<b>Release</b>		<b>Harm</b>		
		Major	Moderate	Minor	
	Actual			x	
	Potential				<b>Percent</b> 30.0%
<b>&gt;&gt; Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 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.				
		<b>Adjustment</b>		\$17,500	
				\$7,500	
<b>Violation Events</b>					
Number of Violation Events		1		1 Number of violation days	
	daily				
	weekly				
	monthly	x			
	quarterly				
	semiannual				
	annual				
	single event				
		<b>Violation Base Penalty</b>		\$7,500	
One monthly event is recommended.					
<b>Good Faith Efforts to Comply</b>		0.0%		<b>Reduction</b> \$0	
	Extraordinary	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Ordinary				
	N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.				
		<b>Violation Subtotal</b>		\$7,500	
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		\$3,099		<b>Violation Final Penalty Total</b> \$9,375	
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$9,375	

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.

Air Products LLC 61207 RN108401332 Air 4

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	4-Aug-2018	13-Oct-2024	6.20	\$3,099	n/a	\$3,099
Notes for DELAYED costs	Estimated cost to implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 289617. 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	\$3,099
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# Compliance History Report

Compliance History Report for CN602299257, RN108401332, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

**Customer, Respondent, or Owner/Operator:** CN602299257, Air Products LLC

**Classification:** SATISFACTORY

**Rating:** 7.58

**Regulated Entity:** RN108401332, AIR PRODUCTS BAYTOWN 3 FACILITY

**Classification:** SATISFACTORY

**Rating:** 5.88

**Complexity Points:** 15

**Repeat Violator:** NO

**CH Group:** 05 - Chemical Manufacturing

**Location:** 7714 W BAY RD BAYTOWN, TX 77523-8613, CHAMBERS COUNTY

**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**

**AIR OPERATING PERMITS** PERMIT 3991

**AIR NEW SOURCE PERMITS** EPA PERMIT N220

**AIR NEW SOURCE PERMITS** PERMIT 133027

**AIR NEW SOURCE PERMITS** REGISTRATION 169208

**AIR NEW SOURCE PERMITS** REGISTRATION 156138

**AIR NEW SOURCE PERMITS** PERMIT AMOC230

**AIR NEW SOURCE PERMITS** AFS NUM 4807100144

**STORMWATER** PERMIT TXR1522FR

**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER CIA031E

**POLLUTION PREVENTION PLANNING** ID NUMBER P10317

**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE REGISTRATION # (SWR) 96877

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXR000084323

**TAX RELIEF** ID NUMBER 21038

**TAX RELIEF** ID NUMBER 21389

**Compliance History Period:** September 01, 2018 to August 31, 2023

**Rating Year:** 2023

**Rating Date:** 09/01/2023

**Date Compliance History Report Prepared:** April 03, 2024

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** April 03, 2019 to April 03, 2024

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

**Name:** Amanda Diaz

**Phone:** (512) 239-2922

**Site and Owner/Operator History:**

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

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

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

1 Effective Date: 04/19/2022 ADMINORDER 2021-0125-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on August 22, 2020, TCEQ/STEERS Incident No. 341095. [Category A12.i.(6)]

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emission event that was

discovered on September 28, 2020, TCEQ/STEERS Incident No. 342972 (Category A12.i.(6)).

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	July 06, 2021	(1724376)
Item 2	September 02, 2021	(1686219)
Item 3	April 01, 2022	(1735949)
Item 4	May 31, 2022	(1817924)

**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:	06/01/2023	(1881719)	
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 2A PERMIT Special Terms and Condition 5 OP		
	Description:	Failure to maintain rolling 12-month average of Nitrogen Oxides (NOx) below 0.0062 pound per million British thermal units (lb./MMBtu) (EPN: 1) (Category C4)		

**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  
AIR PRODUCTS LLC  
RN108401332

§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2021-1087-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 Air Products 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 together stipulate that:

1. The Respondent owns and operates a natural gas plant located at 7714 West Bay Road in Baytown, Chambers 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 \$37,500 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$30,000 of the penalty and \$7,500 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.



6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

## II. ALLEGATIONS

1. During a record review for the Plant conducted from April 29, 2021 through May 14, 2021, 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), New Source Review ("NSR") Permit Nos. 133027 and N220, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O3991, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 5, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 399.60 pounds ("lbs") of nitrogen oxides ("NOx") from the Warm Flare, Emissions Point Number ("EPN") 2, during an emissions event (Incident No. 354510) that began on April 19, 2021 and lasted ten hours and 29 minutes.
2. During a record review for the Plant conducted from June 15, 2021 through June 21, 2021, 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 Nos. 133027 and N220, SC No. 1, FOP No. O3991, GTC and STC No. 5, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 462.23 lbs of NOx and 1,427.68 lbs of carbon monoxide ("CO") from the Warm Flare, EPN 2, during an emissions event (Incident No. 290089) that began on August 11, 2018 and lasted 19 hours and 14 minutes.
3. During a record review for the Plant conducted from May 24, 2021 through June 7, 2021, 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 Nos. 133027 and N220, SC No. 1, FOP No. O3991, GTC and STC No. 5, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 252.45 lbs of NOx and 1,126.34 lbs of CO from the Warm Flare, EPN 2, during an emissions event (Incident No. 288588) that began on July 18, 2018 and lasted 11 hours and 11 minutes.
4. During a record review for the Plant conducted from June 21, 2021 through October 15, 2021, 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 Nos. 133027 and N220, SC No. 1, FOP No. O3991, GTC and STC No. 5, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 0.15 lb of NOx and 0.25 lb of CO from the Cold Flare, EPN 3, and released 302.25 lbs of NOx and 263.03 lbs of CO from the Warm Flare, EPN 2, during an emissions event (Incident No. 289617) that occurred on August 4, 2018 and lasted ten hours and 51 minutes.

### 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: Air Products LLC, Docket No. 2021-1087-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 at the Plant:
  - a. Within 30 days after the effective date of this Order:
    - i. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 354510;
    - ii. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 290089;
    - iii. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 288588; and
    - iv. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 289617.
  - 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. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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. 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.
6. 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.
7. 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.

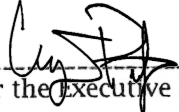
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

**SIGNATURE PAGE**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

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For the Commission

-----  
Date

  
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For the Executive Director

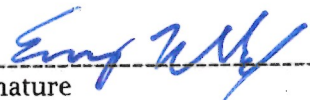
7/16/2024  
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Date

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

05/21/2024  
-----  
Date

ENRIQUE MILCAN  
-----  
Name (Printed or typed)  
Authorized Representative of  
Air Products LLC

VIC PRESIDENT  
-----  
Title

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

Air Products

PO Box 1887

Baytown, TX 77521

**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.