

Executive Summary – Enforcement Matter – Case No. 61492
LyondellBasell Acetyls, LLC
RN100224450
Docket No. 2021-1478-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

LyondellBasell Acetyls, 1350 Miller Cut Off Road, La Porte, 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: June 28, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$41,700

Amount Deferred for Expedited Settlement: \$8,340

Total Paid to General Revenue: \$16,680

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$16,680

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: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 1, 2021, September 20, 2021, and November 16, 2021

Date(s) of NOE(s): October 6, 2021, October 8, 2021, and December 6, 2021

Executive Summary – Enforcement Matter – Case No. 61492
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RN100224450
Docket No. 2021-1478-AIR-E

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,585.00 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 286248) that occurred on June 14, 2018 and lasted 10 minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 4751, Special Conditions ("SC") No. 6, Federal Operating Permit ("FOP") No. O1375, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,930.00 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 288612) that occurred on July 19, 2018 and lasted three hours and seven minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 4751, SC No. 6, FOP No. O1375, GTC and STC No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 870.00 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 293293) that occurred on September 28, 2018 and lasted one minute [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 4751, SC No. 6, FOP No. O1375, GTC and STC No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to prevent unauthorized emissions. Specifically, the Respondent released 6,577.00 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 326834) that occurred on December 18, 2019 and lasted 13 minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 4751, SC No. 6, FOP No. O1375, GTC and STC No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By March 2, 2020, replaced the solenoid on Valve XV-7840 with a 24-volt solenoid, replaced the blown fuse on the emergency vent valve for the Vinyl Acetate Monomer C Reactor Dry Drum, and updated the valve specifications and drawings with the 24-volt solenoid replacement in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 326834;
- b. By September 26, 2020, updated the startup procedures to ensure condensate is fully lined up before introducing oxygen to the reactor, provided training on reboiler performance, and added reboiler efficiency indication and corresponding alarms on the "C" Acid Tower Reboiler in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 293293;

Executive Summary – Enforcement Matter – Case No. 61492
LyondellBasell Acetyls, LLC
RN100224450
Docket No. 2021-1478-AIR-E

c. By August 3, 2021, reset the pressure regulator, limited pressure regulator adjustments to be made only by analyzer technicians, and set up a preventative maintenance plan to replace the analyzer pressure regulators on the Dry Drum at a set frequency in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 286248; and

d. By August 3, 2021, replaced the carbon steel flange with a stainless-steel flange, surveyed the Vinyl Acetate Monomer Unit for potential material incompatibility, and provided refresher training to affected personnel on metallurgy significance in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 288612.

Technical Requirements:

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Danielle Porras, Enforcement Division, Enforcement Team 2, MC R-12, (713) 767-3682; 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: Houston Regional Monitoring Corporation, Amandes PLLC, 1800 Post Oak Boulevard, Suite 400, Houston, Texas 77056

Respondent: Mark Bookmyer, Site Manager, LyondellBasell Acetyls, LLC, 1350 Miller Cut Off Road, La Porte, Texas 77571

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	11-Oct-2021	Screening	21-Oct-2021	EPA Due	
	PCW	13-May-2024				

RESPONDENT/FACILITY INFORMATION	
Respondent	LyondellBasell Acetyls, LLC
Reg. Ent. Ref. No.	RN100224450
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	61492	No. of Violations	4
Docket No.	2021-1478-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Danielle Porras
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$30,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	64.0% Adjustment	Subtotals 2, 3, & 7	\$19,200
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Notes: Enhancement for one NOV with same/similar violations, two orders containing a denial of liability, and one final court judgment containing a denial of liability. Reduction for five notices of intent to conduct an audit and three disclosures 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	-\$7,500
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$5,063
 Estimated Cost of Compliance: \$44,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$41,700
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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	\$41,700
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$41,700
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DEFERRAL	20.0% Reduction	Adjustment	-\$8,340
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$33,360
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Screening Date 21-Oct-2021

Docket No. 2021-1478-AIR-E

PCW

Respondent LyondellBasell Acetyls, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 61492

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100224450

Media Air

Enf. Coordinator Danielle Porras

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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>)	1	30%
	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>)	5	-5%
	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>)	3	-6%
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) 64%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations, two orders containing a denial of liability, and one final court judgment containing a denial of liability. Reduction for five notices of intent to conduct an audit and three disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 64%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 64%

Screening Date 21-Oct-2021
Respondent LyondellBasell Acetyls, LLC
Case ID No. 61492
Reg. Ent. Reference No. RN100224450
Media Air
Enf. Coordinator Danielle Porras

Docket No. 2021-1478-AIR-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 4751, Special Conditions ("SC") No. 6, Federal Operating Permit ("FOP") No. 01375, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 19, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,585.00 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 286248) that occurred on June 14, 2018 and lasted 10 minutes.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	X	
N/A		

Notes

The Respondent completed the corrective measures by August 3, 2021, prior to the Notice of Enforcement ("NOE") dated October 8, 2021.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$706

Violation Final Penalty Total \$10,425

This violation Final Assessed Penalty (adjusted for limits) \$10,425

Economic Benefit Worksheet

Respondent LyondellBasell Acetyls, LLC
Case ID No. 61492
Reg. Ent. Reference No. RN100224450
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$4,500	14-Jun-2018	3-Aug-2021	3.14	\$706	n/a	\$706

Notes for DELAYED costs

Estimated cost to reset the pressure regulator, limit pressure regulator adjustments to be made only by analyzer technicians, and set up a preventative maintenance plan to replace the analyzer pressure regulators on the Dry Drum at a set frequency in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 286248. The Date Required is the date the emissions event began occurred and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$4,500

TOTAL \$706

Screening Date	21-Oct-2021	Docket No.	2021-1478-AIR-E	PCW
Respondent	LyondellBasell Acetyls, LLC			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	61492			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN100224450			
Media	Air			
Enf. Coordinator	Danielle Porras			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 4751, SC No. 6, FOP No. O1375, GTC and STC No. 19, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,930.00 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 288612) that occurred on July 19, 2018 and lasted three hours and seven minutes.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that did not exceed levels that are protective of human health or environmental receptors as a result of the violation.				

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events	1	Number of violation days	1	
	daily			Violation Base Penalty \$7,500
	weekly			
	monthly	X		
	quarterly			
	semiannual			
	annual			
	single event			
One monthly event is recommended.				

Good Faith Efforts to Comply 25.0% Reduction \$1,875

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary	X		
N/A			
Notes	The Respondent completed the corrective measures by August 3, 2021, prior to the NOE dated October 8, 2021.		
		Violation Subtotal	\$5,625

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$3,805	Violation Final Penalty Total \$10,425
This violation Final Assessed Penalty (adjusted for limits) \$10,425	

Economic Benefit Worksheet

Respondent LyondellBasell Acetyls, LLC
Case ID No. 61492
Reg. Ent. Reference No. RN100224450
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25,000	19-Jul-2018	3-Aug-2021	3.04	\$3,805	n/a	\$3,805

Notes for DELAYED costs

Estimated cost to replace the carbon steel flange with a stainless-steel flange, survey the Vinyl Acetate Monomer Unit for potential material incompatibility, and provide refresher training to affected personnel on metallurgy significance in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 288612. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

TOTAL

\$3,805

Screening Date 21-Oct-2021 **Docket No.** 2021-1478-AIR-E **PCW**
Respondent LyondellBasell Acetyls, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 61492 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100224450
Media Air
Enf. Coordinator Danielle Porras

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 4751, SC No. 6, FOP No. O1375, GTC and STC No. 19, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 870.00 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 293293) that occurred on September 28, 2018 and lasted one minute.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$1,875

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

Notes The Respondent completed the corrective measures by September 26, 2020, prior to the NOE dated October 6, 2021.

Violation Subtotal \$5,625

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

Estimated EB Amount \$449 **Violation Final Penalty Total** \$10,425

This violation Final Assessed Penalty (adjusted for limits) \$10,425

Economic Benefit Worksheet

Respondent LyondellBasell Acetyls, LLC
Case ID No. 61492
Reg. Ent. Reference No. RN100224450
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$4,500	28-Sep-2018	26-Sep-2020	2.00	\$449	n/a	\$449

Notes for DELAYED costs

Estimated cost to update the startup procedures to ensure condensate is fully lined up before introducing oxygen to the reactor, provide training on reboiler performance, and add reboiler efficiency indication and corresponding alarms on the "C" Acid Tower Reboiler in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 293293. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$4,500

TOTAL \$449

Screening Date 21-Oct-2021 **Docket No.** 2021-1478-AIR-E **PCW**
Respondent LyondellBasell Acetyls, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 61492 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100224450
Media Air
Enf. Coordinator Danielle Porras

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 4751, SC No. 6, FOP No. O1375, GTC and STC No. 19, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 6,577.00 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 326834) that occurred on December 18, 2019 and lasted 13 minutes.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$1,875

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

Notes The Respondent completed the corrective measures by March 2, 2020, prior to the NOE dated December 6, 2021.

Violation Subtotal \$5,625

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

Estimated EB Amount \$103 **Violation Final Penalty Total** \$10,425

This violation Final Assessed Penalty (adjusted for limits) \$10,425

Economic Benefit Worksheet

Respondent LyondellBasell Acetyls, LLC
Case ID No. 61492
Reg. Ent. Reference No. RN100224450
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	18-Dec-2019	2-Mar-2020	0.21	\$103	n/a	\$103

Notes for DELAYED costs

Estimated cost to replace the solenoid on Valve XV-7840 with a 24-volt solenoid, replace the blown fuse on the emergency vent valve for the Vinyl Acetate Monomer C Reactor Dry Drum, and update the valve specifications and drawings with the 24-volt solenoid replacement in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 326834. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$10,000

TOTAL \$103



Compliance History Report

Compliance History Report for CN603674862, RN100224450, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN603674862, LyondellBasell Acetyls, LLC **Classification:** SATISFACTORY **Rating:** 8.89

Regulated Entity: RN100224450, LYONDELLBASELL ACETYLS **Classification:** SATISFACTORY **Rating:** 24.56

Complexity Points: 25 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 1350 Miller Cut Off Road, La Porte, Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HX1726J
AIR NEW SOURCE PERMITS PERMIT 4751
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HX1726J
AIR NEW SOURCE PERMITS REGISTRATION 80295
AIR NEW SOURCE PERMITS REGISTRATION 151084
AIR NEW SOURCE PERMITS REGISTRATION 168426
AIR NEW SOURCE PERMITS REGISTRATION 157744
AIR NEW SOURCE PERMITS REGISTRATION 159787
AIR NEW SOURCE PERMITS REGISTRATION 159035
AIR NEW SOURCE PERMITS REGISTRATION 160746
AIR NEW SOURCE PERMITS REGISTRATION 172227
AIR NEW SOURCE PERMITS REGISTRATION 172047
AIR NEW SOURCE PERMITS REGISTRATION 174347
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HX1726J
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD058276130

AIR OPERATING PERMITS PERMIT 1375
AIR NEW SOURCE PERMITS PERMIT 5040
AIR NEW SOURCE PERMITS AFS NUM 4820101487
AIR NEW SOURCE PERMITS PERMIT 83843
AIR NEW SOURCE PERMITS REGISTRATION 150300
AIR NEW SOURCE PERMITS REGISTRATION 157747
AIR NEW SOURCE PERMITS PERMIT AMOC163
AIR NEW SOURCE PERMITS REGISTRATION 157823
AIR NEW SOURCE PERMITS REGISTRATION 160341
AIR NEW SOURCE PERMITS REGISTRATION 172993
AIR NEW SOURCE PERMITS REGISTRATION 172131
AIR NEW SOURCE PERMITS REGISTRATION 173717
IHW CORRECTIVE ACTION PERMIT 50231
POLLUTION PREVENTION PLANNING ID NUMBER P00556
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30049

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: Danielle Porras

Phone: (512) 239-2923

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: 03/29/2022 ADMINORDER 2021-0605-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Conditions 1 PERMIT

Description: During a record review conducted from January 27, 2021 through February 17, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§116.115(c) and 122.143(4), New Source Review Permit No. 4751, Special Conditions No. 1, Federal Operating Permit No. O1375, General Terms and Conditions and Special Terms and Conditions No. 19, and TEX. HEALTH & SAFETY CODE §382.085(b). Specifically, the Respondent released 272.50 pound

2 Effective Date: 07/07/2023 COURTORDER (Final Judgement-Agreed Order With Denial)

Classification: Major

Citation: 2A TWC Chapter 7, SubChapter D 7.101
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: NSR 4751 Special Condition 1 PERMIT
NSR 5040 Special Condition 1 PERMIT

Description: Caused, suffered, allowed, or permitted the emission of air contaminants from the Site each day from July 27, 2021, until at least August 7, 2021. During the emissions event, several air contaminants were released to the atmosphere from two separate emissions points. The emissions event and the air contaminants associated with it are not authorized by either of Lyondell's NSR Permits or the TCEQ. Each air contaminant emitted, each separate emissions point, and each day on which such emissions

Classification: Major

Citation: 2A TWC Chapter 7, SubChapter D 7.101
30 TAC Chapter 101, SubChapter F 101.223
5C THSC Chapter 382 382.0216
5C THSC Chapter 382 382.085

Description: Caused, suffered, allowed, or permitted a failure to have a CAP approved. Lyondell was required to have a CAP approved by the TCEQ within 120 days of its first CAP submittal. Lyondell failed to submit a CAP with the required information and, as such, the TCEQ did not approve Lyondell's CAP.

Classification: Major

Citation: 2A TWC Chapter 7, SubChapter D 7.101
30 TAC Chapter 101, SubChapter A 101.4

Description: Caused, suffered, allowed, or permitted a regulatory nuisance at the Site. The emissions event resulted in a documented effect on human health and safety. Specifically, two workers were killed, and 30 others were hospitalized with respiratory issues and burn-related injuries.

See addendum for information regarding federal actions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	August 31, 2020	(1671321)
Item 2	November 19, 2020	(1671626)
Item 3	January 06, 2021	(1693116)
Item 4	October 27, 2021	(1755942)
Item 5	November 01, 2021	(1685884)
Item 6	November 18, 2021	(1686482)
Item 7	May 02, 2022	(1811332)
Item 8	March 25, 2023	(1825257)
Item 9	December 14, 2023	(1931478)

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: 08/11/2023 (1881217)

Self Report? NO

Classification: Minor

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)
FOP, Special Term & Condition 19 OP
NSR, Special Condition 17C PERMIT

Description: Failure to conduct weekly sampling for Cooling Tower (Unit ID: VACT).
(CATEGORY C4 Violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, Special Term & Condition 1A OP
Description: Failure to conduct daily sampling for the Flare (Unit ID: VAMFLARE) during monitoring downtime. (CATEGORY C1 Violation)

Self Report? NO Classification: Minor
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)
FOP, Special Term and Condition 19 OP
NSR, Special Condition 10A PERMIT
Description: Failure to maintain temperature within permitted limit for Catalytic Oxidizer (Unit ID: VAMCATOX). (CATEGORY B12 Violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 19 OP
NSR Special Condition 5D PERMIT
Description: Failure to maintain net heating values for Flare (Unit ID: AAFLARE). (CATEGORY B12 Violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, Special Term & Condition 19 OP
NSR Special Condition 5D PERMIT
Description: Failure to maintain net heating values for Flare (Unit ID: VAMFLARE). (CATEGORY B12 Violation)

Self Report? NO Classification: Minor
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)
FOP Special Term & Condition 19 OP
NSR, Special Condition 10A PERMIT
Description: Failure to maintain outlet and inlet temperature difference above permitted limit for Catalytic Oxidizer (Unit ID: VAMCATOX). (CATEGORY B12 Violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 19 OP
FOP Special Term & Condition 1A OP
FOP Special Term & Condition 30 OP
NSR, Special Condition 8C PERMIT
NSR, Special Condition 8E PERMIT
Description: Failure to prevent visible emissions from Flare (Unit ID: VAMFLARE). (CATEGORY B13 Violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1A PERMIT
Description: Failure to conduct quarterly calibration for Cooling Tower (Unit ID: AACT). (CATEGORY B1 Violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, Special Term & Condition 19 OP
NSR, Special Condition 1 PERMIT
Description: Failure to maintain emissions within permitted limit for Storm Pond (Unit ID: VAWW4). (CATEGORY B13 Violation)

F. Environmental audits:

Notice of Intent Date: 03/30/2020 (1645333)
No DOV Associated

Notice of Intent Date: 10/01/2020 (1685621)

Disclosure Date: 04/07/2021

Viol. Minor

Classification:

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

Rqmt Prov: PERMIT SC 6A

Description: Water flow through V-5315 Acetic Acid Product Tank scrubber fell below the required 3 gpm on three days (2/7/20, 11/10/20, and 11/11/20).

Viol. Minor

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)

Description: All thermocouples and IR monitors of pilot flame presence on the Acetic Acid Flare (EPN: AAFLARE) was lost for a period of 33 minutes. The actual flame was not lost.

Notice of Intent Date: 03/29/2021 (1708866)

Disclosure Date: 04/27/2021

Viol. Minor

Classification:

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

Rqmt Prov: PERMIT SC 3

Description: Records required by MSS Permit NSR Permit No. 83843 SC 3 could not be found for several MSS activities.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Deviations were discovered under the Audit Act that occurred during previous reporting periods.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 290, SubChapter D 290.46(p)(2)

Description: The list of public water system operators that is required to be submitted to the TCEQ annually was not submitted for the years 2018-2020.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)(C)

Description: Quarterly Reports for drinking water system submitted in STEERS for 2020 and the first quarter of 2021 were not signed by a licensed water works operator.

Notice of Intent Date: 07/27/2022 (1834324)

Disclosure Date: 04/17/2023

Viol. Minor

Classification:

Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)

Description: Failed to prevent operation of the emergency generator for testing between 6AM and noon on 2/3/22 and 2/14/22 as documented during a review of engine operating records.

Notice of Intent Date: 11/16/2023 (1943412)

No DOV Associated

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

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: LYONDELLBASELL ACETYLS

Reg Entity Add: 1350 MILLER CUT OFF RD

Reg Entity City: LA PORTE

Reg Entity No: RN100224450

EPA Case No: 07-2022-3395

Order Issue Date (yyyymmdd): 20211013

Case Result:

Statute: CAA **Sect of Statute:** 110

Classification: Moderate

Program: Federal Implementation **Citation:**

Violation Type: National Emission Standard
For Hazardous Air Pollutant

Cite Sect: **Cite Part:**

Enforcement Action: Consent Decree or Court Order Resolving a Civil

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
LYONDELLBASELL ACETYLS, LLC
RN100224450

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-1478-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a chemical manufacturing plant located at 1350 Miller Cut Off Road in La Porte, Harris County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$41,700 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$16,680 of the penalty and \$8,340 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$16,680 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.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. By March 2, 2020, replaced the solenoid on Valve XV-7840 with a 24-volt solenoid, replaced the blown fuse on the emergency vent valve for the Vinyl Acetate Monomer C Reactor Dry Drum, and updated the valve specifications and drawings with the 24-volt solenoid replacement in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 326834;
 - b. By September 26, 2020, updated the startup procedures to ensure condensate is fully lined up before introducing oxygen to the reactor, provided training on reboiler performance, and added reboiler efficiency indication and corresponding alarms on the "C" Acid Tower Reboiler in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 293293;
 - c. By August 3, 2021, reset the pressure regulator, limited pressure regulator adjustments to be made only by analyzer technicians, and set up a preventative maintenance plan to replace the analyzer pressure regulators on the Dry Drum at a set frequency in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 286248; and
 - d. By August 3, 2021, replaced the carbon steel flange with a stainless-steel flange, surveyed the Vinyl Acetate Monomer Unit for potential material incompatibility, and provided refresher training to affected personnel on metallurgy significance in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 288612.

II. ALLEGATIONS

1. During a record review for the Plant conducted on September 1, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 4751, Special Conditions ("SC") No. 6, Federal Operating Permit ("FOP") No. O1375, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 1,585.00 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 286248) that occurred on June 14, 2018 and lasted 10 minutes.
2. During a record review for the Plant conducted on September 1, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 4751, SC No. 6, FOP No. O1375, GTC and STC No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 1,930.00 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 288612) that occurred on July 19, 2018 and lasted three hours and seven minutes.
3. During a record review for the Plant conducted on September 20, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 4751, SC No. 6, FOP No. O1375, GTC and STC No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 870.00 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 293293) that occurred on September 28, 2018 and lasted one minute.
4. During a record review for the Plant conducted on November 16, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 4751, SC No. 6, FOP No. O1375, GTC and STC No. 19, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 6,577.00 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 326834) that occurred on December 18, 2019 and lasted 13 minutes.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: LyondellBasell Acetyls, LLC, Docket No. 2021-1478-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 I, Paragraph No. 4. The amount of \$16,680 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. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

7/8/2024

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

6/3/2024

Date

Mark Bookmyer

Name (Printed or typed)
Authorized Representative of
LyondellBasell Acetyls, LLC

Site Manager

Title

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

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

Attachment A
Docket Number: 2021-1478-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	LyondellBasell Acetyls, LLC
Payable Penalty Amount:	\$33,360
SEP Offset Amount:	\$16,680
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston Regional Monitoring Corporation
Project Name:	<i>Houston Area Air Monitoring Project</i>
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 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.