

Executive Summary – Enforcement Matter – Case No. 61584
Air Liquide Large Industries U.S. LP
RN100233998
Docket No. 2021-1513-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Air Liquide Large Industries US, 11400 Bay Area Boulevard, Pasadena, Harris County

Type of Operation:

Cogeneration plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 5, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$12,300

Amount Deferred for Expedited Settlement: \$2,460

Total Paid to General Revenue: \$9,840

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 19, 2021 through May 20, 2021

Date(s) of NOE(s): November 12, 2021

**Executive Summary – Enforcement Matter – Case No. 61584
Air Liquide Large Industries U.S. LP
RN100233998
Docket No. 2021-1513-AIR-E**

Violation Information

Failed to prevent unauthorized emissions. Specifically, the Respondent released 216.82 pounds ("lbs") of nitrogen oxides and 117.50 lbs of carbon monoxide from the Steam Methane Reformer Flare, Emissions Point Number SMRFLARE, during an emissions event (Incident No. 283343) that occurred on May 8, 2018 and lasted six hours. The emissions event occurred when the pump discharge pressure dropped too low during the swap from the Process Condensate Pump A to the Process Condensate Pump B that caused the Pressure Swing Absorbers System to trip, resulting in flaring. Since the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 73110, Special Conditions No. 1, Federal Operating Permit No. O1735, General Terms and Conditions and Special Terms and Conditions No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented a corrective measure by increasing the pump discharge low pressure set point within the Distributed Control System to better maintain the system pressure and minimize the low pressure swings that occur during pump swaps in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 283343 by May 19, 2021.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

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

Respondent: John Jackson, Plant Manager, Air Liquide Large Industries U.S. LP, 117777 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

DATES	Assigned	15-Nov-2021	Screening	18-Nov-2021	EPA Due	
	PCW	24-May-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	Air Liquide Large Industries U.S. LP
Reg. Ent. Ref. No.	RN100233998
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	61584	No. of Violations	1
Docket No.	2021-1513-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
---	-------------------	----------------

ADJUSTMENTS (+/-) TO SUBTOTAL 1	
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	

Compliance History	89.0%	Adjustment	Subtotals 2, 3, & 7	\$6,675
---------------------------	--------------	------------	--------------------------------	----------------

Notes: Enhancement for two orders containing a denial of liability and two orders without a denial of liability. Reduction for one notice of intent to conduct an audit.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
--------------------	----	-------------	-------------	-------------------	------------

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,875
--	-------------------	-----------------

Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
-------------------------	-------------	--------------	-------------------	------------

Total EB Amounts: \$1,516
 Estimated Cost of Compliance: \$10,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$12,300
-----------------------------	-----------------------	-----------------

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
---	-------------	------------	------------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$12,300
-----------------------------	-----------------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$12,300
-----------------------------------	-------------------------------	-----------------

DEFERRAL	20.0%	Reduction	Adjustment	-\$2,460
-----------------	--------------	-----------	-------------------	-----------------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$9,840
------------------------	----------------

Screening Date 18-Nov-2021

Docket No. 2021-1513-AIR-E

PCW

Respondent Air Liquide Large Industries U.S. LP

Policy Revision 5 (January 28, 2021)

Case ID No. 61584

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100233998

Media Air

Enf. Coordinator Yuliya Dunaway

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	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	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 89%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two orders containing a denial of liability and two orders without a denial of liability. Reduction for one notice of intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 89%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 89%

Screening Date 18-Nov-2021

Docket No. 2021-1513-AIR-E

PCW

Respondent Air Liquide Large Industries U.S. LP

Policy Revision 5 (January 28, 2021)

Case ID No. 61584

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100233998

Media Air

Enf. Coordinator Yuliya Dunaway

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit No. 73110, Special Conditions No. 1, Federal Operating Permit No. O1735, General Terms and Conditions and Special Terms and Conditions No. 9, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 216.82 pounds ("lbs") of nitrogen oxides and 117.50 lbs of carbon monoxide from the Steam Methane Reformer Flare, Emissions Point Number SMRFLARE, during an emissions event (Incident No. 283343) that occurred on May 8, 2018 and lasted six hours. The emissions event occurred when the pump discharge pressure dropped too low during the swap from the Process Condensate Pump A to the Process Condensate Pump B that caused the Pressure Swing Absorbers System to trip, resulting in flaring. Since the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (30.0%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%).

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 Number of violation days 1

Table with frequency options: daily, weekly, monthly (checked), 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

Table for Good Faith Efforts to Comply with columns: Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer, and rows: Extraordinary, Ordinary (checked), N/A.

Notes The Respondent completed the corrective measures by May 19, 2021, prior to the Notice of Enforcement dated November 12, 2021.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,516

Violation Final Penalty Total \$12,300

This violation Final Assessed Penalty (adjusted for limits) \$12,300

Economic Benefit Worksheet

Respondent Air Liquide Large Industries U.S. LP
Case ID No. 61584
Reg. Ent. Reference No. RN100233998
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	8-May-2018	19-May-2021	3.03	\$1,516	n/a	\$1,516

Notes for DELAYED costs

Estimated cost to increase the pump discharge low pressure set point within the Distributed Control System to better maintain the system pressure and minimize the low pressure swings that occur during pump swaps in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 283343. 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

\$1,516

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 CN600300693, RN100233998, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN600300693, Air Liquide Large Industries U.S. LP **Classification:** SATISFACTORY **Rating:** 11.19

Regulated Entity: RN100233998, AIR LIQUIDE LARGE INDUSTRIES US **Classification:** SATISFACTORY **Rating:** 35.80

Complexity Points: 22 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 11400 BAY AREA BOULEVARD, PASADENA, HARRIS COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0071Q
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1011467
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0071Q
AIR NEW SOURCE PERMITS REGISTRATION 53106
AIR NEW SOURCE PERMITS REGISTRATION 11018
AIR NEW SOURCE PERMITS AFS NUM 4820100073
AIR NEW SOURCE PERMITS REGISTRATION 87052
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX612M2
AIR NEW SOURCE PERMITS REGISTRATION 148323
WASTEWATER EPA ID TX0102296

POLLUTION PREVENTION PLANNING ID NUMBER P00956
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 31779

AIR OPERATING PERMITS PERMIT 1735
AIR NEW SOURCE PERMITS PERMIT 9346
AIR NEW SOURCE PERMITS REGISTRATION 37485
AIR NEW SOURCE PERMITS REGISTRATION 33713
AIR NEW SOURCE PERMITS REGISTRATION 70423
AIR NEW SOURCE PERMITS PERMIT 73110
AIR NEW SOURCE PERMITS REGISTRATION 99546
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX23
WASTEWATER PERMIT WQ0004330000
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0071Q
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD096026612

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

Date Compliance History Report Prepared: May 24, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 24, 2017 to May 24, 2022

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

Name: Yuliya Dunaway

Phone: (210) 403-4077

Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 03/12/2018 ADMINORDER 2016-1537-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
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 60.8(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 15E PERMIT
Special Term & Condition 9 OP

Description: Failure to perform stack sampling within 180 days after initial startup. Specifically, the stack sampling for New Boiler 1, Emission Point Number ("EPN") BO1, was required by July 8, 2015, but was not conducted until October 21, 2015.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
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 60.8(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 15E PERMIT
Special Term & Condition 9 OP

Description: Failure to perform stack sampling within 180 days after initial startup. Specifically, the stack sampling for New Boiler 2, EPN BO2, was required by July 8, 2015, but was not conducted until October 23, 2015

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
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 60.8
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 15E PERMIT
Special Term & Condition 9 OP

Description: Failure to perform stack sampling within 180 days after initial startup. Specifically, the stack sampling for New Boiler 3, EPN BO3, was required by August 9, 2015, but was not conducted until February 26, 2016

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
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 60.8(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 15E PERMIT
Special Term & Condition 9 OP

Description: Failure to perform stack sampling within 180 days after initial startup. Specifically, the stack sampling for Replacement Gas Turbine Only, EPN CG803, was required by August 5, 2015, but was not conducted until March 1, 2016

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
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 60.8(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 15E PERMIT
Special Term & Condition 9 OP

Description: Failure to perform stack sampling within 180 days after initial startup. Specifically, the stack sampling for Replacement Gas Turbine Only, EPN CG804, was required by October 26, 2015, but was not conducted until April 13, 2016.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
Special Term & Condition 9 OP

Description: Failure to comply with the maximum allowable emissions rates ("MAER") for Replacement Gas Turbine Only, EPN CG804. Specifically, during a stack test conducted on April 13, 2016, the Respondent exceeded the volatile organic compound ("VOC") MAER of 1.89 pounds per hour ("lbs/hr") by 0.11 lb/hr and total particulate matter ("PM") MAER of 4.50 lbs/hr by 2.148 lbs/hr, resulting in the unauthorized release of approximately 385.44 lbs of VOC and 7,526.59 lbs of PM.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 6A PERMIT
Special Term & Condition 9 OP

Description: Failure to comply with the concentration limit. Specifically, the Respondent exceeded the carbon monoxide ("CO") maximum concentration limit of 50 parts per million by volume dry ("ppmvd") at 3.0% oxygen ("O2") based on a three-hour average for New Boiler 1, EPN BO1, on November 3, 2015 by 27.24 ppmvd at 3.0% O2

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 6A PERMIT
Special Term & Condition 9 OP

Description: Failure to comply with the concentration limit. Specifically, the Respondent exceeded the CO maximum concentration limit of 50 ppmvd at 3.0% O2 based on a three-hour average for New Boiler 2, EPN BO2, on January 18, 2016 by 30.1 ppmvd at 3.0% O2.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 6A PERMIT
Special Term & Condition 9 OP

Description: Failure to comply with the concentration limit. Specifically, the Respondent exceeded the CO maximum concentration limit of 50 ppmvd at 3.0% O2 based on a three-hour average for New Boiler 3, EPN BO3, on June 24, 2015 by 155 ppmvd at 3.0% O2.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
Special Term & Condition 9 OP

Description: Failure to comply with the CO MAER for Replacement Gas Turbine and Duct Burner Firing, EPN CG801. Specifically, the Respondent exceeded the CO MAER of 38.53 lbs/hr on August 20, 2015 by 5.92 lbs/hr, on November 12, 2015 by 6.01 lbs/hr, and on November 16, 2015 by 1.58 lbs/hr, resulting in a total unauthorized release of 13.51 lbs of CO.

2 Effective Date: 12/12/2018 ADMINORDER 2017-1236-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SPECIAL CONDITION 3 PA
SPECIAL TERM AND CONDITION 9 OP

Description: Failure to comply with permitted nitrogen oxide (NOx) concentration limit for Combustion Turbine (CT) 2 (EPN: CG-802). (CATEGORY B13)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SPECIAL CONDITION 3 PA
SPECIAL TERM AND CONDITION 9 OP

Description: Failure to comply with permitted nitrogen oxide (NOx) concentration limit for Combustion Turbine (CT) 3 (EPN: CG-803). (CATEGORY B13)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SPECIAL CONDITION 3 PA
SPECIAL TERM AND CONDITION 9 OP

Description: Failure to comply with permitted nitrogen oxide (NOx) concentration limit for Combustion Turbine (CT) 4 (EPN: CG-804). (CATEGORY B13)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
Rqmt Prov: SPECIAL CONDITION 8D PA
SPECIAL TERM AND CONDITION 9 OP

Description: Failure to comply with permitted ammonia (NH3) concentration limit for the Steam Methane Reformer process heater (EPN: SMRSTACK). (CATEGORY B13)

3 Effective Date: 05/25/2020 ADMINORDER 2019-0167-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 3 PERMIT
Special Term and Condition 9 OP

Description: Failure to comply with permitted carbon monoxide (CO) concentration limit for Gas Turbine CG-801 (EPN: CG801). (Category B13)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 3 PERMIT
Special Term and Condition 9 OP

Description: Failure to comply with permitted CO concentration limit for Gas Turbine CG-802 (EPN: CG802). (Category B13)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 3 PERMIT
Special Term and Condition 9 OP

Description: Failure to comply with permitted CO concentration limit for Gas Turbine CG-803 (EPN: CG803). (Category B13)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 6A PERMIT
Special Term and Condition 9 OP

Description: Failure to comply with permitted CO concentration limit for Boiler 1 (EPN: BO1). (Category B13)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 6A PERMIT
Special Term and Condition 9 OP

Description: Failure to comply with permitted CO concentration limit for Boiler 2 (EPN: BO2). (Category B13)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 6A PERMIT
Special Term and Condition 9 OP

Description: Failure to comply with permitted CO concentration limit for Boiler 3 (EPN: BO3). (Category B13)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 8C PERMIT
Special Term and Condition 9 OP

Description: Failure to comply with permitted CO concentration limit for Steam Methane Reformer Process Heater (EPN: SMRSTACK). (Category B13)

4 Effective Date: 11/16/2021 ADMINORDER 2021-0159-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: GTC and STC No. 9 OP
Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on January 17, 2018, TCEQ/STEERS Incident No. 276635. (Category A12.i.6)

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	June 16, 2017	(1432736)
Item 2	June 29, 2017	(1417250)
Item 3	July 18, 2017	(1441295)
Item 4	August 16, 2017	(1444972)
Item 5	September 18, 2017	(1451555)
Item 6	November 10, 2017	(1462872)
Item 7	December 07, 2017	(1469303)
Item 8	January 15, 2018	(1475989)
Item 9	February 12, 2018	(1488174)
Item 10	March 13, 2018	(1491842)
Item 11	April 09, 2018	(1480322)
Item 12	April 16, 2018	(1495132)
Item 13	May 01, 2018	(1478525)
Item 14	May 09, 2018	(1502054)
Item 15	June 14, 2018	(1509172)
Item 16	July 12, 2018	(1515480)
Item 17	July 13, 2018	(1500298)
Item 18	July 27, 2018	(1505047)
Item 19	August 10, 2018	(1506017)
Item 20	August 13, 2018	(1505408)
Item 21	August 14, 2018	(1521530)
Item 22	September 10, 2018	(1528720)
Item 23	October 12, 2018	(1535043)
Item 24	November 15, 2018	(1542897)
Item 25	December 11, 2018	(1546639)
Item 26	January 10, 2019	(1531980)
Item 27	January 16, 2019	(1564029)
Item 28	January 25, 2019	(1540336)
Item 29	February 12, 2019	(1564027)
Item 30	March 15, 2019	(1564028)
Item 31	April 04, 2019	(1539108)
Item 32	April 18, 2019	(1573271)
Item 33	May 14, 2019	(1557820)
Item 34	May 19, 2019	(1586149)
Item 35	June 04, 2019	(1557760)
Item 36	June 05, 2019	(1556473)
Item 37	June 20, 2019	(1586150)
Item 38	July 19, 2019	(1594619)
Item 39	August 20, 2019	(1600919)
Item 40	September 13, 2019	(1607834)
Item 41	October 08, 2019	(1614700)
Item 42	November 12, 2019	(1620488)
Item 43	December 11, 2019	(1627839)
Item 44	January 20, 2020	(1635466)
Item 45	February 18, 2020	(1642083)

Item 46	March 17, 2020	(1648596)
Item 47	April 10, 2020	(1654949)
Item 48	May 20, 2020	(1661510)
Item 49	June 17, 2020	(1668043)
Item 50	July 13, 2020	(1674989)
Item 51	August 17, 2020	(1681758)
Item 52	August 21, 2020	(1670128)
Item 53	September 14, 2020	(1688336)
Item 54	October 12, 2020	(1694693)
Item 55	November 16, 2020	(1716675)
Item 56	December 17, 2020	(1716676)
Item 57	January 20, 2021	(1716677)
Item 58	February 19, 2021	(1729757)
Item 59	March 10, 2021	(1729758)
Item 60	May 19, 2021	(1742175)
Item 61	June 18, 2021	(1748303)
Item 62	July 19, 2021	(1753099)
Item 63	August 20, 2021	(1758504)
Item 64	September 20, 2021	(1767794)
Item 65	October 19, 2021	(1778359)
Item 66	November 19, 2021	(1785029)
Item 67	December 21, 2021	(1792062)
Item 68	January 20, 2022	(1799912)
Item 69	February 16, 2022	(1807745)
Item 70	March 10, 2022	(1814787)
Item 71	April 12, 2022	(1762691)

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:

Notice of Intent Date: 08/10/2020 (1670796)

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
AIR LIQUIDE LARGE INDUSTRIES U.S.
LP
RN100233998

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-1513-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Air Liquide Large Industries U.S. LP (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 cogeneration plant located at 11400 Bay Area Boulevard in Pasadena, 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 \$12,300 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$9,840 of the penalty and \$2,460 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented a corrective measure at the Plant by increasing the pump discharge low pressure set point within the Distributed Control System to better maintain the system pressure and minimize the low pressure swings that occur during pump swaps in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 283343 by May 19, 2021.

II. ALLEGATIONS

During a record review conducted from May 19, 2021 through May 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), New Source Review Permit No. 73110, Special Conditions No. 1, Federal Operating Permit No. O1735, General Terms and Conditions and Special Terms and Conditions No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 216.82 pounds ("lbs") of nitrogen oxides and 117.50 lbs of carbon monoxide from the Steam Methane Reformer Flare, Emissions Point Number SMRFLARE, during an emissions event (Incident No. 283343) that occurred on May 8, 2018 and lasted six hours. The emissions event occurred when the pump discharge pressure dropped too low during the swap from the Process Condensate Pump A to the Process Condensate Pump B that caused the Pressure Swing Absorbers System to trip, resulting in flaring. Since the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Air Liquide Large Industries U.S. LP, Docket No. 2021-1513-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. All relief not expressly granted in this Order is denied.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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

10/12/2022

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

John Jackson

Name (Printed or typed)
Authorized Representative of
Air Liquide Large Industries U.S. LP

6/22/2022

Plant Manager

Title

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

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