

Executive Summary – Enforcement Matter – Case No. 61760
UNION CARBIDE CORPORATION
RN102181526
Docket No. 2022-0023-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

UCC Seadrift Operations, 7501 State Highway 185 North, Seadrift, Calhoun County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 15, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$19,225

Amount Deferred for Expedited Settlement: \$3,845

Total Paid to General Revenue: \$7,690

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$7,690

Name of SEP: Texas Congress of Parents and Teachers dba Texas PTA (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - High

Site/RN - High

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: October 5, 2021 through October 22, 2021, January 14, 2022 through January 20, 2022, and January 11, 2022 through January 20, 2022

Date(s) of NOE(s): December 15, 2021, February 11, 2022, and February 14, 2022

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Docket No. 2022-0023-AIR-E

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 275.41 pounds ("lbs") of ammonia as fugitive emissions, during an emissions event (Incident No. 366827) that occurred on September 17, 2021 and lasted one hour and five minutes. The emissions event occurred due to poor craftsmanship of a pilot pressure safety valve ("PSV") assembly located on the outlet of the Soak Tank in the Ethanolamines Unit, resulting in the release to the atmosphere. 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 §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 47901, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O2031, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 39.80 lbs of ammonia as fugitive emissions, during a non-reportable emissions event that occurred on August 6, 2021 and lasted 47 seconds. The emissions event occurred when a half-inch vent valve was inadvertently left open after pressure testing the ammonia loading hoses, resulting in the release to the atmosphere. 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 §§ 116.115(c) and 122.143(4), NSR Permit No. 48645, SC No. 1, FOP No. O2028, GTC and STC No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 371859 was due by December 21, 2021 at 6:30 a.m., but was not submitted until December 21, 2021 at 5:52 p.m. [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O2035, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to prevent unauthorized emissions. Specifically, the Respondent released 11.00 lbs of volatile organic compounds from the Process Sewer Clarifiers, Emissions Point Number 528A, during an emissions event (Incident No. 371859) that began on December 20, 2021 and lasted 26 hours. The emissions event occurred when the fuel valve limit switch failed that caused the Plant to lose steam and all units shut down, resulting in the release to the atmosphere. Since the Respondent did not comply with the emissions event reporting requirements, 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), NSR Permit No. 48643, SC No. 1, FOP No. O2035, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. In order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 366827:
 - i. By completing a field evaluation to remove unnecessary field test connections on pilot operated PSVs and monitoring the threaded connections for leaks by September 23, 2021;
 - ii. By modifying the PSV design to minimize connection points by October 11, 2021; and
 - iii. By implementing a Quality Control Plan by October 18, 2021.
- b. By submitting the initial notification for Incident No. 371859 on December 21, 2021.
- c. In order to prevent the recurrence of emissions events due to the same or similar causes as the non-reportable emissions event that occurred on August 6, 2021:
 - i. By implementing supervisor double verification of vent valve closures for ammonia unloading by August 6, 2021; and
 - ii. By reviewing other unloading systems for opportunity and consequence of significant release events from an open vent valve by February 8, 2022.
- d. In order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 371859:
 - i. By placing the 5-pound Condensate Line to the Wastewater Header in-service to allow diversion of this stream to the High Strength Sewer during loss of steam by February 3, 2022; and
 - ii. By revising the procedures for diverting the 5-pound Condensate Line to the Wastewater Header and for informing Environmental Operations by March 31, 2022.
- e. By revising the release reporting procedure and training the responsible personnel in order to ensure that the initial notifications for reportable emissions events are submitted in a timely manner by April 19, 2022.

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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: Toni Red, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-1704; 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: Texas PTA, 408 West 11th Street, Austin, Texas 78701

Respondent: Heather Lyons, Lead Site Manufacturing Director, UNION CARBIDE CORPORATION, P.O. Box 186, Port Lavaca, Texas 77979

Brook Barnes, Responsible Care Leader, UNION CARBIDE CORPORATION, 7501 State Highway 185 North, Seadrift, Texas 77983

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	3-Jan-2022	Screening	4-Jan-2022	EPA Due	
	PCW	16-May-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	UNION CARBIDE CORPORATION
Reg. Ent. Ref. No.	RN102181526
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	61760	No. of Violations	4
Docket No.	2022-0023-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Toni Red
		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	\$27,750
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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	-10.0% Adjustment	Subtotals 2, 3, & 7	-\$2,775
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Notes: Since the enhancement for six NOV's with same/similar violations, four NOV's with dissimilar violations, one agreed order containing a denial of liability, and one agreed order without a denial of liability and the reduction for 49 notices of intent to conduct an audit and 19 disclosures of violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero. Reduction for High Performer classification.

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	-\$5,750
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$459
 Estimated Cost of Compliance \$31,750
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$19,225
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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	\$19,225
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$19,225
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DEFERRAL	20.0% Reduction	Adjustment	-\$3,845
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$15,380
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Screening Date 4-Jan-2022

Docket No. 2022-0023-AIR-E

PCW

Respondent UNION CARBIDE CORPORATION

Policy Revision 5 (January 28, 2021)

Case ID No. 61760

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102181526

Media Air

Enf. Coordinator Toni Red

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>)	6	30%
	Other written NOVs	4	8%
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>)	49	-49%
	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>)	19	-38%
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) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Since the enhancement for six NOVs with same/similar violations, four NOVs with dissimilar violations, one agreed order containing a denial of liability, and one agreed order without a denial of liability and the reduction for 49 notices of intent to conduct an audit and 19 disclosures of violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero. Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 4-Jan-2022
Respondent UNION CARBIDE CORPORATION
Case ID No. 61760
Reg. Ent. Reference No. RN102181526
Media Air
Enf. Coordinator Toni Red

Docket No. 2022-0023-AIR-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit ("NSR") No. 47901, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O2031, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 12, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 275.41 pounds ("lbs") of ammonia as fugitive emissions, during an emissions event (Incident No. 366827) that occurred on September 17, 2021 and lasted one hour and five minutes. The emissions event occurred due to poor craftsmanship of a pilot pressure safety valve ("PSV") assembly located on the outlet of the Soak Tank in the Ethanolamines Unit, resulting in the release to the atmosphere. 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

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text" value="50.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input checked="" type="text" value="x"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

One weekly event is recommended.

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>

Notes The Respondent completed the corrective actions by October 18, 2021, prior to the Notice of Enforcement ("NOE") dated December 15, 2021.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent UNION CARBIDE CORPORATION
Case ID No. 61760
Reg. Ent. Reference No. RN102181526
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	17-Sep-2021	18-Oct-2021	0.08	\$42	n/a	\$42

Notes for DELAYED costs

Estimated cost to complete a field evaluation to remove the unnecessary field test connections on pilot operated PSVs, monitor the threaded connections for leaks, modify the PSV design to minimize connection points, and implement a Quality Control Plan in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 366827. 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

\$42

Screening Date 4-Jan-2022 **Docket No.** 2022-0023-AIR-E **PCW**
Respondent UNION CARBIDE CORPORATION *Policy Revision 5 (January 28, 2021)*
Case ID No. 61760 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102181526
Media Air
Enf. Coordinator Toni Red

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 48645, SC No. 1, FOP No. O2028, GTC and STC No. 10, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 39.80 lbs of ammonia as fugitive emissions, during a non-reportable emissions event that occurred on August 6, 2021 and lasted 47 seconds. The emissions event occurred when a half-inch vent valve was inadvertently left open after pressure testing the ammonia loading hoses, resulting in the release to the atmosphere. 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			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 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 actions by February 8, 2022, prior to the NOE dated February 11, 2022.

Violation Subtotal \$5,625

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

Estimated EB Amount \$255 **Violation Final Penalty Total** \$4,875

This violation Final Assessed Penalty (adjusted for limits) \$4,875

Economic Benefit Worksheet

Respondent UNION CARBIDE CORPORATION
Case ID No. 61760
Reg. Ent. Reference No. RN102181526
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)	\$10,000	6-Aug-2021	8-Feb-2022	0.51	\$255	n/a	\$255

Notes for DELAYED costs

Estimated cost to implement supervisor double verification of vent valve closures for ammonia unloading and review other unloading systems for opportunity and consequence of significant release events from an open vent valve in order to prevent the recurrence of emissions events due to the same or similar causes as the non-reportable emissions event that occurred on August 6, 2021. The Date Required is the date the non-reportable 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

\$255

Screening Date 4-Jan-2022 **Docket No.** 2022-0023-AIR-E **PCW**
Respondent UNION CARBIDE CORPORATION *Policy Revision 5 (January 28, 2021)*
Case ID No. 61760 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102181526
Media Air
Enf. Coordinator Toni Red

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O2035, GTC and STC No. 2.F, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 371859 was due by December 21, 2021 at 6:30 a.m., but was not submitted until December 21, 2021 at 5:52 p.m.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				x	1.0%
30% of the rule requirements were not met.					

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	
Notes	The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal \$250

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$24"/>	Violation Final Penalty Total <input type="text" value="\$225"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$225"/>	

Economic Benefit Worksheet

Respondent UNION CARBIDE CORPORATION
Case ID No. 61760
Reg. Ent. Reference No. RN102181526
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	\$1,500	21-Dec-2021	19-Apr-2022	0.33	\$24	n/a	\$24
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	21-Dec-2021	21-Dec-2021	0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to submit the initial notification for Incident No. 371859 (\$250) and to revise the release reporting procedure and train the responsible personnel in order to ensure that the initial notifications for reportable emissions events are submitted in a timely manner (\$1,500). The Dates Required are the date the initial notification was due 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 \$1,750

TOTAL \$24

Screening Date 4-Jan-2022 **Docket No.** 2022-0023-AIR-E **PCW**
Respondent UNION CARBIDE CORPORATION *Policy Revision 5 (January 28, 2021)*
Case ID No. 61760 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102181526
Media Air
Enf. Coordinator Toni Red

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 48643, SC No. 1, FOP No. O2035, GTC and STC No. 17, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 11.00 lbs of volatile organic compounds from the Process Sewer Clarifiers, Emissions Point Number 528A, during an emissions event (Incident No. 371859) that began on December 20, 2021 and lasted 26 hours. The emissions event occurred when the fuel valve limit switch failed that caused the Plant to lose steam and all units to shut down, resulting in the release to the atmosphere. Since the Respondent did not comply with the emissions event reporting requirements, 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	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 Number of violation days 2

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply 10.0% Reduction \$750

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

Notes: The Respondent completed the corrective actions by March 31, 2022, after the NOE dated February 14, 2022.

Violation Subtotal \$6,750

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

Estimated EB Amount \$138 **Violation Final Penalty Total** \$6,000

This violation Final Assessed Penalty (adjusted for limits) \$6,000

Economic Benefit Worksheet

Respondent UNION CARBIDE CORPORATION
Case ID No. 61760
Reg. Ent. Reference No. RN102181526
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	20-Dec-2021	31-Mar-2022	0.28	\$138	n/a	\$138

Notes for DELAYED costs

Estimated cost to place the 5-pound Condensate Line to the Wastewater Header in-service to allow diversion of this stream to the High Strength Sewer during loss of steam and to revise the procedures for diverting the 5-pound Condensate Line to the Wastewater Header and for informing Environmental Operations in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 371859. The Date Required is the date the emissions event began 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

\$138

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 CN601688781, RN102181526, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator:	CN601688781, UNION CARBIDE CORPORATION	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN102181526, UCC SEADRIFT OPERATIONS	Classification: HIGH	Rating: 0.00
Complexity Points:	49	Repeat Violator: NO	
CH Group:	05 - Chemical Manufacturing		
Location:	7501 STATE HIGHWAY 185 NORTH NEAR SEADRIFT, CALHOUN COUNTY, TEXAS		
TCEQ Region:	REGION 14 - CORPUS CHRISTI		

ID Number(s):

AIR OPERATING PERMITS PERMIT 1613	AIR OPERATING PERMITS PERMIT 2026
AIR OPERATING PERMITS PERMIT 2027	AIR OPERATING PERMITS PERMIT 2028
AIR OPERATING PERMITS PERMIT 2029	AIR OPERATING PERMITS PERMIT 2030
AIR OPERATING PERMITS PERMIT 2031	AIR OPERATING PERMITS PERMIT 2032
AIR OPERATING PERMITS PERMIT 2035	AIR OPERATING PERMITS ACCOUNT NUMBER CB0028T
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0290003	AIR NEW SOURCE PERMITS REGISTRATION 38028
AIR NEW SOURCE PERMITS REGISTRATION 38500	AIR NEW SOURCE PERMITS REGISTRATION 39318
AIR NEW SOURCE PERMITS REGISTRATION 40045	AIR NEW SOURCE PERMITS REGISTRATION 40183
AIR NEW SOURCE PERMITS REGISTRATION 40873	AIR NEW SOURCE PERMITS REGISTRATION 41497
AIR NEW SOURCE PERMITS REGISTRATION 42294	AIR NEW SOURCE PERMITS REGISTRATION 42305
AIR NEW SOURCE PERMITS REGISTRATION 42530	AIR NEW SOURCE PERMITS REGISTRATION 42461
AIR NEW SOURCE PERMITS REGISTRATION 42767	AIR NEW SOURCE PERMITS REGISTRATION 42787
AIR NEW SOURCE PERMITS REGISTRATION 42462	AIR NEW SOURCE PERMITS REGISTRATION 42531
AIR NEW SOURCE PERMITS REGISTRATION 42083	AIR NEW SOURCE PERMITS REGISTRATION 22398
AIR NEW SOURCE PERMITS REGISTRATION 22397	AIR NEW SOURCE PERMITS REGISTRATION 22426
AIR NEW SOURCE PERMITS REGISTRATION 23070	AIR NEW SOURCE PERMITS REGISTRATION 23191
AIR NEW SOURCE PERMITS REGISTRATION 21471	AIR NEW SOURCE PERMITS REGISTRATION 22452
AIR NEW SOURCE PERMITS REGISTRATION 22453	AIR NEW SOURCE PERMITS REGISTRATION 24043
AIR NEW SOURCE PERMITS REGISTRATION 24514	AIR NEW SOURCE PERMITS REGISTRATION 26738
AIR NEW SOURCE PERMITS REGISTRATION 28514	AIR NEW SOURCE PERMITS REGISTRATION 28647
AIR NEW SOURCE PERMITS REGISTRATION 30181	AIR NEW SOURCE PERMITS REGISTRATION 31160
AIR NEW SOURCE PERMITS REGISTRATION 31386	AIR NEW SOURCE PERMITS REGISTRATION 31855
AIR NEW SOURCE PERMITS REGISTRATION 31991	AIR NEW SOURCE PERMITS REGISTRATION 32345
AIR NEW SOURCE PERMITS REGISTRATION 32964	AIR NEW SOURCE PERMITS REGISTRATION 36631
AIR NEW SOURCE PERMITS REGISTRATION 43986	AIR NEW SOURCE PERMITS REGISTRATION 45276
AIR NEW SOURCE PERMITS REGISTRATION 45338	AIR NEW SOURCE PERMITS REGISTRATION 45441
AIR NEW SOURCE PERMITS REGISTRATION 45492	AIR NEW SOURCE PERMITS REGISTRATION 45719
AIR NEW SOURCE PERMITS REGISTRATION 46016	AIR NEW SOURCE PERMITS REGISTRATION 46163
AIR NEW SOURCE PERMITS REGISTRATION 46441	AIR NEW SOURCE PERMITS REGISTRATION 46454
AIR NEW SOURCE PERMITS REGISTRATION 46611	AIR NEW SOURCE PERMITS REGISTRATION 46804
AIR NEW SOURCE PERMITS PERMIT 47091	AIR NEW SOURCE PERMITS REGISTRATION 47264
AIR NEW SOURCE PERMITS PERMIT 47787	AIR NEW SOURCE PERMITS REGISTRATION 46967
AIR NEW SOURCE PERMITS REGISTRATION 47875	AIR NEW SOURCE PERMITS REGISTRATION 48826
AIR NEW SOURCE PERMITS PERMIT 48709	AIR NEW SOURCE PERMITS REGISTRATION 49609
AIR NEW SOURCE PERMITS REGISTRATION 49720	AIR NEW SOURCE PERMITS REGISTRATION 49401
AIR NEW SOURCE PERMITS PERMIT 378	AIR NEW SOURCE PERMITS REGISTRATION 451
AIR NEW SOURCE PERMITS PERMIT 803	AIR NEW SOURCE PERMITS REGISTRATION 1138
AIR NEW SOURCE PERMITS REGISTRATION 1158	AIR NEW SOURCE PERMITS REGISTRATION 1255
AIR NEW SOURCE PERMITS REGISTRATION 1442	AIR NEW SOURCE PERMITS PERMIT 1567

AIR NEW SOURCE PERMITS PERMIT 1567A
AIR NEW SOURCE PERMITS PERMIT 1570A
AIR NEW SOURCE PERMITS PERMIT 2023
AIR NEW SOURCE PERMITS PERMIT 2027
AIR NEW SOURCE PERMITS PERMIT 2556
AIR NEW SOURCE PERMITS PERMIT 2731
AIR NEW SOURCE PERMITS PERMIT 3639
AIR NEW SOURCE PERMITS PERMIT 6361
AIR NEW SOURCE PERMITS PERMIT 7405
AIR NEW SOURCE PERMITS PERMIT 9537
AIR NEW SOURCE PERMITS REGISTRATION 11257
AIR NEW SOURCE PERMITS REGISTRATION 11446
AIR NEW SOURCE PERMITS REGISTRATION 11549
AIR NEW SOURCE PERMITS REGISTRATION 15764
AIR NEW SOURCE PERMITS REGISTRATION 16644
AIR NEW SOURCE PERMITS PERMIT 19073
AIR NEW SOURCE PERMITS PERMIT 22321
AIR NEW SOURCE PERMITS ACCOUNT NUMBER CB0028T
AIR NEW SOURCE PERMITS REGISTRATION 146257
AIR NEW SOURCE PERMITS REGISTRATION 55168
AIR NEW SOURCE PERMITS REGISTRATION 75724
AIR NEW SOURCE PERMITS AFS NUM 4805700003
AIR NEW SOURCE PERMITS REGISTRATION 145087
AIR NEW SOURCE PERMITS PERMIT 48645
AIR NEW SOURCE PERMITS REGISTRATION 70525
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX921
AIR NEW SOURCE PERMITS REGISTRATION 51164
AIR NEW SOURCE PERMITS REGISTRATION 41504
AIR NEW SOURCE PERMITS REGISTRATION 74444
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX118M4
AIR NEW SOURCE PERMITS REGISTRATION 77766
AIR NEW SOURCE PERMITS REGISTRATION 78214
AIR NEW SOURCE PERMITS REGISTRATION 80204
AIR NEW SOURCE PERMITS REGISTRATION 83878
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX118M2
AIR NEW SOURCE PERMITS REGISTRATION 106356
AIR NEW SOURCE PERMITS REGISTRATION 106357
AIR NEW SOURCE PERMITS REGISTRATION 106362
AIR NEW SOURCE PERMITS REGISTRATION 106111
AIR NEW SOURCE PERMITS REGISTRATION 106355
AIR NEW SOURCE PERMITS REGISTRATION 106360
AIR NEW SOURCE PERMITS REGISTRATION 106346
AIR NEW SOURCE PERMITS REGISTRATION 114503
AIR NEW SOURCE PERMITS REGISTRATION 106363
AIR NEW SOURCE PERMITS REGISTRATION 106162
AIR NEW SOURCE PERMITS REGISTRATION 105923
AIR NEW SOURCE PERMITS REGISTRATION 105911
AIR NEW SOURCE PERMITS REGISTRATION 106107
AIR NEW SOURCE PERMITS REGISTRATION 106101
AIR NEW SOURCE PERMITS REGISTRATION 106167
AIR NEW SOURCE PERMITS REGISTRATION 105914
AIR NEW SOURCE PERMITS REGISTRATION 106370
AIR NEW SOURCE PERMITS REGISTRATION 112829
AIR NEW SOURCE PERMITS REGISTRATION 106349
AIR NEW SOURCE PERMITS REGISTRATION 106361
AIR NEW SOURCE PERMITS REGISTRATION 106165
AIR NEW SOURCE PERMITS REGISTRATION 106368
AIR NEW SOURCE PERMITS REGISTRATION 105925
AIR NEW SOURCE PERMITS REGISTRATION 104792
AIR NEW SOURCE PERMITS REGISTRATION 105924

AIR NEW SOURCE PERMITS PERMIT 1567B
AIR NEW SOURCE PERMITS REGISTRATION 1616
AIR NEW SOURCE PERMITS PERMIT 2025A
AIR NEW SOURCE PERMITS PERMIT 2301
AIR NEW SOURCE PERMITS PERMIT 2607
AIR NEW SOURCE PERMITS PERMIT 3513A
AIR NEW SOURCE PERMITS PERMIT 6141A
AIR NEW SOURCE PERMITS REGISTRATION 7404
AIR NEW SOURCE PERMITS PERMIT 7924
AIR NEW SOURCE PERMITS REGISTRATION 10541
AIR NEW SOURCE PERMITS REGISTRATION 11441
AIR NEW SOURCE PERMITS REGISTRATION 11448
AIR NEW SOURCE PERMITS REGISTRATION 14682
AIR NEW SOURCE PERMITS REGISTRATION 16330
AIR NEW SOURCE PERMITS PERMIT 9609A
AIR NEW SOURCE PERMITS PERMIT 19360
AIR NEW SOURCE PERMITS PERMIT 38481
AIR NEW SOURCE PERMITS PERMIT 18773
AIR NEW SOURCE PERMITS REGISTRATION 146155
AIR NEW SOURCE PERMITS REGISTRATION 75395
AIR NEW SOURCE PERMITS REGISTRATION 42529
AIR NEW SOURCE PERMITS REGISTRATION 145327
AIR NEW SOURCE PERMITS PERMIT 48643
AIR NEW SOURCE PERMITS PERMIT 48653
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX118M1
AIR NEW SOURCE PERMITS REGISTRATION 52527
AIR NEW SOURCE PERMITS REGISTRATION 72928
AIR NEW SOURCE PERMITS REGISTRATION 74204
AIR NEW SOURCE PERMITS REGISTRATION 74360
AIR NEW SOURCE PERMITS REGISTRATION 77224
AIR NEW SOURCE PERMITS REGISTRATION 78664
AIR NEW SOURCE PERMITS REGISTRATION 79798
AIR NEW SOURCE PERMITS REGISTRATION 82006
AIR NEW SOURCE PERMITS REGISTRATION 84497
AIR NEW SOURCE PERMITS REGISTRATION 90957
AIR NEW SOURCE PERMITS REGISTRATION 106116
AIR NEW SOURCE PERMITS REGISTRATION 106161
AIR NEW SOURCE PERMITS REGISTRATION 105920
AIR NEW SOURCE PERMITS REGISTRATION 106352
AIR NEW SOURCE PERMITS REGISTRATION 106105
AIR NEW SOURCE PERMITS REGISTRATION 105929
AIR NEW SOURCE PERMITS REGISTRATION 106113
AIR NEW SOURCE PERMITS REGISTRATION 106166
AIR NEW SOURCE PERMITS REGISTRATION 106359
AIR NEW SOURCE PERMITS REGISTRATION 136212
AIR NEW SOURCE PERMITS REGISTRATION 106372
AIR NEW SOURCE PERMITS REGISTRATION 106371
AIR NEW SOURCE PERMITS REGISTRATION 131385
AIR NEW SOURCE PERMITS REGISTRATION 111680
AIR NEW SOURCE PERMITS REGISTRATION 106348
AIR NEW SOURCE PERMITS REGISTRATION 106109
AIR NEW SOURCE PERMITS REGISTRATION 106123
AIR NEW SOURCE PERMITS REGISTRATION 106345
AIR NEW SOURCE PERMITS REGISTRATION 106119
AIR NEW SOURCE PERMITS REGISTRATION 113197
AIR NEW SOURCE PERMITS REGISTRATION 119294
AIR NEW SOURCE PERMITS REGISTRATION 106112
AIR NEW SOURCE PERMITS REGISTRATION 105905
AIR NEW SOURCE PERMITS REGISTRATION 106122
AIR NEW SOURCE PERMITS REGISTRATION 132097

AIR NEW SOURCE PERMITS REGISTRATION 106160
AIR NEW SOURCE PERMITS REGISTRATION 105927
AIR NEW SOURCE PERMITS REGISTRATION 106110
AIR NEW SOURCE PERMITS REGISTRATION 106358
AIR NEW SOURCE PERMITS REGISTRATION 106367
AIR NEW SOURCE PERMITS REGISTRATION 105912
AIR NEW SOURCE PERMITS REGISTRATION 152780
AIR NEW SOURCE PERMITS REGISTRATION 141801
AIR NEW SOURCE PERMITS REGISTRATION 163239
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30129
WASTEWATER EPA ID TX0002844
POLLUTION PREVENTION PLANNING ID NUMBER P00744
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD041515420
TAX RELIEF ID NUMBER 16047

AIR NEW SOURCE PERMITS REGISTRATION 105910
AIR NEW SOURCE PERMITS REGISTRATION 118024
AIR NEW SOURCE PERMITS REGISTRATION 106350
AIR NEW SOURCE PERMITS REGISTRATION 106366
AIR NEW SOURCE PERMITS REGISTRATION 108571
AIR NEW SOURCE PERMITS REGISTRATION 105906
AIR NEW SOURCE PERMITS REGISTRATION 147336
AIR NEW SOURCE PERMITS REGISTRATION 154933
AIR NEW SOURCE PERMITS REGISTRATION 159156
WASTEWATER PERMIT WQ0000447000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER CB0028T
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50190
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30129
TAX RELIEF ID NUMBER 18739

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

Date Compliance History Report Prepared: February 23, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 23, 2017 to February 23, 2022

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

Name: Toni Red

Phone: (512) 239-1704

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: 07/06/2020 ADMINORDER 2019-1136-AIR-E (Findings Order-Agreed Order Without Denial)
 Classification: Major
 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: NSR #48653, Special Condition 1 PERMIT
 Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that occurred on March 13, 2018; TCEQ/STEERS Incident No. 293911.

- 2 Effective Date: 05/25/2021 ADMINORDER 2020-0062-IWD-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: Eff. Limits and Monitoring RQMTs; No. 3 PERMIT
 Description: Failed to prevent the discharge of solids into or adjacent to any water in the state. Specifically, floating solids (plastic pellets) that discharged through Outfall No. 002 were observed on the ground around the outfall and downstream of the floating solids screen in the Victoria Barge Canal.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

- Item 1 February 24, 2017 (1393823)
- Item 2 February 28, 2017 (1395157)

Item 3	March 20, 2017	(1411069)
Item 4	April 12, 2017	(1403422)
Item 5	April 19, 2017	(1417566)
Item 6	May 09, 2017	(1410393)
Item 7	May 18, 2017	(1425162)
Item 8	June 01, 2017	(1415979)
Item 9	June 19, 2017	(1431161)
Item 10	July 20, 2017	(1439771)
Item 11	July 21, 2017	(1415055)
Item 12	July 28, 2017	(1428778)
Item 13	August 02, 2017	(1428861)
Item 14	August 17, 2017	(1443459)
Item 15	August 31, 2017	(1424735)
Item 16	September 13, 2017	(1431022)
Item 17	October 19, 2017	(1455905)
Item 18	November 17, 2017	(1461388)
Item 19	November 30, 2017	(1431017)
Item 20	December 18, 2017	(1467767)
Item 21	January 18, 2018	(1474471)
Item 22	February 15, 2018	(1467438)
Item 23	March 14, 2018	(1490376)
Item 24	April 17, 2018	(1493612)
Item 25	May 11, 2018	(1472203)
Item 26	May 15, 2018	(1500530)
Item 27	May 24, 2018	(1437746)
Item 28	June 14, 2018	(1507647)
Item 29	June 26, 2018	(1497938)
Item 30	August 13, 2018	(1483435)
Item 31	August 18, 2018	(1520026)
Item 32	August 31, 2018	(1506507)
Item 33	October 18, 2018	(1533549)
Item 34	February 07, 2019	(1533053)
Item 35	March 20, 2019	(1559477)
Item 36	April 17, 2019	(1571765)
Item 37	May 06, 2019	(1557185)
Item 38	May 20, 2019	(1583139)
Item 39	June 28, 2019	(1571491)
Item 40	July 11, 2019	(1571614)
Item 41	July 12, 2019	(1571492)
Item 42	August 21, 2019	(1599424)
Item 43	September 19, 2019	(1580784)
Item 44	November 19, 2019	(1618989)
Item 45	November 22, 2019	(1604271)
Item 46	February 17, 2020	(1640601)
Item 47	February 20, 2020	(1623286)
Item 49	April 15, 2020	(1653457)
Item 51	May 18, 2020	(1660043)
Item 52	June 17, 2020	(1666546)
Item 53	July 16, 2020	(1673504)
Item 54	July 31, 2020	(1659768)
Item 55	August 20, 2020	(1680278)
Item 56	August 31, 2020	(1670039)
Item 57	October 05, 2020	(1678351)
Item 58	October 19, 2020	(1693195)
Item 59	December 18, 2020	(1712278)
Item 61	February 19, 2021	(1725333)
Item 62	March 26, 2021	(1701365)
Item 63	April 15, 2021	(1725335)
Item 64	May 17, 2021	(1739983)
Item 65	June 28, 2021	(1736558)

Item 66	July 06, 2021	(1737580)
Item 67	July 20, 2021	(1737613)
Item 68	July 21, 2021	(1737895)
Item 69	July 22, 2021	(1738482)
Item 70	August 18, 2021	(1755518)
Item 71	September 01, 2021	(1706968)
Item 72	September 16, 2021	(1766071)
Item 73	October 19, 2021	(1776591)
Item 74	November 18, 2021	(1783562)
Item 75	December 14, 2021	(1774011)
Item 76	December 15, 2021	(1790582)
Item 77	February 22, 2022	(1790537)

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

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

- 1 Date: 02/26/2021 (1678111)
Self Report? NO Classification: Moderate
Citation: /PSDTX118M4, GC No. 9 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
GTC OP
STC NO. 14 OP
Description: Failure to ensure air pollution capture and abatement equipment is maintained, in good working order and operating properly during normal facility operations.

- 2 Date: 02/28/2021 (1725334)
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: 05/31/2021 (1747539)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 4 Date: 06/25/2021 (1723961)
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)
NSR 48653, Special Condition 8A PERMIT
NSR 48653, Special Condition 9 PERMIT
Description: Failure to maintain DRE% rate at 98%.

- 5 Date: 06/30/2021 (1751645)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 6 Date: 07/02/2021 (1724032)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-2029 SC 3A OP
Description: Failure to comply with the required opacity limit. Specifically, UCC found a screen pack burner to be smoking for longer than six minutes two times from February 20, 2020 through February 22, 2020.

- 7 Date: 07/16/2021 (1735073)
- 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)
General Terms and Conditions OP
Special Condition No. 10 A PERMIT
Special Term and Condition No. 1(A) OP
- Description: Failure to comply with the permitted minimum net heating value.
- 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)
Special Condition No. 5 (E) PERMIT
Special Condition No. 9 (E) PERMIT
Special Term and Condition No. 12 OP
- Description: Failure to cap or seal open-ended lines.
- 8 Date: 07/31/2021 (1757111)
- 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
- 9 Date: 08/18/2021 (1736527)
- Self Report? NO Classification: Moderate
- Citation: 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)
Special Condition No. 1 PERMIT
Special Term and Condition No. 14 OP
- Description: Failure to prevent unauthorized emissions to the atmosphere during a non-reportable emissions event which was discovered on May 8, 2019 at 03:07 hours that lasted for a duration of 15 minutes.
- Self Report? NO Classification: Moderate
- 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 VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition No. 19 (E) PERMIT
Special Term and Condition No. 14 OP
- Description: Failure to cap or seal open-ended valves and lines.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart A 60.18
5C THSC Chapter 382 382.085(b)
Special Condition No. 5 (A) PERMIT
Special Term and Condition No. 1 (A) OP
Special Term and Condition No. 14 OP
- Description: Failure to comply with the permitted minimum net heating value.
- Self Report? NO 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)
Special Condition No. 15 (B) PERMIT
Special Term and Condition No. 14 OP
- Description: Failure to comply with the permitted minimum liquid flow rates.
- Self Report? NO Classification: Moderate
- Citation: 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)
Special Condition No. 1 PERMIT
Special Term and Condition No. 14 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during a non-reportable emissions event which was discovered on November 4, 2019 at 13:38 hours and lasted for a duration of 3 hours and 25 minutes.

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)
Special Condition No. 8 (A) PERMIT
Special Term and Condition No. 1 (A) OP
Special Term and Condition No. 14 OP

Description: Failure to comply with the permitted minimum net heating value.

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Date: 02/09/2022 (1787408)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Condition No. 10 PERMIT
Special Term and Condition No. 3A(i) OP

Description: Failure to comply with applicable opacity requirements. Specifically, it was reported in the deviation report for the period of November 10, 2020 - May 9, 2021 that Emission Point No. (EPN) 224, Screen Pack Cleaner, was operated with greater than 20% opacity averaged over a six-minute period. This observation was noted on March 4, 2021 between 1400 hours and 1500 hours.

F. Environmental audits:

Notice of Intent Date: 06/21/2016 (1344709)

Disclosure Date: 05/17/2017

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT MAERT

Description: Failure to comply with the MAERT Table for Permit No. 2023 for emissions from the HP2 train 2 extruder rear seal.

Notice of Intent Date: 09/07/2016 (1363592)

Disclosure Date: 04/05/2017

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Condition 2

Description: Failure to maintain required records for planned start-up and shutdown activities of the ethylene oxide process and break in of new reaction catalyst.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT SC 4.A.2. and SC 10.B.

Description: Failure to maintain car-seal inspections for the surge tanks and flush tank areas for five years.

Viol. Classification: Minor

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

Description: Failure to maintain loading rack flare hourly average values for flow and composition. Data was being recorded every 15 minutes, but the hourly averages were not calculated.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT ST&C Nos. 3.B.(iv)(1) and (3)

Description: Failure to complete several quarterly visible emission observations while the Tetralin Heater was not in service.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201

30 TAC Chapter 101, SubChapter F 101.211

Description: Failure to ensure emissions event records include all the required information.

Disclosure Date: 05/08/2017

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Effluent & Monitoring Req. Outfall 002

Description: Failure to properly mark several sewer hubs/grates as being part of the storm water systems. Specifically,

several sewer hubs/grates were marked as being part of the process wastewater sewer but they actually were connected to the storm sewer system that flows to Outfall 002.

Notice of Intent Date: 10/31/2016 (1376293)
Disclosure Date: 05/25/2017
Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.132
Description: Failure to ensure that the NSR authorization dates represented in the Title V permits match the actual authorization dates.

Notice of Intent Date: 01/03/2017 (1388409)
Disclosure Date: 03/10/2017
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 14.B.

Description: Failure to meet Special Condition 14.B of TCEQ NSRP 38481 which required meeting the quality-assurance requirements with a focus on the requirements of 40 CFR 60 Appendix F.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 8.A.

Description: Failure to meet Special Condition 8 of TCEQ NSRP 38481 of Combined CTG and HRSGU Duct Burner Stack Emissions Limits.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 21.A.

Description: Failure to meet Special Condition NO. 21.A of TCEQ NSRP 38481 related to NO_x and Co lb/hr emission limitation specified in the MAERT.

Notice of Intent Date: 02/27/2017 (1401056)
Disclosure Date: 10/19/2017
Viol. Classification: Moderate
Citation: 40 CFR Chapter 273, SubChapter I, PT 273, SubPT C 273.33
40 CFR Chapter 273, SubChapter I, PT 273, SubPT C 273.34(e)
40 CFR Chapter 273, SubChapter I, PT 273, SubPT C 273.35

Description: Failure to properly manage used lamps. Specifically, the used lamps were not packaged in a closed container with the proper universal waste label.

Notice of Intent Date: 04/04/2017 (1408299)
No DOV Associated

Notice of Intent Date: 04/12/2017 (1409100)
Disclosure Date: 11/03/2017
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

Description: Failure to maintain the required record keeping for Maintenance, Startup, and Shutdown activities.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)

Description: Failure to maintain the required record keeping for emissions events. Specifically, several small volume liquid spills likely resulted in emissions.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.145(2)(A)

Description: Failure to report air emissions from spills on the Title V deviation reports. Specifically, several small volume liquid spills likely resulted in emissions that were not on the MAERT which should have been reported as deviations.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Description: Failure to prevent several open ended lines that were identified on process equipment.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to obtain authorization for several emissions that are not authorized on the MAERT table.

Notice of Intent Date: 05/04/2017 (1415090)
No DOV Associated

Notice of Intent Date: 05/03/2017 (1415723)
No DOV Associated

Notice of Intent Date: 05/23/2017 (1417395)
No DOV Associated

Notice of Intent Date: 06/16/2017 (1423389)
No DOV Associated

Notice of Intent Date: 07/28/2017 (1431075)

Disclosure Date: 02/26/2018

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2525(e)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2525(e)(4)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2525(e)(4)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2525(e)(4)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2525(e)(4)(iv)

Description: Failure to maintain required records for five years for process vents that emit hydrogen halides for wo MCPUs: Catalyst Manufacturing Facilities and Gas Phase Polyethylene Facilities. Both of these MCPUs have process vents that emit <1000 lb/yr of hydrogen halide.

Notice of Intent Date: 09/05/2017 (1438811)
No DOV Associated

Notice of Intent Date: 10/18/2017 (1448834)

Disclosure Date: 05/02/2018

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6625(e)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6625(f)

Rqmt Prov: OP ST&C No. 1.A.

Description: Failure to maintain maintenance records for several emergency engines.

Notice of Intent Date: 11/21/2017 (1455669)

Disclosure Date: 12/11/2017

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Effluent Limits and Monitoring Req.

Description: Failure to comply with the enterococci daily average and daily maximum permit limits specified for Outfall Number 001.

Notice of Intent Date: 12/19/2017 (1464470)

No DOV Associated

Notice of Intent Date: 01/04/2018 (1465719)

Disclosure Date: 05/10/2018

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter S 106.433

Rqmt Prov: OP ST&C No. 14

Description: Failure to maintain the required record keeping for a PBR associated with external surface coating operations. Specifically, the VOC emissions record keeping was not being maintained.

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(1)

Rqmt Prov: OP ST&C No. 3(A)(iv)(1)

Description: Failure to perform quarterly visual emissions monitoring for an emergency generator. Specifically, records were missing for 2015 and one quarter for 2017.

Disclosure Date: 11/08/2018

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.13

Rqmt Prov: OP ST&C No. 14

Description: Failure to comply with the pounds per hour limit specified in Standard Exemption 75 (less than 6.0 lb/hr, averaged over any 4-hour period, and 500 lbs per week).

Notice of Intent Date: 01/12/2018 (1466929)

Disclosure Date: 04/10/2018

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC No. 2 and 3
OP SC No. 3.A(iv)(4)
PERMIT SC Nos. 5 and 6

Description: Failure to ensure that the quarterly Title V filtered vents inspection checklist and the instruction includes all information that is needed to demonstrate compliance.
Viol. Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111

Description: Failure to include all information required by the Title V permit in the daily inspection log sheets.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)

Rqmt Prov: PERMIT SC No. 12
PERMIT SC No. 3

Description: Failure to maintain a net heating value of gas being combusted at the Large Flare (EPN 246) of 300 BTU/scf for four hours from the time period of January 1, 2017 to April 1, 2018.

Disclosure Date: 06/25/2018

Viol. Classification: Minor

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

Rqmt Prov: PERMIT SC No. 13
PERMIT SC No. 14
PERMIT SC No. 6

Description: Failure to ensure that some Delay of Repair components are closed out properly.

Viol. Classification: Minor

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

Description: Failure to maintain a quarterly precision calibration documentation form for the fourth quarter of 2017 for the LDAR calibration records.

Notice of Intent Date: 03/01/2018 (1478571)
No DOV Associated

Notice of Intent Date: 04/16/2018 (1479764)
Disclosure Date: 06/25/2018

Viol. Classification: Minor

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

Rqmt Prov: OP SC No. 14
PERMIT SC No. 9.E.

Description: Failure to prevent open ended lines on process equipment.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT SC 6.A.
OP SC No. 14

Description: Failure to complete all of the required quarterly bag house inspections.

Viol. Classification: Moderate

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

Rqmt Prov: OP GT&C
PERMIT SC No. 5

Description: Failure to maintain data for production/throughput rates that are used to determine compliance with limits specified in the MAERT Table. Specifically, the data for 2013 was not available. For 2014 to 2018, there was not a 12-month rolling average calculation performed.

Notice of Intent Date: 05/01/2018 (1484858)
No DOV Associated

Notice of Intent Date: 06/20/2018 (1500176)
No DOV Associated

Notice of Intent Date: 08/06/2018 (1511519)
No DOV Associated

Notice of Intent Date: 08/14/2018 (1512446)

No DOV Associated

Notice of Intent Date: 08/23/2018 (1513720)
No DOV Associated

Notice of Intent Date: 09/25/2018 (1523536)
No DOV Associated

Notice of Intent Date: 10/10/2018 (1525725)
No DOV Associated

Notice of Intent Date: 10/10/2018 (1525734)
No DOV Associated

Notice of Intent Date: 03/28/2019 (1555738)
No DOV Associated

Notice of Intent Date: 04/11/2019 (1556978)
Disclosure Date: 11/21/2019
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(5)
Rqmt Prov: OP ST&Cs

Description: Failure to comply with the de minimis limit of puncturing no more than 40 aerosol can per day at the site.

Notice of Intent Date: 04/11/2019 (1557000)
No DOV Associated

Notice of Intent Date: 05/03/2019 (1569142)
No DOV Associated

Notice of Intent Date: 05/10/2019 (1570079)
No DOV Associated

Notice of Intent Date: 08/08/2019 (1590516)
No DOV Associated

Notice of Intent Date: 08/15/2019 (1591980)
No DOV Associated

Notice of Intent Date: 09/04/2019 (1597683)
No DOV Associated

Notice of Intent Date: 09/26/2019 (1603152)
No DOV Associated

Notice of Intent Date: 09/24/2019 (1603284)
Disclosure Date: 11/18/2019
Viol. Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP ST&CS 3.A.(iv)(1)

Description: Failure to conduct a second quarter visible emission observation.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
Rqmt Prov: PERMIT SC 11.E.
OP ST&C 15

Description: Failure to prevent the open-ended connection that was found on the bottom outlet line of a filter assembly.

Notice of Intent Date: 11/05/2019 (1611455)
Disclosure Date: 11/09/2020
Viol. Classification: Minor
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(1)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(c)

Description: Failure to perform quarterly monitoring for the valves and connectors as listed.

Notice of Intent Date: 11/18/2019 (1613106)
No DOV Associated

Notice of Intent Date: 03/10/2020 (1639445)
Disclosure Date: 03/11/2021
Viol. Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT EL&MR Outfall 001 pg. 2

Description: Failure to comply with the daily average dry weather flow.
Viol. Classification: Moderate
Citation:

30 TAC Chapter 305, SubChapter F 305.125(17)
30 TAC Chapter 319, SubChapter A 319.11(a)
30 TAC Chapter 319, SubChapter A 319.11(b)
30 TAC Chapter 319, SubChapter A 319.11(c)
30 TAC Chapter 319, SubChapter A 319.11(d)
30 TAC Chapter 319, SubChapter A 319.4

Rqmt Prov: PERMIT M&R Req1 pg 4

Description: Failure to use the daily flow and not the totalizer to determine flow for Outfall 001.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)
30 TAC Chapter 319, SubChapter A 319.11(a)
30 TAC Chapter 319, SubChapter A 319.11(b)
30 TAC Chapter 319, SubChapter A 319.11(c)
30 TAC Chapter 319, SubChapter A 319.11(d)
30 TAC Chapter 319, SubChapter A 319.4

Rqmt Prov: PERMIT M&R Req 1 pg. 6

Description: Failure to use the daily flow and not the totalizer for monitoring Outfall 002.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)
Rqmt Prov: PERMIT M&R Req 1 pg 6

Description: Failure to ensure that the Outfall 001 daily average flows are reported timely and not a day behind.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)
Rqmt Prov: PERMIT M&R Req 1 pg 6

Description: Failure to ensure the Outfall 002 daily average flows are reported timely and not a day behind.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)(B)(i)
Rqmt Prov: PERMIT M&R Req 7(b)(i) pg 5

Description: Failure to prevent an overflow of combined outfall during a 10/19 event.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.11(a)
30 TAC Chapter 319, SubChapter A 319.11(b)
30 TAC Chapter 319, SubChapter A 319.11(c)
30 TAC Chapter 319, SubChapter A 319.11(d)

Rqmt Prov: PERMIT M&R Req 5 pg 5

Description: Failure to ensure Outfall 002 flow is accurate.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)

Description: Failure to ensure SVOC/VOC samples are caught in glass bottles per method.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to comply with the represented VOC emissions claimed with Standard Exemption 61.

Notice of Intent Date: 04/21/2020 (1650617)
No DOV Associated

Notice of Intent Date: 05/15/2020 (1657588)
Disclosure Date: 05/17/2021
Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Failure ensure ethylene oxide emissions are not overestimated in the 2019 annual emissions inventory for EPN 334.

Notice of Intent Date: 06/15/2020 (1657205)
No DOV Associated

Notice of Intent Date: 08/25/2020 (1677313)
No DOV Associated

Notice of Intent Date: 11/13/2020 (1698048)
No DOV Associated

Notice of Intent Date: 11/19/2020 (1696830)
No DOV Associated

Notice of Intent Date: 01/12/2021 (1702249)
Disclosure Date: 04/09/2021

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(3)

Description: Failure to maintain records of the date of the first attempt at repair and corrective actions taken for six leaking valves.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2520(e)(5)(ii)

Description: Failure to include all instances of flare deviations on the semi-annual MON report.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2455(b)

Description: Failure to properly designate continuous process vent in the MON NOCS.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)(2)(vii)

Description: Failure to include all instance of delay of repair components on the semi-annual subpart VV report.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2465

Description: Failure to maintain a record of the 365-day rolling summation of halogen HAP emissions.

Viol. Classification: Moderate

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

Description: Failure to maintain records demonstrating compliance with the calibration precision and linearity requirements in Section 13.2 of Performance Specification 9 within the quarterly multi-point calibration on the composition analyzer on the Small Flare.

Notice of Intent Date: 01/12/2021 (1702298)
Disclosure Date: 05/06/2021

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(1)

Description: Failure to update leak rates and the inspection process in software.

Notice of Intent Date: 04/01/2021 (1710051)
No DOV Associated

Notice of Intent Date: 04/16/2021 (1723333)
No DOV Associated

Notice of Intent Date: 11/04/2021 (1774291)
No DOV Associated

Notice of Intent Date: 11/18/2021 (1775625)
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
UNION CARBIDE CORPORATION
RN102181526

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0023-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 UNION CARBIDE CORPORATION (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 7501 State Highway 185 North near Seadrift, Calhoun 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 \$19,225 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$7,690 of the penalty and \$3,845 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 contained in 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, \$7,690 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. In order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 366827:
 - i. By completing a field evaluation to remove unnecessary field test connections on pilot operated pressure safety valves ("PSVs") and monitoring the threaded connections for leaks by September 23, 2021;
 - ii. By modifying the PSV design to minimize connection points by October 11, 2021; and
 - iii. By implementing a Quality Control Plan by October 18, 2021.
 - b. By submitting the initial notification for Incident No. 371859 on December 21, 2021.
 - c. In order to prevent the recurrence of emissions events due to the same or similar causes as the non-reportable emissions event that occurred on August 6, 2021:
 - i. By implementing supervisor double verification of vent valve closures for ammonia unloading by August 6, 2021; and
 - ii. By reviewing other unloading systems for opportunity and consequence of significant release events from an open vent valve by February 8, 2022.
 - d. In order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 371859:

- i. By placing the 5-pound Condensate Line to the Wastewater Header in-service to allow diversion of this stream to the High Strength Sewer during loss of steam by February 3, 2022; and
 - ii. By revising the procedures for diverting the 5-pound Condensate Line to the Wastewater Header and for informing Environmental Operations by March 31, 2022.
- e. By revising the release reporting procedure and training the responsible personnel in order to ensure that the initial notifications for reportable emissions events are submitted in a timely manner by April 19, 2022.

II. ALLEGATIONS

1. During a record review conducted from October 5, 2021 through October 22, 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. 47901, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O2031, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 275.41 pounds ("lbs") of ammonia as fugitive emissions, during an emissions event (Incident No. 366827) that occurred on September 17, 2021 and lasted one hour and five minutes. The emissions event occurred due to poor craftsmanship of a pilot PSV assembly located on the outlet of the Soak Tank in the Ethanolamines Unit, resulting in the release to the atmosphere. 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.
2. During a record review conducted from January 14, 2022 through January 20, 2022, 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. 48645, SC No. 1, FOP No. O2028, GTC and STC No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 39.80 lbs of ammonia as fugitive emissions, during a non-reportable emissions event that occurred on August 6, 2021 and lasted 47 seconds. The emissions event occurred when a half-inch vent valve was inadvertently left open after pressure testing the ammonia loading hoses, resulting in the release to the atmosphere. 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.
3. During a record review conducted from January 11, 2022 through January 20, 2022, an investigator documented that the Respondent:

- a. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O2035, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the initial notification for Incident No. 371859 was due by December 21, 2021 at 6:30 a.m., but was not submitted until December 21, 2021 at 5:52 p.m.
- b. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 48643, SC No. 1, FOP No. O2035, GTC and STC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 11.00 lbs of volatile organic compounds from the Process Sewer Clarifiers, Emissions Point Number 528A, during an emissions event (Incident No. 371859) that began on December 20, 2021 and lasted 26 hours. The emissions event occurred when the fuel valve limit switch failed that caused the Plant to lose steam and all units shut down, resulting in the release to the atmosphere. Since the Respondent did not comply with the emissions event reporting requirements, 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: UNION CARBIDE CORPORATION, Docket No. 2022-0023-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. The Respondent shall implement and complete an SEP as set forth in Section I, Paragraph No. 4. The amount of \$7,690 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. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. 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.
8. 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.
9. 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



10/12/2022

For the Executive Director

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

6/6/2022

Date

BROOKE M BARNES

Name (Printed or typed)

Authorized Representative of
UNION CARBIDE CORPORATION

RESPONSIBLE CARE LEADER

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: 2022-0023-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	UNION CARBIDE CORPORATION
Payable Penalty Amount:	\$15,380
SEP Offset Amount:	\$7,690
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Congress of Parents and Teachers dba Texas PTA
Project Name:	<i>Texas PTA Clean School Bus Replacement Program</i>
Location of SEP:	Texas Air Quality Control Region 214: Corpus Christi-Victoria - Preference for Calhoun 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 **Texas Congress of Parents and Teachers dba Texas PTA** for the *Texas PTA Clean School Bus Replacement Program*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the contribution will be used to reduce nitrogen oxides, volatile organic compounds, carbon monoxide, and particulate matter emissions by replacing older diesel buses with newer buses that meet more stringent emission standards. The Third-Party Administrator shall use the SEP Offset Amount for up to 100% of the purchase price of a model year 2010 or newer bus to replace a diesel school bus that is model year 2002 or older. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of 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 directly benefit air quality by reducing harmful exhaust emissions which contribute to the formation of ozone and may cause or exacerbate many respiratory diseases, including asthma. In addition, by encouraging less school bus idling, this SEP contributes to public awareness of environmental matters.

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 check payable to **Texas Congress of Parents and Teachers SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas PTA
408 West 11th Street
Austin, Texas 78701

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 will 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:

UNION CARBIDE CORPORATION
Docket No. 2022-0023-AIR-E
Agreed Order - Attachment A

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 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.