

**Executive Summary – Enforcement Matter – Case No. 61897**  
**THE LUBRIZOL CORPORATION**  
**RN100221589**  
**Docket No. 2022-0191-IWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

IWD

**Small Business:**

No

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

Lubrizol Deer Park, 41 Tidal Road, north of State Highway 225, south of Port Terminal Railroad, east of Patrick Bayou, and west of the East Fork of Patrick Bayou, Deer Park, Harris County

**Type of Operation:**

Wastewater treatment plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2023-0393-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** August 11, 2023

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$57,900

**Amount Deferred for Expedited Settlement:** \$11,580

**Total Paid to General Revenue:** \$23,160

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$23,160

Name of SEP: Bayou Land Conservancy (Third-Party Pre-Approved)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** December 29, 2021

**Date(s) of NOE(s):** January 19, 2022

**Executive Summary – Enforcement Matter – Case No. 61897**  
**THE LUBRIZOL CORPORATION**  
**RN100221589**  
**Docket No. 2022-0191-IWD-E**

***Violation Information***

Failed to comply with permitted effluent limitations for oil and grease [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000639000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall Numbers 002 and 004].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to, within 130 days, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0000639000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations to demonstrate compliance.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Harley Hobson, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-1337; 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:** Bayou Land Conservancy, 8801 Gosling Road, Spring, Texas 77381

**Respondent:** Michael Vaughn, Senior Vice President, THE LUBRIZOL CORPORATION, P.O. Box 158, Deer Park, Texas 77536

Hector Acosta, Plant Manager, THE LUBRIZOL CORPORATION, P.O. Box 158, Deer Park, Texas 77536

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	31-Jan-2022	<b>Screening</b>	3-Feb-2022	<b>EPA Due</b>	5-Mar-2022
	<b>PCW</b>	10-Feb-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	THE LUBRIZOL CORPORATION
<b>Reg. Ent. Ref. No.</b>	RN100221589
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	61897	<b>No. of Violations</b>	1
<b>Docket No.</b>	2022-0191-IWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Harley Hobson
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

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

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

<b>Compliance History</b>	93.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$27,900
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Notes: Enhancement for one month of self-reported effluent violations, seventeen NOV's with dissimilar violations, and three orders containing a denial of liability. Reduction for two notices of intent to conduct an audit and two disclosures of violations.

<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$2,519
Estimated Cost of Compliance	\$15,000

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$57,900
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<b>Final Penalty Amount</b>	\$57,900
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$57,900
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<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$11,580
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$46,320
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Screening Date 3-Feb-2022

Docket No. 2022-0191-IWD-E

PCW

Respondent THE LUBRIZOL CORPORATION

Policy Revision 5 (January 28, 2021)

Case ID No. 61897

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100221589

Media Water Quality

Enf. Coordinator Harley Hobson

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	1	5%
	Other written NOVs	17	34%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	2	-4%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 93%

#### >> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

#### >> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for one month of self-reported effluent violations, seventeen NOVs with dissimilar violations, and three orders containing a denial of liability. Reduction for two notices of intent to conduct an audit and two disclosures of violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 93%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 93%

<b>Screening Date</b>	3-Feb-2022	<b>Docket No.</b>	2022-0191-IWD-E	<b>PCW</b>
<b>Respondent</b>	THE LUBRIZOL CORPORATION			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	61897			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN100221589			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Harley Hobson			

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0000639000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall Nos. 002 and 004

**Violation Description**

Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

**OR**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text" value="30.0%"/>
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 insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

Four quarterly events are recommended (three quarters containing the months of November 2020, December 2020, June 2021, July 2021, and September 2021 at Outfall 004 and one quarter containing the month of December 2020 at Outfall 002).

**Good Faith Efforts to Comply**

Reduction

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

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

Notes

The Respondent does not meet the good faith criteria for this violation.

**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** THE LUBRIZOL CORPORATION  
**Case ID No.** 61897  
**Reg. Ent. Reference No.** RN100221589  
**Media** Water Quality  
**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)	\$15,000	30-Nov-2020	9-Apr-2024	3.36	\$2,519	n/a	\$2,519

**Notes for DELAYED costs**

Estimated cost to determine the cause of noncompliance and make any necessary repairs/adjustments to the Facility to return to compliance with the permitted effluent limitations. Date required is the end date of the first month of noncompliance, and the final date is the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$15,000

**TOTAL**

\$2,519

THE LUBRIZOL CORPORATION  
Docket No. 2022-0191-IWD-E  
TPDES Permit No. WQ0000639000  
Case No. 61897

Effluent Violation Table

Monitoring Period	Oil & Grease	Oil & Grease
	Daily Maximum Outfall 002	Daily Maximum Outfall 004
	Limit = 15 mg/L	Limit = 15 mg/L
November 2020	c	19.5
December 2020	15.8	18.6
June 2021	c	33
July 2021	c	25
September 2021	c	16

c= compliant

mg/L= milligrams per liter



# Compliance History Report

Compliance History Report for CN600269617, RN100221589, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

**Customer, Respondent, or Owner/Operator:** CN600269617, THE LUBRIZOL CORPORATION **Classification:** SATISFACTORY **Rating:** 1.27

**Regulated Entity:** RN100221589, LUBRIZOL DEER PARK **Classification:** SATISFACTORY **Rating:** 1.50

**Complexity Points:** 56 **Repeat Violator:** NO

**CH Group:** 05 - Chemical Manufacturing

**Location:** 41 Tidal Road, north of State Highway 225, south of Port Terminal Railroad, east of Patrick Bayou, and west of the East Fork of Patrick Bayou in Deer Park, Harris County, Texas

**TCEQ Region:** REGION 12 - HOUSTON

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER HG0459J  
**AIR OPERATING PERMITS** PERMIT 1931  
**AIR OPERATING PERMITS** PERMIT 1935  
**AIR OPERATING PERMITS** PERMIT 1581  
**AIR OPERATING PERMITS** PERMIT 1932  
**AIR OPERATING PERMITS** PERMIT 4037

**AIR NEW SOURCE PERMITS** PERMIT 669  
**AIR NEW SOURCE PERMITS** REGISTRATION 5847  
**AIR NEW SOURCE PERMITS** REGISTRATION 10807  
**AIR NEW SOURCE PERMITS** PERMIT 19804  
**AIR NEW SOURCE PERMITS** PERMIT 22046  
**AIR NEW SOURCE PERMITS** PERMIT 22056  
**AIR NEW SOURCE PERMITS** PERMIT 22095  
**AIR NEW SOURCE PERMITS** REGISTRATION 49758  
**AIR NEW SOURCE PERMITS** REGISTRATION 142632  
**AIR NEW SOURCE PERMITS** REGISTRATION 143763  
**AIR NEW SOURCE PERMITS** REGISTRATION 74835  
**AIR NEW SOURCE PERMITS** REGISTRATION 100611  
**AIR NEW SOURCE PERMITS** REGISTRATION 102471  
**AIR NEW SOURCE PERMITS** REGISTRATION 103473  
**AIR NEW SOURCE PERMITS** PERMIT 141260  
**AIR NEW SOURCE PERMITS** REGISTRATION 107272  
**AIR NEW SOURCE PERMITS** REGISTRATION 114750  
**AIR NEW SOURCE PERMITS** REGISTRATION 129343  
**AIR NEW SOURCE PERMITS** REGISTRATION 133951  
**AIR NEW SOURCE PERMITS** REGISTRATION 162967  
**AIR NEW SOURCE PERMITS** PERMIT AMOC192  
**AIR NEW SOURCE PERMITS** REGISTRATION 167674  
**AIR NEW SOURCE PERMITS** REGISTRATION 169107  
**AIR NEW SOURCE PERMITS** REGISTRATION 162907  
**AIR NEW SOURCE PERMITS** REGISTRATION 143321  
**AIR NEW SOURCE PERMITS** REGISTRATION 141674  
**AIR NEW SOURCE PERMITS** REGISTRATION 150134  
**AIR NEW SOURCE PERMITS** REGISTRATION 159381  
**AIR NEW SOURCE PERMITS** REGISTRATION 160618  
**AIR NEW SOURCE PERMITS** REGISTRATION 171233  
**AIR NEW SOURCE PERMITS** REGISTRATION 96850  
**AIR NEW SOURCE PERMITS** REGISTRATION 105124  
**AIR NEW SOURCE PERMITS** REGISTRATION 131877  
**AIR NEW SOURCE PERMITS** REGISTRATION 165580

**AIR OPERATING PERMITS** PERMIT 1930  
**AIR OPERATING PERMITS** PERMIT 1933  
**AIR OPERATING PERMITS** PERMIT 2191  
**AIR OPERATING PERMITS** PERMIT 1929  
**AIR OPERATING PERMITS** PERMIT 1934  
**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 1011526  
**AIR NEW SOURCE PERMITS** REGISTRATION 2757  
**AIR NEW SOURCE PERMITS** REGISTRATION 7577  
**AIR NEW SOURCE PERMITS** REGISTRATION 14714  
**AIR NEW SOURCE PERMITS** PERMIT 21933  
**AIR NEW SOURCE PERMITS** PERMIT 22048  
**AIR NEW SOURCE PERMITS** PERMIT 22059  
**AIR NEW SOURCE PERMITS** REGISTRATION 38145  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER HG0459J  
**AIR NEW SOURCE PERMITS** AFS NUM 4820100109  
**AIR NEW SOURCE PERMITS** PERMIT 71546  
**AIR NEW SOURCE PERMITS** REGISTRATION 47016  
**AIR NEW SOURCE PERMITS** REGISTRATION 100728  
**AIR NEW SOURCE PERMITS** REGISTRATION 103656  
**AIR NEW SOURCE PERMITS** REGISTRATION 109093  
**AIR NEW SOURCE PERMITS** REGISTRATION 105115  
**AIR NEW SOURCE PERMITS** REGISTRATION 119821  
**AIR NEW SOURCE PERMITS** REGISTRATION 105118  
**AIR NEW SOURCE PERMITS** REGISTRATION 122494  
**AIR NEW SOURCE PERMITS** REGISTRATION 155131  
**AIR NEW SOURCE PERMITS** REGISTRATION 168782  
**AIR NEW SOURCE PERMITS** REGISTRATION 167458  
**AIR NEW SOURCE PERMITS** REGISTRATION 169785  
**AIR NEW SOURCE PERMITS** REGISTRATION 164205  
**AIR NEW SOURCE PERMITS** REGISTRATION 166824  
**AIR NEW SOURCE PERMITS** REGISTRATION 145681  
**AIR NEW SOURCE PERMITS** REGISTRATION 151352  
**AIR NEW SOURCE PERMITS** REGISTRATION 158828  
**AIR NEW SOURCE PERMITS** REGISTRATION 159943  
**AIR NEW SOURCE PERMITS** REGISTRATION 172348  
**AIR NEW SOURCE PERMITS** REGISTRATION 172285  
**AIR NEW SOURCE PERMITS** REGISTRATION 103671  
**AIR NEW SOURCE PERMITS** REGISTRATION 113086  
**AIR NEW SOURCE PERMITS** REGISTRATION 126117  
**AIR NEW SOURCE PERMITS** REGISTRATION 141812



**IHW CORRECTIVE ACTION** SOLID WASTE REGISTRATION  
# (SWR) 30324  
**WASTEWATER** EPA ID TX0007048  
**POLLUTION PREVENTION PLANNING** ID NUMBER  
P00401  
**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID  
TXD041067638

**TAX RELIEF** ID NUMBER 20110  
**TAX RELIEF** ID NUMBER 19830  
**TAX RELIEF** ID NUMBER 17811  
**TAX RELIEF** ID NUMBER 17825  
**TAX RELIEF** ID NUMBER 17822  
**TAX RELIEF** ID NUMBER 19829  
**TAX RELIEF** ID NUMBER 19844  
**TAX RELIEF** ID NUMBER 19845  
**TAX RELIEF** ID NUMBER 23299  
**TAX RELIEF** ID NUMBER 23305  
**TAX RELIEF** ID NUMBER 23301  
**TAX RELIEF** ID NUMBER 23308  
**TAX RELIEF** ID NUMBER 23973  
**TAX RELIEF** ID NUMBER 19843  
**TAX RELIEF** ID NUMBER 17164  
**TAX RELIEF** ID NUMBER 17808  
**TAX RELIEF** ID NUMBER 19831  
**TAX RELIEF** ID NUMBER 17820  
**TAX RELIEF** ID NUMBER 23307  
**TAX RELIEF** ID NUMBER 17826  
**TAX RELIEF** ID NUMBER 17819  
**TAX RELIEF** ID NUMBER 17812  
**TAX RELIEF** ID NUMBER 20612  
**TAX RELIEF** ID NUMBER 20104  
**TAX RELIEF** ID NUMBER 17824  
**TAX RELIEF** ID NUMBER 20614  
**TAX RELIEF** ID NUMBER 19828  
**TAX RELIEF** ID NUMBER 19821  
**TAX RELIEF** ID NUMBER 20112  
**TAX RELIEF** ID NUMBER 20610  
**TAX RELIEF** ID NUMBER 19841  
**TAX RELIEF** ID NUMBER 23303  
**TAX RELIEF** ID NUMBER 23304  
**TAX RELIEF** ID NUMBER 20600  
**TAX RELIEF** ID NUMBER 19827

**WASTEWATER** PERMIT WQ0000639000

**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER HG0459J  
**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE  
REGISTRATION # (SWR) 30324  
**INDUSTRIAL AND HAZARDOUS WASTE** PERMIT 50077

**TAX RELIEF** ID NUMBER 20111  
**TAX RELIEF** ID NUMBER 19822  
**TAX RELIEF** ID NUMBER 17817  
**TAX RELIEF** ID NUMBER 17814  
**TAX RELIEF** ID NUMBER 19850  
**TAX RELIEF** ID NUMBER 20108  
**TAX RELIEF** ID NUMBER 20102  
**TAX RELIEF** ID NUMBER 20601  
**TAX RELIEF** ID NUMBER 23300  
**TAX RELIEF** ID NUMBER 23306  
**TAX RELIEF** ID NUMBER 24460  
**TAX RELIEF** ID NUMBER 23302  
**TAX RELIEF** ID NUMBER 19848  
**TAX RELIEF** ID NUMBER 19826  
**TAX RELIEF** ID NUMBER 20103  
**TAX RELIEF** ID NUMBER 19823  
**TAX RELIEF** ID NUMBER 19833  
**TAX RELIEF** ID NUMBER 19851  
**TAX RELIEF** ID NUMBER 17818  
**TAX RELIEF** ID NUMBER 19853  
**TAX RELIEF** ID NUMBER 17827  
**TAX RELIEF** ID NUMBER 19818  
**TAX RELIEF** ID NUMBER 17810  
**TAX RELIEF** ID NUMBER 17823  
**TAX RELIEF** ID NUMBER 20101  
**TAX RELIEF** ID NUMBER 17815  
**TAX RELIEF** ID NUMBER 19835  
**TAX RELIEF** ID NUMBER 20113  
**TAX RELIEF** ID NUMBER 20615  
**TAX RELIEF** ID NUMBER 20613  
**TAX RELIEF** ID NUMBER 19842  
**TAX RELIEF** ID NUMBER 23239  
**TAX RELIEF** ID NUMBER 17809  
**TAX RELIEF** ID NUMBER 20609  
**TAX RELIEF** ID NUMBER 19832

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

**Date Compliance History Report Prepared:** June 19, 2023

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** March 30, 2018 to March 30, 2023

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

**Name:** Harley Hobson

**Phone:** (512) 239-1337

**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: 04/23/2019 ADMINORDER 2018-0684-PWS-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
Classification: Moderate  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: TTHM LRAA MCL 1Q2018 - During the first quarter of 2018 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.096 mg/L at 41 Tidal Rd, Deerpark-156 Control Rm (DBP2-01); violated the maximum contaminant level for trihalomethanes with a LRAA of 0.086 mg/L at 41 Tidal Rd, Deerpark-Locker Room (DBP2-02).

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: TTHM LRAA MCL 4Q2017 - During the fourth quarter of 2017 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.088 mg/L at 41 Tidal Rd, Deerpark-156 Control Rm (DBP2-01).

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: APR/2015 GWR Triggered Source Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct triggered source monitoring for the month of 04/2015.

2 Effective Date: 08/16/2020 ADMINORDER 2019-0977-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(f)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Term and Condition 1A OP

Description: Failure to prevent the operation of a single flare in HRVOC service for more than 720 hours in any 12 consecutive months.

See addendum for information regarding federal actions.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	April 19, 2018	(1493696)	Item 25	October 09, 2020	(1679712)
Item 2	May 22, 2018	(1500614)	Item 26	October 17, 2020	(1693280)
Item 3	May 27, 2018	(1481875)	Item 27	November 17, 2020	(1712530)
Item 4	November 15, 2018	(1541468)	Item 28	February 17, 2021	(1725585)
Item 5	December 18, 2018	(1545252)	Item 29	March 18, 2021	(1725586)
Item 6	February 28, 2019	(1517824)	Item 30	April 12, 2021	(1725587)
Item 7	March 15, 2019	(1559730)	Item 31	May 13, 2021	(1740094)
Item 8	April 18, 2019	(1571849)	Item 32	June 16, 2021	(1740095)
Item 9	May 17, 2019	(1583308)	Item 33	July 26, 2021	(1686215)
Item 10	June 19, 2019	(1583309)	Item 34	August 02, 2021	(1739900)
Item 11	July 19, 2019	(1593162)	Item 35	August 30, 2021	(1755762)
Item 12	August 20, 2019	(1533209)	Item 36	September 09, 2021	(1685464)
Item 13	September 19, 2019	(1606413)	Item 37	September 14, 2021	(1766273)
Item 14	December 20, 2019	(1626425)	Item 38	October 12, 2021	(1684347)
Item 15	January 14, 2020	(1634066)	Item 40	December 29, 2021	(1790671)
Item 16	February 20, 2020	(1640685)	Item 41	January 19, 2022	(1798465)
Item 17	March 20, 2020	(1647205)	Item 42	February 15, 2022	(1806339)
Item 18	March 30, 2020	(1637923)	Item 43	March 14, 2022	(1813406)
Item 19	April 17, 2020	(1653541)	Item 44	April 14, 2022	(1802126)
Item 20	May 18, 2020	(1660128)	Item 45	April 19, 2022	(1819977)
Item 21	May 19, 2020	(1597724)	Item 46	May 19, 2022	(1828816)
Item 22	July 15, 2020	(1673589)	Item 47	June 15, 2022	(1835109)
Item 23	August 20, 2020	(1680365)	Item 48	July 20, 2022	(1842313)
Item 24	September 16, 2020	(1686933)	Item 49	August 16, 2022	(1848446)

Item 50	September 19, 2022	(1856244)	Item 55	January 20, 2023	(1882185)
Item 52	October 17, 2022	(1862601)	Item 56	February 16, 2023	(1890001)
Item 53	December 19, 2022	(1875364)	Item 57	March 15, 2023	(1898560)
Item 54	December 22, 2022	(1859934)			

**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: 04/12/2022 (1760745)  
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 12 PERMIT  
Special Term and Condition 7 OP  
Description: Failure to maintain temperature within permitted limits for the Thermal Oxidizer (EPN: FI-07) (Category C7).  
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 8(C) PERMIT  
Special Term and Condition 7 OP  
Description: Failure to conduct daily checks for weight percent sodium hydroxide (NaOH) content of the liquid flow into the Acid Gas Absorber (EPN: S-60) (Category C1).
  
- 2 Date: 04/12/2022 (1760245)  
Self Report? NO Classification: Moderate  
Citation: 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)(3)(ii)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term & Condition (ST&C) 1A OP  
FOP Special Term & Condition (ST&C) 8 OP  
NSR Special Condition (SC) 5D PERMIT  
Description: Failure to maintain the net heating value for the flare (EPN: 15) within permitted limits.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(8)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
  
5C THSC Chapter 382 382.085(b)  
Special Term and Condition 1A OP  
Special Term and Condition 3 OP  
Description: Failure to prevent visible emissions from the 121 Unit Fugitives (EPN: 121-FUG). (Category C4)
  
- 3 Date: 04/27/2022 (1796707)  
Self Report? NO Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(4)  
Permit Conditions 2.g., page 8 PERMIT  
Description: Failure to prevent the unauthorized discharge of wastewater.
  
- 4 Date: 05/13/2022 (1760742)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-1929 ST&C 10 OP  
NSR Permit 19804 SC 14(D) PERMIT  
Description: Failure to perform weekly AVO inspections on the waste water treatment equipment (EPN: UMWWM-FUG).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter B 117.303(a)(6)(D)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6640(f)  
5C THSC Chapter 382 382.085(b)  
FOP O-1929 ST&C 1 OP

FOP O-1929 ST&C 10 OP  
 Description: Failure to operate the emergency pump (EPN: ENPUEFIRE) within the hours described in state law.  
 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 O-1929 ST&C 1 OP  
 NSR 19804 SC 1 PERMIT  
 Description: Failure to maintain the hourly carbon monoxide (CO) emissions on the boiler (EPN: BOILER #5) within permitted limits.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-1929 ST&C 10 OP  
 NSR 19804 SC 1 PERMIT  
 Description: Failure to maintain the hourly NOx emissions on the boiler (EPN: BOILER #5) within permitted limits.

5 Date: 05/27/2022 (1760744)  
 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 16(B) PERMIT  
 Special Term and Condition 10 OP  
 Description: Failure to maintain the differential pressure for the Boric Acid Baghouse (EPN: BA-Baghouse) within manufacturer's recommendations (Category B18(g)(1)).  
 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 5 PERMIT  
 Special Term and Condition 10 OP  
 Description: Failure to maintain the six-minute average temperature for the incinerator (EPN: SC-FI-04) within permitted limits (Category B18(g)(1)).  
 Self Report? NO Classification: Moderate  
 Citation: 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)(3)(ii)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 3 PERMIT  
 Special Condition 8A PERMIT  
 Special Term and Condition 10 OP  
 Special Term and Condition 1A OP  
 Description: Failure to maintain the net heating valve within the permitted limit for the flare (EPN: FL-105) (Category B18(g)(1)).  
 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 8(B) PERMIT  
 Special Term and Condition 10 OP  
 Description: Failure to maintain presence of a pilot flame for EPN: FL-105 (Category B18(g)(1)).

6 Date: 06/27/2022 (1775566)  
 Self Report? NO Classification: Moderate  
 Citation: 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 NNN 60.665(l)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition, 3D PERMIT  
 Special Term and Condition 1A OP  
 Description: Failure to submit the initial start-up notification and semi-annual NSPS NNN reports in the required timeframe.  
 Self Report? NO Classification: Moderate  
 Citation: 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 RRR 60.705(l)  
 5C THSC Chapter 382 382.085(b)

- Special Condition, 3E PERMIT  
Special Term and Condition 1A OP
- Description: Failure to submit the initial start-up notification and semi-annual NSPS RRR reports in the required timeframe.
- Self Report? NO Classification: Moderate
- Citation: 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 Kb 60.115b(d)(3)  
5C THSC Chapter 382 382.085(b)  
Special Condition, 3(B) PERMIT  
Special Term and Condition 1A OP
- Description: Failure to submit the initial start-up notification and semi-annual NSPS Kb reports in the required timeframe.
- 7 Date: 06/29/2022 (1796557)
- 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 14 PERMIT  
Special Term & Condition 9 OP
- Description: Failure to change scrubbing liquid in the Spray Column Absorber (EPN: S-03) (Category B18(g)(1)).
- 8 Date: 06/30/2022 (1796571)
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
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 14E PERMIT  
Special Terms and Conditions 1A and 9 OP
- Description: Failure to prevent open-ended lines (OELs). (Category C10)
- 9 Date: 08/17/2022 (1818174)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
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 UU 63.1033(b)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 3E PERMIT  
Special Term and Condition 13 OP  
Special Term and Condition 1A OP
- Description: Failure to prevent open-ended lines (OEL) for 177 Area Fugitives (EPN: 177-FUG) (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 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
5C THSC Chapter 382 382.085(b)  
Special Condition 6A PERMIT  
Special Term and Condition 13 PERMIT  
Special Term and Condition 1A PERMIT
- Description: Failure to maintain net heating value above the minimum permitted limit for the Flare (EPN: FL-177) (Category C4).
- 10 Date: 10/31/2022 (1869515)
- 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
- 11 Date: 01/03/2023 (1842116)
- Self Report? NO Classification: Moderate
- Citation: 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 A 63.11(b)(5)  
5C THSC Chapter 382 382.085(b)  
SC 23B PERMIT  
ST&C 1A OP

- ST&C 9 OP  
 Description: Failure to maintain a constant pilot flame for Flare 13. (Category C4)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 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 VVa 60.482-6a(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 18 E PERMIT  
 Special Condition 19 E PERMIT  
 ST&C 1A OP  
 ST&C 9 OP
- Description: Failure to equip open-ended lines with a cap, blind flange, plug or second valve.  
 (Category C4)
- 12 Date: 01/25/2023 (1841284)  
 Self Report? NO Classification: Moderate  
 Citation: 1934 OP  
 21933 PERMIT  
 30 TAC Chapter 115, SubChapter D 115.352(4)  
 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 VVa 60.482-6a(a)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)  
 5C THSC Chapter 382 382.085(b)
- Description: Failure to prevent open ended lines. (Category B18g6)  
 Self Report? NO Classification: Minor  
 Citation: 1934 OP  
 21933 PERMIT  
 30 TAC Chapter 115, SubChapter D 115.354(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 VVa 60.482-2a(a)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023(a)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(4)  
 5C THSC Chapter 382 382.085(b)
- Description: Failure to conduct the AVO inspection on a weekly basis. (Category C1)
- 13 Date: 02/10/2023 (1841286)  
 Self Report? NO Classification: Moderate  
 Citation: 1581 OP  
 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)  
 669 PERMIT
- Description: Failure to collect and analyze sodium hydroxide samples for the scrubber S-53.  
 (Category B1)  
 Self Report? NO Classification: Minor  
 Citation: 1581 OP  
 30 TAC Chapter 115, SubChapter D 115.352(4)  
 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)  
 669 PERMIT
- Description: Failure to prevent open ended lines. (Category C10)
- 14 Date: 02/27/2023 (1841289)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 4037 OP  
 5C THSC Chapter 382 382.085(b)
- Description: Failure to conduct annual calibration of flow monitor at cooling tower EPN CT-17.  
 (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)(A)  
 4037 OP  
 5C THSC Chapter 382 382.085(b)

Description: Failure to report all instances of deviations in the 10/01/2020 to 03/31/2021 semi-annual deviation report. (Category B3)  
Self Report? NO Classification: Moderate  
Citation: 141260 PERMIT  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
4037 OP  
5C THSC Chapter 382 382.085(b)

Description: Failure to calibrate the oxygen and composition analyzers for the Thermal Oxidizer. (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)(A)  
4037 OP  
5C THSC Chapter 382 382.085(b)

Description: Failure to report all instances of deviations in the 04/01/2020 to 09/30/2020 semi-annual deviation report. (Category B3)  
Self Report? NO Classification: Minor  
Citation: 141260 PERMIT  
30 TAC Chapter 115, SubChapter B 115.122(a)(1)(B)  
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)(2)  
4037 OP  
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain the pilot flame for the flare. (Category C4)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.663(a)(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.663(b)(2)  
4037 OP  
5C THSC Chapter 382 382.085(b)

Description: Failure to conduct required monitoring and recordkeeping for the flow indication of each individual gas stream. (Category B1)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(a)  
4037 OP  
5C THSC Chapter 382 382.085(b)

Description: Failure to conduct initial performance testing for the flare within 180 days of initial start-up. (Category B1)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(a)  
4037 OP  
5C THSC Chapter 382 382.085(b)

Description: Failure to conduct initial performance testing for the flare within 180 days of initial start-up. (Category B1)  
Self Report? NO Classification: Moderate  
Citation: 141260 PERMIT  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
4037 OP  
5C THSC Chapter 382 382.085(b)

Description: Failure to conduct initial performance testing for the thermal oxidizer within 180 days of initial start-up. (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)(A)  
4037 OP  
5C THSC Chapter 382 382.085(b)

Description: Failure to report all instances of deviations in the 10/01/2019 to 03/31/2020 semi-annual deviation report. (Category B3)

15 Date: 02/28/2023 (1841290)  
Self Report? NO Classification: Moderate  
Citation: 1931 OP  
22095 PERMIT  
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)(3)(i)(B)(ii)  
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain the net heating value for the flare (EPN15) above 300 Btu/scf.

(Category B17)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to submit a permit revision application for NSR Permit 22095 in a timely manner to reflect the daily operation of the scrubbers (EPNs: H-10 and H-11) (Category B17).

Self Report? NO Classification: Minor  
Citation: 1931 OP  
22095 PERMIT  
30 TAC Chapter 115, SubChapter D 115.352(4)  
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)

Description: Failure to prevent open ended lines. (Category C10)  
Self Report? NO Classification: Moderate  
Citation: 1931 OP  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to conduct quarterly visible emission (VE) observations of stationary vents (Category B1).

16 Date: 03/02/2023 (1866749)

Self Report? NO Classification: Minor  
Citation: 1929 OP  
19804 PERMIT  
30 TAC Chapter 115, SubChapter D 115.352(4)  
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)

Description: Failure to prevent open ended lines. (Category C10)  
Self Report? NO Classification: Minor  
Citation: 1929 OP  
19804 PERMIT  
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)

Description: Failure to conduct the weekly Wastewater Treatment Plant Audio Visual Olfactory (AVO) Inspection in the required timeframe. (Category C1)

17 Date: 03/03/2023 (1866750)

Self Report? NO Classification: Moderate  
Citation: 1930 OP  
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)  
71546 PERMIT

Description: Failure to prevent the hourly pressure differential for the baghouse from exceeding the manufacturer's recommendations. (Category B18g1)

Self Report? NO Classification: Moderate  
Citation: 1930 OP  
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)  
71546 PERMIT

Description: Failure to prevent visible emissions off the BA Baghouse. (Category B13)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
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 VVa 60.482-6a(a)(1)  
5C THSC Chapter 382 382.085(b)  
71546 PERMIT  
Special Term & Condition 11 OP  
Special Term & Condition 1A OP

Description: Failure to prevent open ended lines. (Category C10)  
Self Report? NO Classification: Moderate  
Citation: 1930 OP  
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)  
71546 PERMIT

Description: Failure to prevent visible emissions from the BOA Silo. (Category B13)



Self Report? NO Classification: Moderate  
 Citation: 1930 OP  
 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)  
 71546 PERMIT  
 Description: Failure to verify the presence of a pilot flame on the flare prior to operation.  
 (Category B18g1)

Self Report? NO Classification: Moderate  
 Citation: 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(b)  
 5C THSC Chapter 382 382.085(b)  
 71546 PERMIT  
 Special Term & Condition 11 OP  
 Special Term & Condition 1A OP  
 Description: Failure to maintain the pilot flame of the flare. (Category B18g1)

Self Report? NO Classification: Moderate  
 Citation: 1930 OP  
 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)  
 71546 PERMIT  
 Description: Failure to prevent exceedances of the maximum fill rate for Tank EPN D-28.  
 (Category B18g1)

18 Date: 03/03/2023 (1866759)  
 Self Report? NO Classification: Minor  
 Citation: 2191 OP  
 22048 PERMIT  
 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)  
 Description: Failure to maintain the hourly average flow rate for the scrubber (S-60) above the  
 permitted limit. (Category C4)

**F. Environmental audits:**

Notice of Intent Date: 06/26/2018 (1499980)  
 Disclosure Date: 09/27/2018  
 Viol. Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)  
 Description: After several repair attempts, an orbit valve in the HRVOC service was not effectively repaired within 7 days  
 as required.  
 Disclosure Date: 03/29/2019  
 Viol. Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter H 101.400(a)  
 30 TAC Chapter 115, SubChapter H 115.725(d)  
 30 TAC Chapter 115, SubChapter H 115.726(d)  
 30 TAC Chapter 115, SubChapter H 115.727(a)  
 Description: It appears that the 115.727(a) exemption for Flare FL-105 was previously improperly claimed as the  
 exemption applies to the entire facility and not to a specific vent.  
 Viol. Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.780(a)  
 Description: Some units appear to have been excluded from 30 TAC 115 Subpart H fugitive emission requirements  
 based on the units being inappropriately classified as non-SOCMI units.

Notice of Intent Date: 11/29/2018 (1532920)  
 Disclosure Date: 03/29/2019  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11  
 Description: Approximately eight drums of lead sandblast hazardous waste were marked as D002 (corrosive), not D008  
 (lead) in SWMU 118 MMS Drums.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.17(a)  
 Description: Based on record review of 2018 weekly inspections, it appeared that hazardous waste was accumulated for  
 more than 90 days (>91 - >94 days) on four occasions  
 Viol. Classification: Minor  
 Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.17(a)  
 Rqmt Prov: PERMIT Permit conditions

Description: It appeared that documentation of all required personnel training requirements was not available.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352

Description: During applicability review, some units were excluded from 30 TAC 115 Subchapter D fugitive emission requirements based on the units being inappropriately classified. This resulted in missed monitoring, recordkeeping and reporting.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.355(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480

Description: Comparative and shadow monitoring identified instances where Method 21 was not fully implemented.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354  
30 TAC Chapter 115, SubChapter H 115.781(b)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480

Description: There are components in VOC, HAP and/or HRVOC service that missed scheduled monitoring and resulted in inaccurate reporting..

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354  
30 TAC Chapter 115, SubChapter H 115.781(b)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480

Description: There are components in Gas/Vapor or Light Liquid VOC and/or HRVOC service that were not identified as required.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
  
30 TAC Chapter 115, SubChapter H 115.783(5)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480

Description: Open-ended lines were observed during field walkthroughs. A site-wide program review identified areas where open-ended line standards were not controlled as required. This assessment determined open-ended lines were associated with sampling activities that may also be present in other areas.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(F)  
30 TAC Chapter 115, SubChapter H 115.786(e)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480

Description: Instances of missed AVO inspections and inadequate documentation of weekly pump visual inspections were identified

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: PERMIT SC 10F  
PERMIT SC 14F  
PERMIT SC 15F  
PERMIT SC 16F  
PERMIT SC 19F  
PERMIT SC 4F

Description: Evidence exists that current directed maintenance monitoring practices are not robust.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(7)  
30 TAC Chapter 115, SubChapter D 115.354(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(g)(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(3)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(f)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(f)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038

40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480

Description: Instances of inappropriately classified DTM / UTM valves and insufficient DTM / UTM justifications were identified.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.356(3)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(g)(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(3)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(f)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(f)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480

Description: The facility does not have DTM and UTM monitoring plans as required.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)

Description: Evaluations are not currently made for units covered by NSPS Subpart VV to confirm that less than 3% of the valves are classified as DTM. An analysis of the 3% DTM valve evaluation was performed on newly constructed units subject to NSPS VV. The Poly and 121 units were both found to have greater than 3% valves designated as DTM.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 115, SubChapter H 115.782(b)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1024  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480

Description: Instances of missed or late repair attempts were identified.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)(B)  
30 TAC Chapter 115, SubChapter H 115.782(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(c)(2)(i)(B)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480

Description: Found evidence that the current Delay of Repair program is not fully effective

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 115, SubChapter H 115.783  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-5(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1032(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480

Description: Evidence exists that LDAR design evaluations may not consistently identify potentially open-ended lines on sampling and filtering equipment. Evidence also exists that LDAR design evaluations do not verify that rotating equipment is installed with the low leak design required by fugitive emissions special conditions.

Disclosure Date: 09/13/2019

Viol. Classification: Minor

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

Description: Documentation could not be located that the executive director was provided with a list of operators on an annual basis.

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)  
30 TAC Chapter 290, SubChapter D 290.46(m)(1)

Description: Documentation could not be located that each of the system's ground and pressure tanks were Inspected annually.

Disclosure Date: 05/02/2020

Viol. Classification: Minor

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

Rqmt Prov: PERMIT SC 13

Description: Documentation is not available to confirm that the permit represented H2S control efficiency is achieved during the scrubber solution change out periods. This may have resulted in additional emissions and missed reporting of H2S and SO2 from incinerator FI-01 and flare FL-177 outlets during those times.

Viol. Classification: Minor

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

Description: Evaluations for NSPS VVa triggers were not in place to determine applicability for units that had construction, modification or reconstruction after Nov.7, 2006. If the data had been available to determine

applicability and any units were determined to be applicable to this rule it would have potentially resulted in missed reporting, missed monitoring, and noncompliance with sample station standards.

Viol. Classification: Minor

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

Description: Evaluations for NSPS VV triggers were not in place to identify all applicable units that were constructed, modified or reconstructed after 1/1/81 and on or before 11/7/06 due to the units being defined at the time as non-SOCMI facilities. If the data had been available to determine applicability, it would have potentially resulted in missed reporting, missed monitoring, and noncompliance with sample station standards.

**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

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## *Addendum to Compliance History Federal Enforcement Actions*

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**Reg Entity Name:** LUBRIZOL - DEER PARK

**Reg Entity Add:** 41 TIDAL ROAD

**Reg Entity City:** DEER PARK

**Reg Entity No:** RN100221589

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**EPA Case No:** 06-2018-4808

**Order Issue Date (yyyymmdd):** 20180807

**Case Result:** Final Order With Penalty

**Statute:** CWA

**Sect of Statute:** 311J

**Classification:** Moderate

**Program:** FRP

**Citation:**

**Violation Type:** Oil Spill Violation Under  
CWA/OPA

**Cite Sect:**

**Cite Part:**

**Enforcement Action:** Administrative Penalty Order With or Without Inj

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
THE LUBRIZOL CORPORATION  
RN100221589

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2022-0191-IWD-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 THE LUBRIZOL CORPORATION (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant located at 41 Tidal Road, north of State Highway 225, south of Port Terminal Railroad, east of Patrick Bayou, and west of the East Fork of Patrick Bayou in Deer Park, Harris County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
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. WATER CODE ch. 26 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 \$57,900 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$23,160 of the penalty, and \$11,580 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$23,160 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.

## II. ALLEGATIONS

During a record review for the Facility conducted on December 29, 2021, an investigator documented that the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000639000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall Numbers 002 and 004, as shown in the effluent violation table below:

Effluent Violation Table		
Monitoring Period	Oil & Grease	
	Daily Maximum Outfall 002	Daily Maximum Outfall 004
	Limit = 15 mg/L	Limit = 15 mg/L
November 2020	c	19.5
December 2020	15.8	18.6
June 2021	c	33
July 2021	c	25
September 2021	c	16

c= compliant  
mg/L= milligrams per liter

### 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: THE LUBRIZOL CORPORATION, Docket No. 2022-0191-IWD-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 the SEP as set forth in Section I, Paragraph No. 4. The amount of \$23,160 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall, within 130 days after the effective date of this Order, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0000639000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detail supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be signed by the Respondent and shall include the following certification language:

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



The certification shall be submitted to:

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

with a copy to:

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

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. 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.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
8. 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.
9. 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.

10. 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

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Date

  
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For the Executive Director

8/25/2023  
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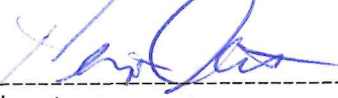
Date

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.

  
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Signature

7/10/2023  
-----  
Date

Hector Acosta  
-----  
Name (Printed or typed)  
Authorized Representative of  
THE LUBRIZOL CORPORATION

Plant Manager  
-----  
Title

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

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

Attachment A

Docket Number: 2022-0191-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	THE LUBRIZOL CORPORATION
Penalty Amount:	\$46,320
SEP Offset Amount:	\$23,160
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Bayou Land Conservancy
Project Name:	<i>Lake Houston Watershed-Western Watershed Protection Project</i>
Total Project Budget:	\$3,420,000
Location of SEP:	Harris and Montgomery Counties; San Jacinto River Basin; and Gulf Coast Aquifer

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 offset is equal to the SEP Offset Amount set forth above and 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 **Bayou Land Conservancy** for the *Lake Houston Watershed - Western Watershed Protection Project* (the “Project”). Third-Party Administrator has identified approximately 500 acres along the West Fork of the San Jacinto River, Spring Creek, Cypress Creek, and Lake Creek for property acquisition or acquisition of perpetual conservation easements in accordance with Subchapter A, Chapter 183, Texas Natural Resources Code. The goal of this Project is to protect the floodplain within the western tributaries of the Lake Houston Watershed. The Project is to conduct certain due diligence activities and to purchase land or conservation easements in perpetuity from private and public landowners. The Third-Party Administrator shall also conduct restoration work as necessary on properties placed under a conservation easement or owned by the Third-Party Administrator. The Third-Party Administrator shall conduct habitat restoration and enhancement, including removing invasive species and planting native vegetation. Restoration activities will be conducted by a contractor and will take place on property protected by a conservation easement or owned by the Third-Party Administrator. The Project will be done in accordance with all federal, state, and local environmental laws and regulations. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ.

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

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

*B. Environmental Benefit*

Rapid development in the Lake Houston Watershed has led to removal of the natural riparian buffers along the waterways, which jeopardizes the air and water quality. Spring Creek, Cypress Creek, Lake Creek, and the West Fork of the San Jacinto River are major water sources for Lake Houston, which is Houston's primary source of drinking water. When land is cleared and developed within these floodplains, the water becomes more turbid and often has increased *E. coli* bacteria and other negative water quality contaminants.

Lands permanently preserved with conservation easements maintain vegetated banks and wooded floodplains to allow river overflow. When floodwater passes through the floodplain, the vegetated substrates are not eroded away, and the banks are maintained. Preserving the natural vegetated banks will help maintain water quality in this area. Additionally, many of the properties the Third-Party Administrator will secure with conservation easements will be open to the public for low-impact recreational uses, and wildlife will benefit from connected habitat and undisturbed access to critical water sources.

*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 **Bayou Land Conservancy SEP** and shall mail the contribution with a copy of the Agreed Order to:

Bayou Land Conservancy  
Attention: Conservation Director  
8801 Gosling Road  
Spring, Texas 77381

**3. Records and Reporting**

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

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087  
Email: [sepreports@tceq.texas.gov](mailto:sepreports@tceq.texas.gov)

**4. Failure to Fully Perform**

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

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

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

**5. Publicity**

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

**6. Recognition**

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

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

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.