

**Executive Summary – Enforcement Matter – Case No. 61388**  
**The Lubrizol Corporation**  
**RN101058410**  
**Docket No. 2021-1268-AIR-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:**

AIR

**Small Business:**

No

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

Lubrizol Bayport Plant, 12801 Bay Area Boulevard, Pasadena, Harris County

**Type of Operation:**

Chemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 26, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$83,550

**Total Paid to General Revenue:** \$41,775

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$41,775

Name of SEP: Houston Regional Monitoring Corporation (Third-Party Pre-Approved)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** \$10,500

**Applicable Penalty Policy:** January 2021

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** July 13, 2021 and November 17, 2021

**Date(s) of NOE(s):** August 27, 2021 and November 29, 2021

**Executive Summary – Enforcement Matter – Case No. 61388**  
**The Lubrizol Corporation**  
**RN101058410**  
**Docket No. 2021-1268-AIR-E**

***Violation Information***

1. Failed to prevent unauthorized emissions [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 7264, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1582, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 7730, SC No. 1, FOP No. O1582, GTC and STC No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***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:

a. Within 30 days:

i. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 283563; and

ii. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 314737.

b. Within 45 days, submit written certification to demonstrate compliance with a.

**Executive Summary – Enforcement Matter – Case No. 61388**  
**The Lubrizol Corporation**  
**RN101058410**  
**Docket No. 2021-1268-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Mackenzie Mehlmann, Enforcement Division, Enforcement Team 5, MC 219, (512) 239-2572; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

**SEP Third-Party Administrator:** Houston Regional Monitoring Corporation, Amandes PLLC, 1800 Post Oak Boulevard, Suite 400, Houston, Texas 77056

**Respondent:** Tanya Travis, General Manager, The Lubrizol Corporation, Bayport Plant, 12801 Bay Area Boulevard, Pasadena, Texas 77507

Silvio Berredo de Carvalho, Bayport Plant Manager, The Lubrizol Corporation, Bayport Plant, 12801 Bay Area Boulevard, Pasadena, Texas 77507

**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>	30-Aug-2021		
	<b>PCW</b>	23-May-2024	<b>Screening</b>	31-Aug-2021
			<b>EPA Due</b>	

<b>RESPONDENT/FACILITY INFORMATION</b>				
<b>Respondent</b>	The Lubrizol Corporation			
<b>Reg. Ent. Ref. No.</b>	RN101058410			
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major	

<b>CASE INFORMATION</b>				
<b>Enf./Case ID No.</b>	61388	<b>No. of Violations</b>	2	
<b>Docket No.</b>	2021-1268-AIR-E	<b>Order Type</b>	Findings	
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No	
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Mackenzie Mehlmann	
		<b>EC's Team</b>	Enforcement Team 5	
<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>	\$82,500
---	-------------------	----------

### 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>	14.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$11,550
---------------------------	-------	------------	--------------------------------	----------

Notes

Enhancement for one order containing a denial of liability. Reduction for two notices of intent to conduct an audit and two disclosures of violations.

<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
--------------------	----	------	-------------	-------------------	-----

Notes

The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
--	-------------------	-----

<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
-------------------------	------	--------------	-------------------	-----

Total EB Amounts	\$5,824
Estimated Cost of Compliance	\$20,000

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$94,050
-----------------------------	-----------------------	----------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
---	------	------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<b>Final Penalty Amount</b>	\$94,050
-----------------------------	----------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$83,550
-----------------------------------	-------------------------------	----------

<b>DEFERRAL</b>	0.0%	Reduction	Adjustment	\$0
-----------------	------	-----------	------------	-----

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$83,550
------------------------	----------

<b>Screening Date</b>	31-Aug-2021	<b>Docket No.</b>	2021-1268-AIR-E	<b>PCW</b>
<b>Respondent</b>	The Lubrizol Corporation			Policy Revision 5 (January 28, 2021)
<b>Case ID No.</b>	61388			PCW Revision February 11, 2021
<b>Reg. Ent. Reference No.</b>	RN101058410			
<b>Media</b>	Air			
<b>Enf. Coordinator</b>	Mackenzie Mehlmann			

  

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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> )	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	2	-4%
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) 14%

>> 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 order containing a denial of liability. Reduction for two notices of intent to conduct an audit and two disclosures of violations.
--------------------------	--

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 14%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%	14%
---	-----

<b>Screening Date</b>	31-Aug-2021	<b>Docket No.</b>	2021-1268-AIR-E	<b>PCW</b>
<b>Respondent</b>	The Lubrizol Corporation	<i>Policy Revision 5 (January 28, 2021)</i>		
<b>Case ID No.</b>	61388	<i>PCW Revision February 11, 2021</i>		
<b>Reg. Ent. Reference No.</b>	RN101058410			
<b>Media</b>	Air			
<b>Enf. Coordinator</b>	Mackenzie Mehlmann			
<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 No. 7264, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1582, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 12, and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	Failed to prevent unauthorized emissions. Specifically, the Respondent released 503 pounds ("lbs") of toluene as fugitive emissions, during an emissions event (Incident No. 283563) that occurred on May 11, 2018 and lasted 58 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>	\$3,203	<b>Violation Final Penalty Total</b>	\$8,550	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$8,550	

Economic Benefit Worksheet

Respondent Case ID No. The Lubrizol Corporation 61388  
Reg. Ent. Reference No. RN101058410  
Media Air  
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	11-May-2018	4-Oct-2024	6.41	\$3,203	n/a	\$3,203

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. 283563. 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	\$3,203
----------------------------	----------	-------	---------

<b>Screening Date</b> 31-Aug-2021		<b>Docket No.</b> 2021-1268-AIR-E		<b>PCW</b>	
<b>Respondent</b> The Lubrizol Corporation		<i>Policy Revision 5 (January 28, 2021)</i>			
<b>Case ID No.</b> 61388		<i>PCW Revision February 11, 2021</i>			
<b>Reg. Ent. Reference No.</b> RN101058410					
<b>Media</b> Air					
<b>Enf. Coordinator</b> Mackenzie Mehlmann					
<b>Violation Number</b>		<input type="text" value="2"/>			
<b>Rule Cite(s)</b>		<div>30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 7730, SC No. 1, FOP No. O1582, GTC and STC No. 12, and Tex. Health &amp; Safety Code § 382.085(b)</div>			
<b>Violation Description</b>		<div>Failed to prevent unauthorized emissions. Specifically, the Respondent released 23,477 lbs of Toluene and 490 lbs of other material, as fugitive emissions, during an emissions event (Incident No. 314737) that began on July 8, 2019 and lasted 59 hours.</div>			
		<b>Base Penalty</b>		<input type="text" value="\$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	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="100.0%"/>
<b>&gt;&gt;Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0.0%"/>
Matrix Notes	<div>Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.</div>				
<b>Adjustment</b>					<input type="text" value="\$0"/>
					<input type="text" value="\$25,000"/>
<b>Violation Events</b>					
Number of Violation Events		<input type="text" value="3"/>	<input type="text" value="3"/> Number of violation days		
	daily	<input type="text" value="x"/>			
	weekly	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
<div>Three daily events are recommended.</div>					
<b>Good Faith Efforts to Comply</b>		<input type="text" value="0.0%"/>		<b>Reduction</b>	<input type="text" value="\$0"/>
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary	<input type="text"/>	<input type="text"/>		
	Ordinary	<input type="text"/>	<input type="text"/>		
	N/A	<input type="text" value="x"/>	<input type="text"/>		
Notes	<div>The Respondent does not meet the good faith criteria for this violation.</div>				
<b>Violation Subtotal</b>					<input type="text" value="\$75,000"/>
<b>Economic Benefit (EB) for this violation</b>					
<b>Statutory Limit Test</b>					
<b>Estimated EB Amount</b>		<input type="text" value="\$2,621"/>		<b>Violation Final Penalty Total</b>	<input type="text" value="\$85,500"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>					<input type="text" value="\$75,000"/>



Economic Benefit Worksheet

Respondent Case ID No. The Lubrizol Corporation 61388  
Reg. Ent. Reference No. RN101058410  
Media Air  
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	8-Jul-2019	2-Oct-2024	5.24	\$2,621	n/a	\$2,621
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. 314737. 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	\$2,621
----------------------------	----------	-------	---------

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

Compliance History Report for CN600269617, RN101058410, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

**Customer, Respondent, or Owner/Operator:** CN600269617, The Lubrizol Corporation **Classification:** SATISFACTORY **Rating:** 5.97  
**Regulated Entity:** RN101058410, Lubrizol Bayport Plant **Classification:** SATISFACTORY **Rating:** 0.80  
**Complexity Points:** 24 **Repeat Violator:** NO  
**CH Group:** 05 - Chemical Manufacturing  
**Location:** 12801 Bay Area Boulevard, Pasadena, Harris County, Texas 77507-1324  
**TCEQ Region:** REGION 12 - HOUSTON

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER HG0460B  
**AIR NEW SOURCE PERMITS** PERMIT 1685  
**AIR NEW SOURCE PERMITS** PERMIT 6221  
**AIR NEW SOURCE PERMITS** PERMIT 7730

**AIR NEW SOURCE PERMITS** AFS NUM 4820100304  
**AIR NEW SOURCE PERMITS** REGISTRATION 122089  
**AIR NEW SOURCE PERMITS** REGISTRATION 118793  
**AIR NEW SOURCE PERMITS** REGISTRATION 167302  
**AIR NEW SOURCE PERMITS** REGISTRATION 168173  
**AIR NEW SOURCE PERMITS** REGISTRATION 166602  
**AIR NEW SOURCE PERMITS** REGISTRATION 161842  
**AIR NEW SOURCE PERMITS** REGISTRATION 172327

**STORMWATER** PERMIT WQ0002594000

**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER HG0460B

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXD000642348

**TAX RELIEF** ID NUMBER 19847

**TAX RELIEF** ID NUMBER 17806

**TAX RELIEF** ID NUMBER 17805

**TAX RELIEF** ID NUMBER 19846

**AIR OPERATING PERMITS** PERMIT 1582

**AIR NEW SOURCE PERMITS** PERMIT 1093

**AIR NEW SOURCE PERMITS** PERMIT 7264

**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER HG0460B

**AIR NEW SOURCE PERMITS** REGISTRATION 77731

**AIR NEW SOURCE PERMITS** REGISTRATION 136510

**AIR NEW SOURCE PERMITS** REGISTRATION 168788

**AIR NEW SOURCE PERMITS** REGISTRATION 168789

**AIR NEW SOURCE PERMITS** REGISTRATION 168194

**AIR NEW SOURCE PERMITS** REGISTRATION 169147

**AIR NEW SOURCE PERMITS** REGISTRATION 175906

**IHW CORRECTIVE ACTION** SOLID WASTE

REGISTRATION # (SWR) 95302

**STORMWATER** EPA ID TX0091227

**POLLUTION PREVENTION PLANNING** ID NUMBER P00402

**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE REGISTRATION # (SWR) 30325

**TAX RELIEF** ID NUMBER 20106

**TAX RELIEF** ID NUMBER 20107

**TAX RELIEF** ID NUMBER 20114

**TAX RELIEF** ID NUMBER 20105

**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:** Mackenzie Mehlmann

**Phone:** (512) 239-2572

## 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: 10/06/2020 ADMINORDER 2019-1754-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: General Terms and Conditions OP

NSR Special Condition 1 PERMIT

NSR Special Condition 5 PERMIT

Special Terms and Conditions No. 14 OP

Description: Failed to prevent unauthorized emissions and failed to route vapor emissions from the tanks to the vapor oxidizer

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	April 18, 2019	(1573074)
Item 2	May 17, 2019	(1585748)
Item 3	June 19, 2019	(1585749)
Item 4	July 19, 2019	(1594430)
Item 5	August 20, 2019	(1600723)
Item 6	September 19, 2019	(1607638)
Item 7	October 15, 2019	(1614508)
Item 8	November 21, 2019	(1620297)
Item 9	December 20, 2019	(1627646)
Item 10	January 14, 2020	(1635277)
Item 11	February 20, 2020	(1641892)
Item 12	March 20, 2020	(1648406)
Item 13	April 17, 2020	(1654758)
Item 14	May 18, 2020	(1661324)
Item 15	June 20, 2020	(1667851)
Item 16	July 15, 2020	(1674799)
Item 17	August 20, 2020	(1681569)
Item 18	September 16, 2020	(1688147)
Item 19	October 17, 2020	(1694503)
Item 20	November 17, 2020	(1716117)
Item 21	November 24, 2020	(1672174)
Item 22	December 17, 2020	(1716118)
Item 23	January 20, 2021	(1716119)
Item 24	February 17, 2021	(1729190)
Item 25	March 18, 2021	(1729191)
Item 26	April 12, 2021	(1729192)
Item 27	May 13, 2021	(1741891)
Item 28	June 16, 2021	(1741892)
Item 29	July 16, 2021	(1752919)
Item 30	August 16, 2021	(1758326)
Item 31	September 14, 2021	(1767601)
Item 32	October 20, 2021	(1778114)
Item 33	November 20, 2021	(1784845)
Item 34	December 29, 2021	(1791877)
Item 35	January 19, 2022	(1799727)
Item 36	February 15, 2022	(1807562)
Item 37	March 14, 2022	(1814603)
Item 38	April 19, 2022	(1821171)
Item 39	May 19, 2022	(1830008)
Item 40	June 15, 2022	(1836318)
Item 41	July 20, 2022	(1843504)
Item 42	August 16, 2022	(1849668)
Item 43	September 19, 2022	(1857435)

Item 45	October 17, 2022	(1863790)
Item 46	November 19, 2022	(1870698)
Item 47	December 19, 2022	(1876555)
Item 48	January 20, 2023	(1883367)
Item 49	February 16, 2023	(1891183)
Item 50	March 17, 2023	(1899751)
Item 51	April 20, 2023	(1906554)
Item 52	May 19, 2023	(1913707)
Item 53	June 20, 2023	(1920316)
Item 54	July 18, 2023	(1927301)
Item 55	August 15, 2023	(1934245)
Item 56	September 14, 2023	(1940418)
Item 57	October 18, 2023	(1947224)
Item 58	November 16, 2023	(1952912)
Item 59	December 18, 2023	(1962685)
Item 60	January 19, 2024	(1969271)

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

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

N/A

#### **F. Environmental audits:**

Disclosure Date: 05/02/2020

Viol. Minor

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.480a

Description: Evaluations for NSPS VVa triggers were not in place to determine applicability for units that had construction, modification or reconstruction after Nov. 7 2006. If the data had been available to determine applicability, and any units determined to be applicable to this rule it would have potentially resulted in missed reporting, missed monitoring, and noncompliance with sample station standards.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.480

Description: Evaluations for NSPS VV triggers were not in place to identify all applicable units that were constructed, modified or reconstructed after January 5, 1981 and on or before November 7, 2006 due to the units being defined at the time as non-SOCMI facilities. If the data had been available to determine applicability, it would have potentially resulted in missed reporting, missed monitoring, and noncompliance with sample station standards.

Notice of Intent Date: 10/08/2019 (1611731)

No DOV Associated

Notice of Intent Date: 05/26/2020 (1651854)

Disclosure Date: 05/30/2021

Viol. Minor

Classification:

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

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT SC 1

OP SC 17

Description: Exceeded NSR hourly combustion emission limits - Review of natural gas usage for the past 5 years indicated that the hourly combustion emission limits for Process 2 vapor oxidizer and flare were exceeded.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18

Rqmt Prov: PERMIT SC Nos. 9A and 18A

Description: Exceeded NSR annual combustion emission limits - Review of Net Heating Value requirements against actuals for the audit period indicated that there were low net heating value deviations that were not previously identified and reported in the T5 Deviation reports.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP SC 17

Description: Exceeded NSR hourly SO2 emission limits - Emission testing completed during the audit revealed that the hourly SO2 emissions were under-represented in the authorization.

**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  
THE LUBRIZOL CORPORATION  
RN101058410

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

## AGREED ORDER DOCKET NO. 2021-1268-AIR-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding The Lubrizol Corporation (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent 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 chemical manufacturing plant located at 12801 Bay Area Boulevard in Pasadena, Harris County, Texas (the "Plant"). The Plant consists of or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. During a record review for the Plant conducted on July 13, 2021, an investigator documented that the Respondent released 503 pounds ("lbs") of toluene as fugitive emissions, during an emissions event (Incident No. 283563) that occurred on May 11, 2018 and lasted 58 minutes.
3. During a record review for the Plant conducted on November 17, 2021, an investigator documented that the Respondent released 23,477 lbs of toluene and 490 lbs of other material, as fugitive emissions, during an emissions event (Incident No. 314737) that began on July 8, 2019 and lasted 59 hours.

## II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, 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 No. 7264, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1582, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Finding of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 7730, SC No. 1, FOP No. O1582, GTC and STC No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of \$83,550 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid the \$41,775 penalty. Pursuant to TEX. WATER CODE § 7.067, \$41,775 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. 5 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Lubrizol Corporation, Docket No. 2021-1268-AIR-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
12100 Park 35 Circle  
Austin, Texas 78753

2. The Respondent shall implement and complete the SEP as set forth in Section II, Conclusion of Law No. 5. The amount of \$41,775 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements at the Plant:
  - a. Within 30 days after the effective date of this Order:
    - i. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 283563; and
    - ii. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 314737.
  - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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



with a copy to:

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

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
6. 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.
7. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively,

the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

-----  
For the Commission

-----  
Date

-----  
For the Executive Director

-----  
7/22/2024

-----  
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

-----  
Date

-----  
Silvio Berredo de Carvalho

-----  
Bayport Plant Manager

-----  
Name (Printed or typed)

-----  
Title

-----  
Authorized Representative of  
The Lubrizol Corporation

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

The Lubrizol Corporation  
Bayport Plant  
12801 Bay Area Blvd.  
Pasadena, Tx 77507

**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: 2021-1268-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>The Lubrizol Corporation</b>
<b>Payable Penalty Amount:</b>	<b>\$83,550</b>
<b>SEP Offset Amount:</b>	<b>\$41,775</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Houston Regional Monitoring Corporation</b>
<b>Project Name:</b>	<b><i>Houston Area Air Monitoring Project</i></b>
<b>Location of SEP:</b>	<b>Harris County</b>

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

**1. Project Description**

**a. Project**

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston Regional Monitoring Corporation** for the *Houston Area Air Monitoring Project* SEP. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to operate a network of ambient air monitoring stations that continuously measure and record concentrations of ambient air pollutants. This network includes the Houston Regional Monitor (“HRM”) 617 Wallisville Road site, the HRM 615 Lynchburg Ferry site, and the HRM 3 Haden Road site. The Third-Party Administrator shall use the SEP Offset Amount to report data from these three existing sites in the Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston-Galveston Air Quality Control Region No. 216. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

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

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

**b. Environmental Benefit**

This SEP will provide TCEQ with near real-time access to high quality, short time resolution volatile organic compound, nitrogen oxide, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, conduct source attribution studies, and to assess potential ambient community exposure to a limited number

of hazardous air pollutants. Data from the monitors can be used with data from other monitors to provide critical information that can be used to evaluate the effectiveness of current and proposed emission control strategies aimed at achieving compliance with the 8-hour ozone National Ambient Air Quality Standards. It also provides a key source of information that is essential to furthering our overall understanding of those emission sources that contribute to ambient community exposure to toxic air contaminants. Because the information is available in near real-time, it can be used to provide both agency staff and industry personnel with time critical information to investigate emission events in a timely fashion. Another key benefit is the ability to measure the change in the ambient air concentration of the individual target species and quantify control measure effectiveness. Data from these monitors will be publicly accessible through the TCEQ's website and will be used in evaluating air quality in the area, in ozone forecasts, and ozone warnings. Thus, the public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness.

c. Minimum Expenditure

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

**2. Performance Schedule**

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

Houston Regional Monitoring Corporation  
c/o Christopher B. Amandes  
Amandes PLLC  
1800 Post Oak Boulevard, Suite 400  
Houston, Texas 77056

**3. Records and Reporting**

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

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

#### 4. Failure to Fully Perform

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

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

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

#### 5. Publicity

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

#### 6. Recognition

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

#### 7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this 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.