

Executive Summary – Enforcement Matter – Case No. 61687
INV Propylene, LLC f/k/a Flint Hills Resources Houston Chemical, LLC
RN102576063
Docket No. 2021-1612-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Flint Hills Resources Houston Chemical, 9822 La Porte Freeway, Houston, 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: May 26, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$8,700

Amount Deferred for Expedited Settlement: \$1,740

Total Paid to General Revenue: \$6,960

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: August 31, 2021 through September 15, 2021

Date(s) of NOE(s): December 9, 2021

Executive Summary – Enforcement Matter – Case No. 61687
INV Propylene, LLC f/k/a Flint Hills Resources Houston Chemical, LLC
RN102576063
Docket No. 2021-1612-AIR-E

Violation Information

Failed to prevent unauthorized emissions. Specifically, the Respondent released 589.86 pounds ("lbs") of propylene and 0.17 lb of hydrogen sulfide from the Main Flare, Emissions Point Number 1-105A, during an emissions event (Incident No. 365350) that occurred on August 21, 2021 and lasted one hour and 43 minutes. The emissions event occurred due to the loss of condensing on the 116J Compressor discharge that was caused by a low level in the Splitter Tower bottom attributed to a venting setpoint for the Reflex Drum that was too high and operators reduced the feed too much based on an inaccurate flow meter, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and 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 §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Nos. 18999, PSDTX755M1, and N216, Special Conditions No. 1, Federal Operating Permit No. O1251, General Terms and Conditions and Special Terms and Conditions No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By October 19, 2021, the Respondent lowered the Reflex Drum vent setpoint and configured notifications for when the setpoint is changed, installed an additional pressure controller, added alarms for the Splitter Tower sump level and flow, calibrated the flow meter for the feed, and cleaned the Reboiler in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 365350.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Johnnie Wu, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2524; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Larry E. House, Plant Manager, INV Propylene, LLC, 9822 La Porte Freeway, Houston, Texas 77017

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	13-Dec-2021	Screening	14-Dec-2021	EPA Due	
	PCW	3-Mar-2023				

RESPONDENT/FACILITY INFORMATION	
Respondent	INV Propylene, LLC f/k/a Flint Hills Resources Houston Chemical, LLC
Reg. Ent. Ref. No.	RN102576063
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	61687	No. of Violations	1
Docket No.	2021-1612-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Johnnie Wu
		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	\$7,500
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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	41.0% Adjustment	Subtotals 2, 3, & 7	\$3,075
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Notes: Enhancement for two NOVs with same/similar violations, one NOV with dissimilar violations, one order containing a denial of liability, and one order without a denial of liability. Reduction for six notices of intent to conduct an audit and five 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	-\$1,875
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$81
Estimated Cost of Compliance	\$10,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,700
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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:

Final Penalty Amount	\$8,700
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,700
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DEFERRAL	20.0% Reduction Adjustment	-\$1,740
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$6,960
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Screening Date 14-Dec-2021

Docket No. 2021-1612-AIR-E

PCW

Respondent INV Propylene, LLC f/k/a Flint Hills Resources Houston Chemical, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 61687

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102576063

Media Air

Enf. Coordinator Johnnie Wu

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>)	2	10%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
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>)	6	-6%
	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>)	5	-10%
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) 41%

>> 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 NOVs with same/similar violations, one NOV with dissimilar violations, one order containing a denial of liability, and one order without a denial of liability. Reduction for six notices of intent to conduct an audit and five disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 41%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 41%

Screening Date 14-Dec-2021

Docket No. 2021-1612-AIR-E

PCW

Respondent INV Propylene, LLC f/k/a Flint Hills Resources Houston Chemical, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 61687

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102576063

Media Air

Enf. Coordinator Johnnie Wu

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Nos. 18999, PSDTX755M1, and N216, Special Conditions No. 1, Federal Operating Permit No. O1251, General Terms and Conditions and Special Terms and Conditions No. 12, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 589.86 pounds ("lbs") of propylene and 0.17 lb of hydrogen sulfide from the Main Flare, Emissions Point Number 1-105A, during an emissions event (Incident No. 365350) that occurred on August 21, 2021 and lasted one hour and 43 minutes. The emissions event occurred due to the loss of condensing on the 116J Compressor discharge that was caused by a low level in the Splitter Tower bottom attributed to a venting setpoint for the Reflex Drum that was too high and operators reduced the feed too much based on an inaccurate flow meter, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and 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

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this 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 October 19, 2021, prior to the Notice of Enforcement dated December 9, 2021.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Estimated EB Amount \$81

Statutory Limit Test

Violation Final Penalty Total \$8,700

This violation Final Assessed Penalty (adjusted for limits) \$8,700

Economic Benefit Worksheet

Respondent INV Propylene, LLC f/k/a Flint Hills Resources Houston Chemical, LLC
Case ID No. 61687
Reg. Ent. Reference No. RN102576063
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	21-Aug-2021	19-Oct-2021	0.16	\$81	n/a	\$81

Notes for DELAYED costs
 Estimated costs to lower the Reflex Drum vent setpoint and configure notifications for when the setpoint is changed, install an additional pressure controller, add alarms for the Splitter Tower sump level and flow, calibrate the flow meter for the feed, and clean the Reboiler in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 365350. The Dates Required are the date the emissions event occurred and the Final Dates are the dates 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 \$81



Compliance History Report

Compliance History Report for CN604650093, RN102576063, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN604650093, INV Propylene, LLC f/k/a Flint Hills Resources Houston Chemical, LLC **Classification:** SATISFACTORY **Rating:** 6.39

Regulated Entity: RN102576063, FLINT HILLS RESOURCES HOUSTON CHEMICAL **Classification:** SATISFACTORY **Rating:** 6.39

Complexity Points: 34 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 9822 La Porte Freeway, Houston, Harris County, Texas 77017-2721

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0035U	AIR OPERATING PERMITS PERMIT 1251
AIR NEW SOURCE PERMITS PERMIT 18999	AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0035U
AIR NEW SOURCE PERMITS REGISTRATION 141694	AIR NEW SOURCE PERMITS REGISTRATION 143727
AIR NEW SOURCE PERMITS AFS NUM 4820100117	AIR NEW SOURCE PERMITS EPA PERMIT PSDTX755
AIR NEW SOURCE PERMITS REGISTRATION 111299	AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX137
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX755M1	AIR NEW SOURCE PERMITS REGISTRATION 141395
AIR NEW SOURCE PERMITS REGISTRATION 139393	AIR NEW SOURCE PERMITS EPA PERMIT N216
AIR NEW SOURCE PERMITS REGISTRATION 140888	AIR NEW SOURCE PERMITS REGISTRATION 139284
AIR NEW SOURCE PERMITS REGISTRATION 144425	AIR NEW SOURCE PERMITS REGISTRATION 111301
AIR NEW SOURCE PERMITS REGISTRATION 169697	AIR NEW SOURCE PERMITS REGISTRATION 168244
AIR NEW SOURCE PERMITS REGISTRATION 162749	AIR NEW SOURCE PERMITS REGISTRATION 164936
AIR NEW SOURCE PERMITS REGISTRATION 168724	AIR NEW SOURCE PERMITS REGISTRATION 163181
AIR NEW SOURCE PERMITS REGISTRATION 167922	AIR NEW SOURCE PERMITS REGISTRATION 164338
AIR NEW SOURCE PERMITS REGISTRATION 166384	AIR NEW SOURCE PERMITS REGISTRATION 163547
AIR NEW SOURCE PERMITS REGISTRATION 148753	AIR NEW SOURCE PERMITS REGISTRATION 145015
AIR NEW SOURCE PERMITS REGISTRATION 146978	AIR NEW SOURCE PERMITS REGISTRATION 149130
AIR NEW SOURCE PERMITS REGISTRATION 158848	AIR NEW SOURCE PERMITS REGISTRATION 160660
AIR NEW SOURCE PERMITS REGISTRATION 158147	AIR NEW SOURCE PERMITS REGISTRATION 153793
AIR NEW SOURCE PERMITS REGISTRATION 162430	AIR NEW SOURCE PERMITS REGISTRATION 157746
AIR NEW SOURCE PERMITS REGISTRATION 159830	AIR NEW SOURCE PERMITS REGISTRATION 156141
AIR NEW SOURCE PERMITS REGISTRATION 171182	AIR NEW SOURCE PERMITS REGISTRATION 169542
AIR NEW SOURCE PERMITS REGISTRATION 171764	AIR NEW SOURCE PERMITS REGISTRATION 171166
STORMWATER PERMIT TXR05DA04	WASTEWATER PERMIT WQ0000393000
WASTEWATER EPA ID TX0006068	AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0035U
POLLUTION PREVENTION PLANNING ID NUMBER P00438	INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD096035274
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30463	TAX RELIEF ID NUMBER 23777
TAX RELIEF ID NUMBER 23778	TAX RELIEF ID NUMBER 23228

Compliance History Period: September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

Date Compliance History Report Prepared: February 27, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 27, 2018 to February 27, 2023

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

Name: Johnnie Wu

Phone: (512) 239-2524

Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 10/27/2020 ADMINORDER 2019-1331-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 16 PA
Special Term and Condition 11 OP
Description: Failure to maintain concentration limits for the Charge Gas Heater (EPN: 4000-B) (Category A8 - HPV Criterion 2).
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
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 PA
Special Term and Condition 11 OP
Description: Failure to prevent exceedance of MAER for the Charge Gas Heater (EPN: 4000-B) (Category A8 - HPV Criterion 2).
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
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 60.18(c)(1)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 26C PA
Special Terms and Conditions 1A and 11 OP
Description: Failure to prevent visible emissions from the flare (EPN: 1-105A) (Category C4).
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(h)(1)
5C THSC Chapter 382 382.085(b)
Description: Failure to operate temporary flare in HRVOC service below 336 hours (Category A12(i)(6)).
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
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 26 PA
Special Term & Condition 11 OP
Description: Failure to maintain the net heating value of the combustion zone (NHVcz) for the flare (EPN: 1-105A) (Category C4).
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Term and Condition 2F OP
Description: Failure to include all information required by 30 TAC 101.201(b)(2) on the final record for a non-reportable emission event (Category C3).
Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Description: Failure to report all deviations (Category B3).
Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Description: Failure to report all deviations (Category B3).

2 Effective Date: 09/27/2022 ADMINORDER 2021-1409-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)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GTC and STC No. 12 OP
Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on July 26, 2021, TCEQ/STEERS Incident No. 363599 [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	March 19, 2018	(1490436)
Item 2	April 16, 2018	(1493673)
Item 3	May 18, 2018	(1500591)
Item 4	June 18, 2018	(1507708)
Item 5	June 25, 2018	(1496726)
Item 6	August 20, 2018	(1520087)
Item 7	September 20, 2018	(1527252)
Item 8	December 10, 2018	(1524174)
Item 9	January 16, 2019	(1559662)
Item 10	February 14, 2019	(1523325)
Item 11	February 19, 2019	(1559660)
Item 12	February 25, 2019	(1524180)
Item 13	March 19, 2019	(1559661)
Item 14	April 15, 2019	(1550375)
Item 15	April 18, 2019	(1571826)
Item 16	May 06, 2019	(1472098)
Item 17	May 17, 2019	(1583261)
Item 18	June 17, 2019	(1583262)
Item 19	July 18, 2019	(1593139)
Item 20	August 20, 2019	(1599485)
Item 21	September 20, 2019	(1606390)
Item 22	September 30, 2019	(1576223)
Item 23	October 17, 2019	(1613236)
Item 24	November 19, 2019	(1619050)
Item 25	December 16, 2019	(1626402)
Item 26	January 18, 2020	(1634043)
Item 27	February 17, 2020	(1640662)
Item 28	March 19, 2020	(1647182)
Item 29	April 20, 2020	(1653518)
Item 30	April 28, 2020	(1638843)
Item 31	May 19, 2020	(1660105)
Item 32	June 18, 2020	(1666609)
Item 33	July 16, 2020	(1673566)
Item 34	August 19, 2020	(1680341)
Item 35	August 27, 2020	(1632948)
Item 36	September 17, 2020	(1686910)
Item 37	October 19, 2020	(1693257)
Item 38	November 04, 2020	(1685547)
Item 39	November 18, 2020	(1712461)

Item 40	December 17, 2020	(1712462)
Item 41	February 12, 2021	(1725516)
Item 42	March 18, 2021	(1725517)
Item 43	April 06, 2021	(1684676)
Item 44	April 20, 2021	(1725518)
Item 45	May 19, 2021	(1740064)
Item 46	May 28, 2021	(1703517)
Item 47	June 16, 2021	(1703860)
Item 48	July 19, 2021	(1751706)
Item 49	August 04, 2021	(1739886)
Item 50	August 20, 2021	(1757170)
Item 51	September 16, 2021	(1766250)
Item 52	October 15, 2021	(1776713)
Item 53	November 17, 2021	(1783622)
Item 54	December 15, 2021	(1790648)
Item 55	January 19, 2022	(1798442)
Item 56	February 16, 2022	(1806316)
Item 57	March 15, 2022	(1813383)
Item 58	May 19, 2022	(1828793)
Item 59	June 03, 2022	(1811311)
Item 60	June 16, 2022	(1835085)
Item 61	July 19, 2022	(1842290)
Item 62	August 17, 2022	(1848423)
Item 63	September 14, 2022	(1856221)
Item 64	October 20, 2022	(1862578)
Item 65	November 17, 2022	(1869492)
Item 66	December 20, 2022	(1875341)

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: 03/07/2022 (1760553)
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, ST&C 12 OP
NSR, SC 25 PERMIT
NSR, SC 26 PERMIT
Description: Failure to maintain the net heating value above the required British Thermal Units (BTU) at the flare, EPN: 1-105A. (Category C4 violation)

- 2 Date: 03/31/2022 (1819954)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 3 Date: 04/29/2022 (1762506)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)
30 TAC Chapter 115, SubChapter H 115.781(b)(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 12 OP
FOP Special Term & Condition (ST&C) 1A OP
NSR Special Condition (SC) 7E PERMIT
Description: Failure to monitor all components quarterly. (Category B1)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)
5C THSC Chapter 382 382.085(b)
FOP General Terms & Conditions OP
Description: Failure to report all deviations for the period of October 1, 2020 through March 31 2020. (Category B3)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 12 OP
FOP Special Term & Condition (ST&C) 1A OP
NSR Special Condition (SC) 7E PERMIT
Description: Failure to prevent open-ended lines (OELs). (Category C10)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(c)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition (ST&C) 12 OP
FOP Special Term & Condition (ST&C) 9 OP
NSR Special Condition (SC) 5 PERMIT
Description: Failure to submit the NESHAP FF BWON Annual report by the deadline. (Category C3)

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 (ST&C) 12 OP
Special Condition 17 PERMIT
Description: Failure to maintain the firebox temperature of Charge Gas Heater (EPN: 4000-B) within permit limits. (Category B17)

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 (ST&C) 12 OP
NSR Special Condition (SC) 18 PERMIT
Description: Failure to maintain the firebox temperature of Waste Heat Boiler (EPN: 4026-U) within permit limits. (Category B17)

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 (ST&C) 12 OP
Special Condition 16 PERMIT
Description: Failure to maintain the emissions concentrations from the Charge Gas Heater (EPN: 4000-B) within permit limits. (Category B13)

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 (ST&C) 12 OP
NSR Consent Agreement Appendix A10 PERMIT
NSR Special Condition (SC) 27 PERMIT
Description: Failure to maintain the net heating value in the combustion zone (NHVcz) of Main Flare (EPN: 1-105A) within permit limits. (Category C4)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)(i)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP
Description: Failure to monitor all components annually. (Category C7)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)
5C THSC Chapter 382 382.085(b)
Description: FOP General Terms and Conditions OP
Failure to report all deviations for the period of April 1, 2020 through September 30, 2020. (Category B3)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)
5C THSC Chapter 382 382.085(b)
FOP General Terms and Conditions OP
Description: Failure to report all deviations for the period of October 1, 2019 through March 31

2020. (Category B3)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)
 5C THSC Chapter 382 382.085(b)
 FOP General Terms and Conditions OP
 Description: Failure to report all deviations for the period of April 1, 2019 through September 30, 2019. (Category B3)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)
 5C THSC Chapter 382 382.085(b)
 FOP General Terms and Conditions OP
 Description: Failure to report all deviations for the period of October 1, 2018 through March 31 2019. (Category B3)

F. Environmental audits:

Notice of Intent Date: 03/13/2018 (1478794)

Disclosure Date: 02/12/2019

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.142

Description: Failed to install required controls for an "Affected volatile organic compound wastewater stream," as defined by 30 TAC § 115.140.

Notice of Intent Date: 08/24/2018 (1513331)

Disclosure Date: 07/11/2019

Viol. Classification: Minor

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

Rqmt Prov: PERMIT Part III.A.5.a.3

Description: Failed to document Signatory Authority and submit to TCEQ for the Site Manager and failed to document delegation in the Stormwater Pollution Prevention Plan ("SWP3").

Viol. Classification: Minor

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

Rqmt Prov: PERMIT Part III.B.2.a

Description: Failed to inspect all outfalls each quarter instead of inspecting only substantially similar outfalls each quarter.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT Part III.B.2

Description: Failed to ensure that inspection records document that at least one member of the Stormwater Pollution Prevention Team is present during the inspection.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT Part III.B.3.d

Description: Failed to document review of inspections by the stormwater pollution prevention team.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT Part III.B.5.b

Description: Failed to certify the 2018 Annual Comprehensive Site Compliance Inspection report within 30 days of inspection.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT Part III.D.2.b.4

Description: Failed to include an estimate of the runoff coefficient of the drainage areas in the SWP3.

Notice of Intent Date: 08/04/2020 (1670060)

Disclosure Date: 09/23/2020

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)

30 TAC Chapter 115, SubChapter H 115.725(a)(4)

Description: Failed to have an adequate and updated Highly Reactive Volatile Organic Compounds (HRVOC) vent gas monitoring plan for the Waste Heat Boiler (EPN 4026-U, FIN 4026-U) and Charge Gas Heater (EPN 4000-B).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter H 101.359(a)

Description: Failed to utilize an accurate method for the fired duty calculation for Regeneration Air Heater EP 4026-U, FIN 4001-B) which impacted the total NOx emissions for the Waste Heat Boiler (EPN 4026-U) that were reported under the Mass Emission Cap and Trade (MECT) annual compliance reports for several years.

Disclosure Date: 10/21/2020

Viol. Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

Description: Failed to accurately record visible emission observations for the Main Flare (EPN 1-105A). Specifically, 12 days of EPN 1-105A visible emission observation records were found that showed the date of observation, but the time of observation was missing or the observations were done before sunrise or after sunset. The auditors found that the systems put in place were not effective enough in meeting the flare observation requirements.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Conditions No. 48

Description: Failed to consider when the shutdown began or when the startup ended in the standard procedure established to exempt the maximum number of hours allowed for every startup and shutdown. NSR Permit No. 18999 has durations (hours) for startup and shutdown periods (EPN 4026-U, ENP 4000-B) during which the site is exempt from NOx, CO, and NH3 reporting.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Conditions No. 11

PERMIT Special Conditions No. 16

Description: Failed to calculate accurate 12-month rolling averages of ppm concentration for EPN Nos. 4026-U and 4000-B. Specifically, the calculation method for 12-month rolling averages of ppm concentration included zero values for calendar months with no data due to process shutdowns, but these should be excluded because the absence of data is not equivalent to a concentration of zero and should not reduce the average calculation.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Conditions No. 25

Description: Failed to use valid data for emission calculations. Specifically, CEMS monitoring data for EPNs 4026-U and 4000-B at the full span of the NOx and CO analyzer was not identified and was used as if it were valid data for emission calculations.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT STC No. 3

Description: Failed to make available records of opacity observations by certified readers as required by FOP O1251 for Waste Heat Boiler stack (EPN No. 4026-U) which requires monthly opacity observations by a certified reader using 40 CFR Subpart 60, Appendix A, Reference Method 9.

Viol. Classification: Moderate

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

Rqmt Prov: OP STC No. 3.A(iv)(1)

Description: Failed to provide documentation that the five gas turbine (EPN No. 4026-U, FIN Nos. 4061-JT through 4065-JT) bypass vents, that are operated only for brief periods during startup and shutdown, had been included in the visible emissions monitoring program or that they were exempt from visible emissions monitoring.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.148(a)

Description: Failed to submit to remove the permit shield for 30 Tex. Admin. Code Ch. 115 Industrial Wastewater Unit ID No. WWU and 40 CFR Part 63 Subpart VVVVV for Unit ID No. CTOWER.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Conditions No. 39

Description: Failed to have documentation of LEL readings when the isolated equipment was opened to the atmosphere after being purged to a control device for MSS line break activities to make sure it is less than 10% LEL before opening the equipment to the atmosphere.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(3)

Description: Failed to meet requirements for obtaining valid data for 95% of operating hours. Specifically, the HRVOC analyzer monitoring system for the cooling tower organic emissions had many hours of detected organic

concentrations that were determined by the site to be invalid, but were treated as valid hours of monitoring data for purposes of monitoring downtime.

Viol. Classification: Moderate

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

Description: Failed to report all instances of deviations in the previous semi-annual Title V deviation reports. Specifically, FHR missed reporting the deviations associated with the audit findings in Inv. No. 1670060 in prior reports because FHR was unaware of them.

Notice of Intent Date: 09/16/2021 (1764423)

Disclosure Date: 03/24/2022

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT M/R 3(C)(v)

Description: Failed to correctly enter total cyanide results for Outfall 001 in e-DMR. Specifically, total cyanide was entered as both total and free cyanide. Additionally, the TCEQ e-DMR template did not have correct final free cyanide limit listed effective April 2021.

Viol. Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11

Description: Failed to maintain an operational digital thermometer in the sample refrigerator or provide an alternative thermometer in the refrigerator to indicate sample temperature.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT M/R 3(c)(vi)

Description: Failed to complete chain of custody ("COC") sheets. Specifically, COC sheets for February 15, 16, and 17, 2021 were missing documentation of temperature, pH, and residual chlorine analysis samples for Outfall 001 compliance samples.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT M/R 3(c)(vi)

Description: Failed to accurately report cyanide. Specifically, the 3rd party laboratory identified the analytical methods for cyanide as SM-4500-CN-E & G which are two different methods for detecting forms of cyanide (total and cyanide amenable to chlorination); however, the laboratory was only reporting total cyanide.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT Part III.B.2(c)(1)

Description: Failed to maintain complete Pollution Prevention Measures and Control record entries for August 27, 2021 quarterly storm water inspections.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT Part III.B.2(c)(1)

Description: Failed to sign the quarterly inspection reports (Appendix F to the March 2021 SWPPP) in accordance with the signatory to reports provision of the storm water permit.

Viol. Classification: Moderate

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

Description: Failed to determine if the annual threshold was exceeded and therefore, the associated-permit requirements (Self-Certification Submittal to TCEQ or Self-Certification Onsite) were exceeded when the site had a licensed applicator apply herbicides in site areas where there is stormwater discharged via point sources, not regulated by the HCP individual NPDES Permit, TXG870000, Part II.D.9.

Notice of Intent Date: 01/18/2022 (1788850)

Disclosure Date: 04/26/2022

Viol. Classification: Minor

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

Description: Failed to report all instances of deviations in the previous semiannual deviation reports. Specifically, the site missed reporting the deviations associated with the audit findings in the previous deviation reports because it was unaware of them.

Notice of Intent Date: 09/21/2022 (1847233)

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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
INV PROPYLENE, LLC F/K/A FLINT	§	TEXAS COMMISSION ON
HILLS RESOURCES HOUSTON	§	
CHEMICAL, LLC	§	
RN102576063	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-1612-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 INV Propylene, LLC f/k/a Flint Hills Resources Houston Chemical, 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 9822 La Porte Freeway in Houston, 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 \$8,700 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$6,960 of the penalty and \$1,740 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 by October 19, 2021, the Respondent lowered the Reflex Drum vent setpoint and configured notifications for when the setpoint is changed, installed an additional pressure controller, added alarms for the Splitter Tower sump level and flow, calibrated the flow meter for the feed, and cleaned the Reboiler in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 365350.

II. ALLEGATIONS

During a record review for the Plant conducted from August 31, 2021 through September 15, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Nos. 18999, PSDTX755M1, and N216, Special Conditions No. 1, Federal Operating Permit No. O1251, General Terms and Conditions and Special Terms and Conditions No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 589.86 pounds ("lbs") of propylene and 0.17 lb of hydrogen sulfide from the Main Flare, Emissions Point Number 1-105A, during an emissions event (Incident No. 365350) that occurred on August 21, 2021 and lasted one hour and 43 minutes. The emissions event occurred due to the loss of condensing on the 116J Compressor discharge that was caused by a low level in the Splitter Tower bottom attributed to a venting setpoint for the Reflex Drum that was too high and operators reduced the feed too much based on an inaccurate flow meter, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and 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: INV Propylene, LLC f/k/a Flint Hills Resources Houston Chemical, LLC, Docket No. 2021-1612-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

6/16/2023

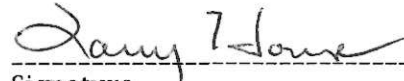
Date

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.

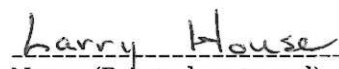
In addition, any falsification of any compliance documents may result in criminal prosecution.



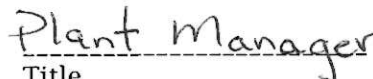
Signature

5-1-23

Date



Name (Printed or typed)



Title

Authorized Representative of

INV Propylene, LLC f/k/a Flint Hills Resources Houston Chemical, LLC

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