

Executive Summary – Enforcement Matter – Case No. 61270
Monument Chemical Port Arthur, LLC
RN100640283
Docket No. 2021-1157-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

KMTEX, 2450 South Gulfway Drive, Port Arthur, Jefferson County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 13, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$23,400

Total Paid to General Revenue: \$11,700

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$11,700

Name of SEP: Armand Bayou Nature Center, Inc. (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 27, 2021

Date(s) of NOE(s): August 18, 2021

Executive Summary – Enforcement Matter – Case No. 61270
Monument Chemical Port Arthur, LLC
RN100640283
Docket No. 2021-1157-MWD-E

Violation Information

Failed to comply with permitted effluent limitations for total suspended solids and *Enterococci* [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0015321001, Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to, within 130 days, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0015321001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Taylor Williamson, Enforcement Division, Enforcement Team 1, MC R-12, (512) 239-2097; 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: Armand Bayou Nature Center, Inc., P.O. Box 58828, Houston, Texas 77258

Respondent: William McConnell, President, Monument Chemical Port Arthur, LLC, P.O. Box 1421, Port Arthur, Texas 77641

Adam T. Pingel, Vice President of Operations, Monument Chemical Port Arthur, LLC, P.O. Box 1421, Port Arthur, Texas 77641

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	30-Aug-2021	Screening	1-Sep-2021	EPA Due	
	PCW	9-Sep-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Monument Chemical Port Arthur, LLC
Reg. Ent. Ref. No.	RN100640283
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	61270	No. of Violations	2
Docket No.	2021-1157-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Taylor Williamson
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$16,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	44.0% Adjustment	Subtotals 2, 3, & 7	\$7,150
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Notes: Enhancement for five months of self-reported effluent violations, one NOV with dissimilar violations, and one order containing a denial of liability. Reduction for one notice 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	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$502
 Estimated Cost of Compliance \$5,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$23,400
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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: [Empty box]

Final Penalty Amount	\$23,400
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$23,400
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$23,400
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Screening Date 1-Sep-2021

Docket No. 2021-1157-MWD-E

PCW

Respondent Monument Chemical Port Arthur, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 61270

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100640283

Media Water Quality

Enf. Coordinator Taylor Williamson

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>)	5	25%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	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) 44%

>> 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 five months of self-reported effluent violations, one NOV with dissimilar violations, and one order containing a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 44%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 44%

Screening Date 1-Sep-2021

Docket No. 2021-1157-MWD-E

PCW

Respondent Monument Chemical Port Arthur, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 61270

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100640283

Media Water Quality

Enf. Coordinator Taylor Williamson

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0015321001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

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

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 50.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$12,500

\$12,500

Violation Events

Number of Violation Events 1

31 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$12,500

One monthly event is recommended for October 2020.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$12,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$502

Violation Final Penalty Total \$18,000

This violation Final Assessed Penalty (adjusted for limits) \$18,000

Economic Benefit Worksheet

Respondent Monument Chemical Port Arthur, LLC
Case ID No. 61270
Reg. Ent. Reference No. RN100640283
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	31-Oct-2020	3-Nov-2022	2.01	\$502	n/a	\$502

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

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$5,000

TOTAL \$502

Screening Date 1-Sep-2021

Docket No. 2021-1157-MWD-E

PCW

Respondent Monument Chemical Port Arthur, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 61270

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100640283

Media Water Quality

Enf. Coordinator Taylor Williamson

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0015321001, Effluent Limitations and Monitoring Requirements No. 1

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

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				x
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 61

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended for the quarters containing the months of March 2021 and April 2021.

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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$5,400

This violation Final Assessed Penalty (adjusted for limits) \$5,400

Economic Benefit Worksheet

Respondent Monument Chemical Port Arthur, LLC
Case ID No. 61270
Reg. Ent. Reference No. RN100640283
Media Violation No. Water Quality
 2

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

See Economic Benefit Worksheet No. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

TOTAL

Monument Chemical Port Arthur, LLC
Docket No. 2021-1157-MWD-E
TPDES Permit No. WQ0015321001

Effluent Violation Table

Monitoring Period	Total Suspended Solids		<i>Enterococci</i>	
	Daily Average Concentration	Single-Grab Concentration	Daily Average Concentration	Single-Grab Concentration
	Limit= 20 mg/L	Limit= 65 mg/L	Limit= 35 CFU/100 mL	Limit= 104 CFU/100 mL
October 2020	c	c	394	394
March 2021	32.5	66	c	c
April 2021	39.1	75	c	c

c= compliant

mg/L= milligrams per liter

CFU/100 mL= Colony Forming Units per 100 milliliters

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Compliance History Report

Compliance History Report for CN604105007, RN100640283, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN604105007, Monument Chemical Port Arthur, LLC **Classification:** SATISFACTORY **Rating:** 23.33
Regulated Entity: RN100640283, KMTEX **Classification:** SATISFACTORY **Rating:** 23.33
Complexity Points: 19 **Repeat Violator:** NO
CH Group: 05 - Chemical Manufacturing
Location: 2450 South Gulfway Drive in Port Arthur, Jefferson County, Texas
TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0318G	AIR NEW SOURCE PERMITS PERMIT 74398
AIR NEW SOURCE PERMITS REGISTRATION 162779	AIR NEW SOURCE PERMITS REGISTRATION 159266
AIR NEW SOURCE PERMITS REGISTRATION 160817	AIR NEW SOURCE PERMITS AFS NUM 4824500720
ON SITE SEWAGE FACILITY PERMIT 1230126	STORMWATER PERMIT TXR05FH92
WASTEWATER PERMIT WQ0003544000	WASTEWATER EPA ID TX0116360
WASTEWATER PERMIT WQ0015321001	WASTEWATER EPA ID TX0136034
AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0318G	POLLUTION PREVENTION PLANNING ID NUMBER P01790
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD988076295	INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 23491

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

Date Compliance History Report Prepared: February 11, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 11, 2017 to February 11, 2022

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

Name: Ellen Ojeda

Phone: (512) 239-2581

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: 10/01/2019 ADMINORDER 2018-0388-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 21(F) PERMIT
Description: Failure to conduct a performance test within 180 days after initial startup of Boilers 3 and 4, Emission point Numbers (EPN's) B-3 and B-4, respectively.
Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 21(H) PERMIT
Description: Failure to submit performance test results to the Texas Commission of Environmental Quality (TCEQ) Regional Office with jurisdiction within 60 days of the performance test.
Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
Special Condition 17 PERMIT

Description: Failure to demonstrate compliance with emissions rates for Boiler 3, Emission Point Number (EPN) B-3.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT
Special Condition 17 PERMIT

Description: Failure to demonstrate compliance with emissions rates for Boiler 4, Emission Point Number (EPN) B-4.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Terms and Conditions PERMIT

Description: Failure to submit performance test results to the Texas Commission of Environmental Quality (TCEQ) Regional Office with jurisdiction within 60 days of the performance test.

Classification: Moderate

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

Rqmt Prov: 74398 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	February 23, 2017	(1406439)
Item 2	March 13, 2017	(1412823)
Item 3	April 10, 2017	(1419318)
Item 4	May 05, 2017	(1426958)
Item 5	June 07, 2017	(1432949)
Item 6	August 10, 2017	(1445196)
Item 7	October 09, 2017	(1457646)
Item 8	November 02, 2017	(1463079)
Item 9	December 07, 2017	(1469512)
Item 10	January 10, 2018	(1476217)
Item 11	January 30, 2018	(1455629)
Item 12	February 01, 2018	(1465344)
Item 13	February 19, 2018	(1476940)
Item 14	March 13, 2018	(1492056)
Item 15	April 06, 2018	(1495339)
Item 16	April 16, 2018	(1496037)
Item 17	May 18, 2018	(1503017)
Item 18	June 11, 2018	(1509386)
Item 19	July 09, 2018	(1515708)
Item 20	July 17, 2018	(1516427)
Item 21	August 09, 2018	(1521741)
Item 22	August 17, 2018	(1522467)
Item 23	September 10, 2018	(1528929)
Item 24	September 20, 2018	(1529683)
Item 25	October 19, 2018	(1523459)
Item 26	November 13, 2018	(1535968)
Item 27	November 20, 2018	(1543109)

Item 28	December 06, 2018	(1532176)
Item 29	December 18, 2018	(1547540)
Item 30	December 20, 2018	(1546845)
Item 31	January 18, 2019	(1564662)
Item 32	February 20, 2019	(1564660)
Item 33	February 21, 2019	(1548636)
Item 34	March 19, 2019	(1566845)
Item 35	April 01, 2019	(1552877)
Item 36	April 15, 2019	(1574213)
Item 37	May 20, 2019	(1586563)
Item 38	June 19, 2019	(1587983)
Item 39	July 15, 2019	(1594826)
Item 40	July 16, 2019	(1571246)
Item 41	July 17, 2019	(1571699)
Item 42	July 19, 2019	(1595633)
Item 43	August 07, 2019	(1582055)
Item 44	August 20, 2019	(1601125)
Item 45	September 18, 2019	(1608747)
Item 46	October 10, 2019	(1608038)
Item 47	October 16, 2019	(1615622)
Item 48	October 18, 2019	(1614905)
Item 49	November 20, 2019	(1620693)
Item 50	December 16, 2019	(1628764)
Item 51	January 20, 2020	(1636380)
Item 52	February 18, 2020	(1642287)
Item 53	March 18, 2020	(1648798)
Item 54	April 14, 2020	(1655151)
Item 55	June 16, 2020	(1668246)
Item 56	July 13, 2020	(1675192)
Item 57	July 15, 2020	(1675910)
Item 58	July 21, 2020	(1659079)
Item 59	August 13, 2020	(1681966)
Item 60	September 15, 2020	(1689248)
Item 61	September 29, 2020	(1682702)
Item 62	October 16, 2020	(1695612)
Item 63	November 02, 2020	(1684181)
Item 64	December 15, 2020	(1719432)
Item 65	January 13, 2021	(1719433)
Item 66	January 15, 2021	(1717282)
Item 67	February 18, 2021	(1730361)
Item 68	February 19, 2021	(1732513)
Item 69	March 19, 2021	(1730362)
Item 70	April 19, 2021	(1730363)
Item 71	May 20, 2021	(1742462)
Item 72	July 20, 2021	(1753297)
Item 73	August 16, 2021	(1759369)
Item 74	August 19, 2021	(1758698)
Item 75	September 15, 2021	(1768772)
Item 76	September 17, 2021	(1755688)
Item 77	September 20, 2021	(1768010)
Item 78	October 18, 2021	(1778561)
Item 79	October 19, 2021	(1779958)
Item 80	November 15, 2021	(1786011)
Item 81	November 19, 2021	(1785228)
Item 82	December 19, 2021	(1793002)
Item 83	December 20, 2021	(1792263)

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: 02/28/2021 (1732514)
- Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 03/31/2021 (1732515)
- Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
- 3 Date: 04/30/2021 (1743548)
- 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
- 4 Date: 05/31/2021 (1748417)
- 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
- 5 Date: 05/31/2021 (1748762)
- 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
- 6 Date: 06/22/2021 (1722307)
- Self Report? NO Classification: Minor
 Citation: EL&MR No. 1, Pg. 2 PERMIT
 Description: Failure by KMTEX, LLC (KMTEX), to monitor effluent flow continuously with a totalizing meter.
- Self Report? NO Classification: Minor
 Citation: PC, No. 1 Pg. 9 PERMIT
 Description: Failure by KMTEX, LLC (KMTEX), to submit relevant facts or submitted incorrect information in report to the Executive Director. (loading)
- Self Report? NO Classification: Minor
 Citation: M&RR, No. 2(a), Pg. 5 PERMIT
 Description: Failure by KMTEX, LLC (KMTEX), to comply with test procedures for the analysis of pollutants in accordance with 30 Texas Administrative Code 319.11-319.12. (COC)
- Self Report? NO Classification: Minor
 Citation: OtR, No. 1, Pg. 34 PERMIT
 Description: Failure by KMTEX, LLC (KMTEX), to operate the wastewater treatment plant (WWTP) a minimum of five days per week by the licensed chief operator or an operator holding the required license or higher.

F. Environmental audits:

Notice of Intent Date: 06/22/2018 (1499800)

Disclosure Date: 04/21/2019

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(A)(ii)

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

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT Special Condition No. 1

PERMIT Special Condition No. 12

Description: Failed to comply with the minimum process control method when loading chemicals from marine vessels that are specified in the ACL, failed to comply with the hourly MAERS for EPN T-1000, and failed to comply with the hourly and annual MAERS for EPNs T-100, T-200, T-300, T-400, T-500, T-600, T-700, T-800, and T-900. Specifically, KMTEX controlled emissions by vapor balancing when loading from tanks to marine vessels but not when loading from marine vessels to tanks, resulting in unauthorized VOC e

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(1)

30 TAC Chapter 115, SubChapter C 115.212(a)(3)

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

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT Special Condition No. 1

PERMIT Special Condition No. 12

Description: Failed to route emissions to the flare, failed to comply with the fill rates for railcar loading as specified in the ACL, and failed to comply with the hourly MAER for EPN RC-1. Specifically, KMTEX did not comply with fill rates for railcar loading and did not route the emissions to the flare, resulting in unauthorized VOC emissions.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)

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

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: PERMIT Special Condition No. 12

PERMIT Special Condition No. 1

Description: Failed to route emissions to the flare, failed to comply with the fill rates for tank truck loading as specified in the ACL, and failed to comply with the hourly MAERs for EPNs TT-399, TT-E, and TT-W. Specifically, KMTEX did not comply with the fill rates for tank truck loading and did not route emissions to the flare, resulting in unauthorized VOC emissions.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

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

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b

Rqmt Prov: PERMIT Special Condition No. 1

PERMIT Special Condition No. 11

PERMIT Special Condition No. 2

Description: Failed to route emissions to the flare as specified in the ACL, failed to comply with 40 CFR Part 60 Subpart Kb control requirements for certain chemicals stored in the storage tanks, and failed to comply with the hourly and annual MAERs for EPNs T-100, T-200, T-300, T-400, T-500, T-600, T-700, T-800, T-900, and T-1000. Specifically, emissions from the storage tanks were controlled by applying nitrogen blankets and closing non-emergency vent piping resulting in VOC emissions.

Viol. Classification: Moderate

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

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085

2A TWC Chapter 7, SubChapter A 7.101

Rqmt Prov: PERMIT Special Condition No. 1

Description: Failed to comply with hourly and annual MAERT limits for Boiler B-4.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)

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

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085

2A TWC Chapter 7, SubChapter A 7.101

Rqmt Prov: PERMIT General Conditions

Description: Failed to appropriately represent the number of components tagged and monitoring under the LDAR program. Specifically, the number of components currently tagged for LDAR monitoring is higher than the number of components represented in NSR Permit No. 74398. Failed to comply with 30 Tex. Admin. Code Chapter 116 requirements concerning enforceable NSR representations and associated general compliance requirements.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.121

5C THSC Chapter 382 382.085(b)

Description: Failed to obtain a FOP prior to operating emissions units at a major source. Specifically, KMTEX exceeded the 100 tons per year major source threshold for volatile organic compounds due to the uncontrolled emissions that were released when loading chemicals from marine vessels to the storage tanks.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10

5C THSC Chapter 382 382.085

2A TWC Chapter 7, SubChapter A 7.101

Description: Failed to accurately report emissions in the annual emissions inventory reports for at least 2016 and 2017.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
5C THSC Chapter 382 382.085(b)

Description: Failed to comply with the representations with regard to construction plans and operation procedures in a permit application. Specifically, KMTEX discovered that Storage Tanks T-100, T-200, T-300, T-400, T-500, T-600, T-700, T- 800, T-900, and T-1000 were not equipped with conservation vents or valves as represented in the Vertical Fixed Roof Storage Tank Summary - Table 7(a).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)
5C THSC Chapter 382 382.085
2A TWC Chapter 7, SubChapter A 7.101

Description: Failed to maintain a daily flare log for visible emissions/opacity observations..

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(b)

Rqmt Prov: PERMIT Special Conditions No. 3

Description: Failed to conduct Total Annual Benzene ("TAB") calculations and failed to comply with the recordkeeping and reporting requirements for benzene waste operations.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(f)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT D 262.40(c)
30 TAC Chapter 335, SubChapter R 335.513
30 TAC Chapter 335, SubChapter A 335.6(c)(4)
2A TWC Chapter 7, SubChapter A 7.101

Description: Failed to maintain hazardous waste determination records for 11 active waste streams and eight inactive waste streams as follows: Active Waste Streams 9000219H, 9005219H, 9011219H, 9100219H, 9115319H, 9117105H, 0130609H, 00019012, 10051191, 12013081, and 12023881 and Inactive Waste Streams 9001219H, 9002219H, 9003219H, 9004203H, 9112219H, 00033012, 10031192, and 12033012.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT O 268.7(a)(6)
40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(8)
30 TAC Chapter 335, SubChapter O 335.431
2A TWC Chapter 7, SubChapter A 7.101

Description: Failed to maintain a copy of all land disposal restrictions notices and certifications and waste analysis date for at least three years from the date the particular waste was last sent off-site for the following waste streams: 0027212H, 1103219H, 9000219H, 9114103H, 9116104H, 9116219H, 9117105H, 9119218H, 9121219H, and 9130609H.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT D 262.40(b)
30 TAC Chapter 335, SubChapter A 335.9(a)(2)
2A TWC Chapter 7, SubChapter A 7.101

Description: Failed to submit accurate Annual Waste Summary ("AWS") reports for 2016 and 2017 Specifically, the AWS for 2017 did not include an entry for waste stream 9142119H and the AWS for 2016 did not include an entry for waste stream 9113219H, yet manifests indicate that these materials were sent for disposal in the specified years.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.17(a)(7)
30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A)
2A TWC Chapter 7, SubChapter A 7.101

Description: Failed to maintain records that demonstrate the personnel of a large quantity generator have completed hazardous waste training requirements.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.17(a)(4)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.17(a)(5)
30 TAC Chapter 335, SubChapter C 335.69
2A TWC Chapter 7, SubChapter A 7.101

Description: Failed to maintain records demonstrating compliance with the 90-day accumulation time limit for large quantity generators of hazardous waste..

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
2A TWC Chapter 7, SubChapter A 7.101

Description: Failed to update the Notice of Registration ("NOR") with any changes or additional information within 90 days of occurrence. Specifically, NORs were discovered to be out-of-date.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter Q 335.474
30 TAC Chapter 335, SubChapter Q 335.476
2A TWC Chapter 7, SubChapter A 7.101

Description: Failed to prepare and maintain a five-year pollution prevention ("P2") plan, P2 updates, and P2 annual progress reports.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
2A TWC Chapter 7, SubChapter A 7.101

Rqmt Prov: PERMIT Effluent Limitations and Monitoring Req.

Description: Failed to conduct annual sampling for certain specified pollutants. Specifically, KMTEX was unable to identify annual testing for the following in 2016 and 2017: methyl chloride; 4,6 ninitro-o-cresol and 3,4 benzofluoranthene. Additionally, KMTEX did not identify any laboratory results corresponding to annual testing for 2018.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(11)(C)
2A TWC Chapter 7, SubChapter A 7.101

Rqmt Prov: PERMIT Other Requirements No. 5

Description: Failed to maintain daily rain gauge records from August 13, 2018 to the present.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
2A TWC Chapter 7, SubChapter A 7.101

Rqmt Prov: PERMIT Other Requirements No. 5

Description: Failed to account for rainfall amount in order to ensure that daily average or daily maximum flows are not calculated during days when rainfall exceeds 0.1 inches in a 24-hour period.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(11)(C)
2A TWC Chapter 7, SubChapter A 7.101

Rqmt Prov: PERMIT Effluent Limitations & Monitoring Requir

Description: Failed to maintain documentation that grab samples for enterococci, colony-forming units are collected quarterly and dissolved oxygen monitoring grab samples are collected at least once per week.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.10
30 TAC Chapter 319, SubChapter A 319.11
30 TAC Chapter 319, SubChapter A 319.12
30 TAC Chapter 319, SubChapter A 319.4
30 TAC Chapter 319, SubChapter A 319.5
30 TAC Chapter 319, SubChapter A 319.6
30 TAC Chapter 319, SubChapter A 319.7
30 TAC Chapter 319, SubChapter A 319.8
30 TAC Chapter 319, SubChapter A 319.9
2A TWC Chapter 7, SubChapter A 7.101

Rqmt Prov: PERMIT Monitoring and Reporting Requirements 1

Description: Failed to maintain documentation that NetDMR results and monthly effluent monitoring data was submitted to TCEQ.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(11)(C)
2A TWC Chapter 7, SubChapter A 7.101

Rqmt Prov: PERMIT Monitoring & Reporting Requirements No 3

Description: Failed to maintain sewage sludge disposal, calibration and monitoring activity records.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

2A TWC Chapter 7, SubChapter A 7.101

Rqmt Prov: PERMIT Sludge Provisions Section II.F.

PERMIT Sludge Provisions Section III.D.

PERMIT Sludge Provisions Section IV.D.

Description: Failed to maintain documentation to demonstrate that annual sludge reports have been submitted to the TCEQ.

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
MONUMENT CHEMICAL PORT
ARTHUR, LLC
RN100640283

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

AGREED ORDER DOCKET NO. 2021-1157-MWD-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Monument Chemical Port Arthur, LLC (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located at 2450 South Gulfway Drive in Port Arthur, Jefferson County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During a record review for the Facility conducted on July 27, 2021, an investigator documented that the Respondent failed to comply with permitted effluent limitations as shown in the effluent violation table below:

Effluent Violation Table				
Monitoring Period	Total Suspended Solids		<i>Enterococci</i>	
	Daily Average Concentration	Single-Grab Concentration	Daily Average Concentration	Single-Grab Concentration
	Limit= 20 mg/L	Limit= 65 mg/L	Limit= 35 CFU/100 mL	Limit= 104 CFU/100 mL
October 2020	c	c	394	394
March 2021	32.5	66	c	c
April 2021	39.1	75	c	c

c= compliant
mg/L= milligrams per liter
CFU/100 mL= Colony Forming Units per 100 milliliters

II. CONCLUSIONS OF LAW

- As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
- As evidenced by Finding of Fact No. 2, the Respondent failed to comply with permitted effluent limitations, as shown in the attached effluent violation table, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0015321001, Effluent Limitations and Monitoring Requirements No. 1.
- Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
- An administrative penalty in the amount of \$23,400 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid \$11,700 of the penalty. Pursuant to TEX. WATER CODE § 7.067, \$11,700 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Monument Chemical Port Arthur, LLC, Docket No. 2021-1157-MWD-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 Conclusion of Law No. 4. The amount of \$11,700 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, within 130 days after the effective date of this Order, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0015321001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detail supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1830

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 Facility 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. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
9. 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.
10. 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.

11. 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.
12. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission Date

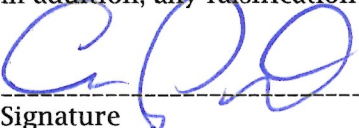

For the Executive Director Date
11/9/2023

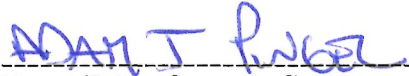
I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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 Date
8/25/2023


Name (Printed or typed) Title
ADAM J Pincel VP of operations
Authorized Representative of
Monument Chemical Port Arthur, LLC

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: 2021-1157-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Monument Chemical Port Arthur, LLC
Payable Penalty Amount:	\$23,400
SEP Offset Amount:	\$11,700
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Armand Bayou Nature Center, Inc.
Project Name:	<i>Coastal Prairie, Tidal Marsh, and Forested Wetland Restoration Project</i>
Total Project Budget:	\$573,969
Location of SEP:	Harris County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Armand Bayou Nature Center, Inc.** for the *Coastal Prairie, Tidal Marsh, and Forested Wetland Restoration Project* (the “Project”). The Project is to manage the Armand Bayou Nature Center (“ABNC”), which comprises of 2500 acres located in southeast Harris County. ABNC contains three unique and vanishing ecosystems: coastal tallgrass prairie, forested wetland, and the tidal marsh stream of Armand Bayou. Prescribed burning is one stewardship tool used to maintain a tallgrass prairie ecosystem. If the prairie is not maintained, it can be destroyed by invasive species, which primarily include the Chinese tallow tree and other woody plants. In addition, prescribed mowing shall be conducted on a rotational basis as needed for maintenance of native species and removal of non-native species. The Third-Party Administrator shall propagate terrestrial and aquatic native plants and install them to restore the Coastal Prairie, Tidal Marsh, and Forested Wetlands. The Third-Party Administrator will pay for the labor and material costs associated with conducting prescribed burns, mowing, removing non-native trees, and for planting native trees and plants. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ.

All dollars contributed will be used solely for the direct cost of implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be 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

The ecological services provided by the restoration and management of the Coastal Prairie, Tidal Marsh, and Forested Wetlands ecosystems working in concert will help minimize pollution, reduce the amount of pollutants reaching the environment, and enhance water quality and wildlife habitat.

Coastal prairie grasslands are considered fire-dependent plant communities and require frequent exposure to fire effects for full ecological function. Prescribed fire in prairies helps control invasive species, minimize accumulated grass thatch, promote enrichment of soil nutrients and improve prairie plant vigor. One additional benefit of controlled prescribed burns is the reduction of fuels and the prevention of wildfires. This is particularly critical in the urban environment to protect human life and property and to minimize the release of large amounts of particulate matter resulting from uncontrolled wildfires. This treatment ensures that these coastal prairie grasslands will perform at their highest ecological function and provide the maximum potential ecological service to benefit water quality.

Mowing and targeted application of specialized herbicides will also help manage prairie species and remove non-native species. Propagation and installation of native plants will restore the natural balance to these ecosystems, reduce erosion, and increase habitat for wildlife. Plant installation in the Forested Wetland and Tidal Marsh will improve water quality by restoring depleted oxygen levels, providing habitat and nourishment for aquatic organisms, and reclaiming the area for native plants.

Proper management and restoration of these ecosystems will maximize the ecological services that they provide to Armand Bayou and Galveston Bay.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to 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 Third-Party Administrator. The Respondent shall make the check payable to **Armand Bayou Nature Center, Inc. SEP** and shall mail the contribution with a copy of the Agreed Order to:

Monument Chemical Port Arthur, LLC
Docket No. 2021-1157-MWD-E
Agreed Order - Attachment A

Armand Bayou Nature Center, Inc.
Attention: Chris Smith, Biologist
P.O. Box 58828
Houston, Texas 77258

3. **Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to 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, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

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

5. **Publicity**

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

Monument Chemical Port Arthur, LLC
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6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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