

Executive Summary – Enforcement Matter – Case No. 61958
SOLAR TURBINES INCORPORATED
RN100214477
Docket No. 2022-0211-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Solar Turbines, 16504 De Zavalla Road, Channelview, Harris County

Type of Operation:

Turbine and turbine parts manufacturing facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 6, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$29,350

Amount Deferred for Expedited Settlement: \$5,870

Total Paid to General Revenue: \$23,480

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

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 7, 2021 and September 14, 2022 through October 4, 2022

Date(s) of NOE(s): February 10, 2022 and October 19, 2022

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Violation Information

1. Failed to conduct monthly audio, visual, and olfactory ("AVO") inspections. Specifically, the Respondent did not conduct the monthly AVO inspections to check for leaking components at the Blast Room during January 2020, May 2020, July 2020, and September 2020 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 19157, Special Conditions ("SC") No. 16.H, Federal Operating Permit ("FOP") No. O1130, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to calibrate and maintain a differential pressure gauge to monitor the pressure drop across the baghouse filters. Specifically, the Respondent did not calibrate the two differential pressure gauges for the Blast Room at least annually in accordance with the manufacturer's specifications for calendar year 2020 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 19157, SC No. 16.C, FOP No. O1130, GTC and STC No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to submit a deviation report for at least each six-month period after permit issuance and failed to submit the deviation report no later than 30 days after the end of each reporting period. Specifically, the Respondent determined that no deviations occurred and did not submit a deviation report for the January 20, 2020 through July 19, 2020 reporting period, but a deviation report should have been submitted by August 18, 2020 to report the deviations for failing to conduct the monthly AVO inspections of the capture system for the Blast Room during January 2020 and May 2020 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(B) and (C), FOP No. O1130, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to submit a deviation report for at least each six-month period after permit issuance and failed to submit the deviation report no later than 30 days after the end of each reporting period. Specifically, the Respondent determined that no deviations occurred and did not submit a deviation report for the July 20, 2020 through January 19, 2021 reporting period, but a deviation report should have been submitted by February 18, 2021 to report the deviations for failing to conduct the monthly AVO inspections of the capture system for the Blast Room during July 2020 and September 2020, failing to calibrate the two differential pressure gauges for the Blast Room, failing to comply with the maintenance requirements for the Firewater Pump Engine, and failing to submit the deviation report for the January 20, 2020 through July 19, 2020 reporting period [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(B) and (C), FOP No. O1130, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
5. Failed to comply with the maintenance requirements for existing stationary reciprocating internal combustion engines located at an area source of hazardous air pollutants emissions. Specifically, the Respondent did not change the oil and oil filter on the Firewater Pump Engine in calendar year 2020 [30 TEX. ADMIN. CODE §§ 101.20(2), 113.1090, and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 63.6603(a), FOP No. O1130, GTC and STC No. 1.A, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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6. Failed to submit a deviation report no later than 30 days after the end of each reporting period. Specifically, the deviation report for the January 20, 2021 through July 19, 2021 reporting period was due by August 18, 2021, but was not submitted until February 3, 2022 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), FOP No. O1130, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7. Failed to include a signed certification of accuracy and completeness. Specifically, the Respondent did not include a signed certification of accuracy and completeness, Form OP-CRO1, for the deviation report for the January 20, 2021 through July 19, 2021 reporting period [30 TEX. ADMIN. CODE §§ 122.143(4) and (15) and 122.165(a)(7), FOP No. O1130, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8. Failed to include a signed certification of accuracy and completeness. Specifically, the Respondent did not include a signed certification of accuracy and completeness, Form OP-CRO1, for the deviation report for the July 20, 2021 through January 19, 2022 reporting period [30 TEX. ADMIN. CODE §§ 122.143(4) and (15) and 122.165(a)(7), FOP No. O1130, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By September 30, 2021, began changing the oil and oil filter for the Firewater Pump Engine on an annual basis;
- b. By October 4, 2021, began calibrating the differential pressure gauges that monitor the pressure drop across the baghouse filters for the Blast Room on an annual basis;
- c. By October 21, 2021, began conducting the monthly AVO inspections of the capture system for the Blast Room;
- d. On December 8, 2021, submitted the deviation report for the January 20, 2020 through July 19, 2020 reporting period to report the deviations for failing to conduct the monthly AVO inspections of the capture system for the Blast Room during January and May 2020;
- e. On December 8, 2021, submitted the deviation report for the July 20, 2020 through January 19, 2020 reporting period to report the deviations for failing to conduct the monthly AVO inspections of the capture system for the Blast Room during July 2020 and September 2020, failing to calibrate the two differential pressure gauges for the Blast Room, failing to comply with the maintenance requirements for the Firewater Pump Engine, and failing to submit the deviation report for the January 20, 2020 through July 19, 2020 reporting period;

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f. On February 3, 2022, submitted the deviation report for the January 20, 2021 through July 19, 2021 reporting period; and

g. On October 6, 2022, submitted the signed certification of accuracy and completeness, Form OP-CRO1, for the deviation reports for the January 20, 2021 through July 19, 2021 and July 20, 2021 through January 19, 2022 reporting periods.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

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

Respondent: Carl H. Lippke, Director, Construction Services and TurboFab, SOLAR TURBINES INCORPORATED, 16504 De Zavalla Road, Channelview, Texas 77530

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	14-Feb-2022			
	PCW	31-Oct-2022	Screening	18-Feb-2022	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	SOLAR TURBINES INCORPORATED
Reg. Ent. Ref. No.	RN100214477
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	61958	No. of Violations	8
Docket No.	2022-0211-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$37,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0% Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: No adjustment for compliance history.

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	-\$9,374
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$1,278
 Estimated Cost of Compliance: \$2,414
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$28,126
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OTHER FACTORS AS JUSTICE MAY REQUIRE	4.4%	Adjustment	\$1,224
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided costs of compliance associated with Violation Nos. 1, 2, and 5.

Final Penalty Amount	\$29,350
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$29,350
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DEFERRAL	20.0%	Reduction	Adjustment	-\$5,870
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$23,480
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Screening Date 18-Feb-2022

Docket No. 2022-0211-AIR-E

PCW

Respondent SOLAR TURBINES INCORPORATED

Policy Revision 5 (January 28, 2021)

Case ID No. 61958

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100214477

Media Air

Enf. Coordinator Yuliya Dunaway

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	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>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> 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

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 18-Feb-2022 **Docket No.** 2022-0211-AIR-E **PCW**
Respondent SOLAR TURBINES INCORPORATED *Policy Revision 5 (January 28, 2021)*
Case ID No. 61958 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100214477
Media Air
Enf. Coordinator Yuliya Dunaway

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 19157, Special Conditions ("SC") No. 16.H, Federal Operating Permit ("FOP") No. O1130, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 11, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to conduct monthly audio, visual, and olfactory ("AVO") inspections. Specifically, the Respondent did not conduct the monthly AVO inspections of the capture system to check for leaking components at the Blast Room during January 2020, May 2020, July 2020, and September 2020.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				7.0%
	Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 3 123 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$5,250

Three quarterly events are recommended for the AVO inspections that were not conducted during January, May, July, and September 2020.

Good Faith Efforts to Comply

25.0%

Reduction \$1,312

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

Notes

The Respondent completed the corrective measures by October 21, 2021, prior to the Notice of Enforcement ("NOE") dated February 10, 2022.

Violation Subtotal \$3,938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,068

Violation Final Penalty Total \$4,109

This violation Final Assessed Penalty (adjusted for limits) \$4,109

Economic Benefit Worksheet

Respondent SOLAR TURBINES INCORPORATED
Case ID No. 61958
Reg. Ent. Reference No. RN100214477
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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	\$1,014	30-Sep-2020	21-Oct-2021	1.06	\$54	\$1,014	\$1,068
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to conduct the monthly AVO inspections of the capture system for the Blast Room plus accrued interest (\$250/month x four missed months plus \$14 interest that began accruing on the last day of January, May and July 2020). The Date Required is the last date a monthly AVO inspection could have been done for September 2020 and the Final Date is the date of compliance.

Approx. Cost of Compliance \$1,014

TOTAL \$1,068

Screening Date 18-Feb-2022 **Docket No.** 2022-0211-AIR-E **PCW**
Respondent SOLAR TURBINES INCORPORATED *Policy Revision 5 (January 28, 2021)*
Case ID No. 61958 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100214477
Media Air
Enf. Coordinator Yuliya Dunaway

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 19157, SC No. 16.C, FOP No. O1130, GTC and STC No. 11, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to calibrate and maintain a differential pressure gauge to monitor the pressure drop across the baghouse filters. Specifically, the Respondent did not calibrate the two differential pressure gauges for the Blast Room at least annually in accordance with the manufacturer's specifications for calendar year 2020.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				7.0%
	Potential			x	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 2 365 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,500

Two single events are recommended for calendar year 2020 (one event for each gauge).

Good Faith Efforts to Comply 25.0% Reduction \$875

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

Notes The Respondent completed the corrective measures by on October 4, 2021, prior to the NOE dated February 10, 2022.

Violation Subtotal \$2,625

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

Estimated EB Amount \$104 **Violation Final Penalty Total** \$2,739

This violation Final Assessed Penalty (adjusted for limits) \$2,739

Economic Benefit Worksheet

Respondent SOLAR TURBINES INCORPORATED
Case ID No. 61958
Reg. Ent. Reference No. RN100214477
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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	\$100	31-Dec-2020	4-Oct-2021	0.76	\$4	\$100	\$104
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to calibrate the differential pressure gauges that monitor the pressure drop across the baghouse filters for the Blast Room (\$50/gauge x two pressure gauges). The Date Required is the last day the pressure gauges could have been calibrated for calendar year 2020 and the Final Date is the date of compliance.

Approx. Cost of Compliance \$100

TOTAL \$104

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Case ID No. 61958 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100214477
Media Air
Enf. Coordinator Yuliya Dunaway

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(B) and (C), FOP No. O1130, GTC, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to submit a deviation report for at least each six-month period after permit issuance and failed to submit the deviation report no later than 30 days after the end of each reporting period. Specifically, the Respondent determined that no deviations occurred and did not submit a deviation report for the January 20, 2020 through July 19, 2020 reporting period, but a deviation report should have been submitted by August 18, 2020 to report the deviations for failing to conduct the monthly AVO inspections of the capture system for the Blast Room during January 2020 and May 2020.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 20.0%

Matrix Notes 100% of the rule requirements were not met.

Adjustment \$20,000

\$5,000

Violation Events

Number of Violation Events 1 477 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$5,000

One single event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$1,250

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

Notes The Respondent completed the corrective measures on December 8, 2021, prior to the NOE dated February 10, 2022.

Violation Subtotal \$3,750

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

Estimated EB Amount \$16 **Violation Final Penalty Total** \$3,913

This violation Final Assessed Penalty (adjusted for limits) \$3,913

Economic Benefit Worksheet

Respondent SOLAR TURBINES INCORPORATED
Case ID No. 61958
Reg. Ent. Reference No. RN100214477
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	18-Aug-2020	8-Dec-2021	1.31	\$16	n/a	\$16

Notes for DELAYED costs

Estimated cost to submit the deviation report for the January 20, 2020 through July 19, 2020 reporting period to report the deviations for failing to conduct the monthly AVO inspections of the capture system for the Blast Room during January 2020 and May 2020. The Date Required is the date the deviations should have been reported and the Final Date is 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 \$250

TOTAL \$16

Screening Date 18-Feb-2022 **Docket No.** 2022-0211-AIR-E **PCW**
Respondent SOLAR TURBINES INCORPORATED *Policy Revision 5 (January 28, 2021)*
Case ID No. 61958 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100214477
Media Air
Enf. Coordinator Yuliya Dunaway

Violation Number 4

Rule Cite(s)
 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(B) and (C), FOP No. O1130, GTC, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to submit a deviation report for at least each six-month period after permit issuance and failed to submit the deviation report no later than 30 days after the end of each reporting period. Specifically, the Respondent determined that no deviations occurred and did not submit a deviation report for the July 20, 2020 through January 19, 2021 reporting period, but a deviation report should have been submitted by February 18, 2021 to report the deviations for failing to conduct the monthly AVO inspections of the capture system for the Blast Room during July 2020 and September 2020, failing to calibrate the two differential pressure gauges for the Blast Room, failing to comply with the maintenance requirements for the Firewater Pump Engine, and failing to submit the deviation report for the January 20, 2020 through July 19, 2020 reporting period.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent 0.0%
		Major	Moderate	Minor	
		Actual			
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent 20.0%
		x			

Matrix Notes
 100% of the rule requirements were not met.

Adjustment \$20,000

Violation Events \$5,000

Number of Violation Events 1 293 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$5,000

One single event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$1,250

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

Notes
 The Respondent completed the corrective measures on December 8, 2021, prior to the NOE dated February 10, 2022.

Violation Subtotal \$3,750

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

Estimated EB Amount \$10 **Violation Final Penalty Total** \$3,913

This violation Final Assessed Penalty (adjusted for limits) \$3,913

Economic Benefit Worksheet

Respondent SOLAR TURBINES INCORPORATED
Case ID No. 61958
Reg. Ent. Reference No. RN100214477
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)	\$250	18-Feb-2021	8-Dec-2021	0.80	\$10	n/a	\$10

Notes for DELAYED costs

Estimated cost to submit the deviation report for the July 20, 2020 through January 19, 2020 reporting period to report the deviations for failing to conduct the monthly AVO inspections of the capture system for the Blast Room during July 2020 and September 2020, failing to calibrate the two differential pressure gauges for the Blast Room, failing to comply with the maintenance requirements for the Firewater Pump Engine, and failing to submit the deviation report for the January 20, 2020 through July 19, 2020 reporting period. The Date Required is the date the deviations should have been reported and the Final Date is 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 \$250

TOTAL \$10

Screening Date 18-Feb-2022 **Docket No.** 2022-0211-AIR-E **PCW**
Respondent SOLAR TURBINES INCORPORATED *Policy Revision 5 (January 28, 2021)*
Case ID No. 61958 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100214477
Media Air
Enf. Coordinator Yuliya Dunaway

Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(2), 113.1090, and 122.143(4), 40 Code of Federal Regulations § 63.6603(a), FOP No. O1130, GTC and STC No. 1.A, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to comply with the maintenance requirements for existing stationary reciprocating internal combustion engines located at an area source of hazardous air pollutants emissions. Specifically, the Respondent did not change the oil and oil filter on the Firewater Pump Engine in calendar year 2020.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential		x		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 365 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended for calendar year 2020.

Good Faith Efforts to Comply 25.0% Reduction \$937

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

Notes The Respondent completed the corrective measures by September 30, 2021, prior to the NOE dated February 10, 2022.

Violation Subtotal \$2,813

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

Estimated EB Amount \$52 **Violation Final Penalty Total** \$2,935

This violation Final Assessed Penalty (adjusted for limits) \$2,935

Economic Benefit Worksheet

Respondent SOLAR TURBINES INCORPORATED
Case ID No. 61958
Reg. Ent. Reference No. RN100214477
Media Air
Violation No. 5

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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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	\$50	31-Dec-2020	30-Sep-2021	0.75	\$2	\$50	\$52
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to change the oil and oil filter for the Firewater Pump Engine. The Date Required is the last day the oil and oil filter for Firewater Pump Engine could have been changed for Calendar Year 2020 and the Final Date is the date of compliance.

Approx. Cost of Compliance \$50

TOTAL \$52

Screening Date 18-Feb-2022 **Docket No.** 2022-0211-AIR-E **PCW**
Respondent SOLAR TURBINES INCORPORATED *Policy Revision 5 (January 28, 2021)*
Case ID No. 61958 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100214477
Media Air
Enf. Coordinator Yuliya Dunaway

Violation Number 6
Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(C), FOP No. 01130, GTC, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to submit a deviation report no later than 30 days after the end of each reporting period. Specifically, the deviation report for the January 20, 2021 through July 19, 2021 reporting period was due by August 18, 2021, but was not submitted until February 3, 2022.

Base Penalty \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	x			20.0%

Matrix Notes 100% of the rule requirements were not met.

Adjustment \$20,000

\$5,000

Violation Events

Number of Violation Events 1 168 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$5,000

One single event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$1,250

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

Notes The Respondent completed the corrective measures by February 3, 2022, prior to the NOE dated October 19, 2022.

Violation Subtotal \$3,750

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

Estimated EB Amount \$6 **Violation Final Penalty Total** \$3,913

This violation Final Assessed Penalty (adjusted for limits) \$3,913

Economic Benefit Worksheet

Respondent SOLAR TURBINES INCORPORATED
Case ID No. 61958
Reg. Ent. Reference No. RN100214477
Media Air
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	18-Aug-2021	3-Feb-2022	0.46	\$6	n/a	\$6

Notes for DELAYED costs
 Estimated costs to submit the deviation report for the January 20, 2021 through July 19, 2021 reporting period. The Date Required is the date the deviations should have been reported and the Final Date is 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 \$250

TOTAL \$6

Screening Date 18-Feb-2022 **Docket No.** 2022-0211-AIR-E **PCW**
Respondent SOLAR TURBINES INCORPORATED *Policy Revision 5 (January 28, 2021)*
Case ID No. 61958 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100214477
Media Air
Enf. Coordinator Yuliya Dunaway

Violation Number
Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and (15) and 122.165(a)(7), FOP No. O1130, GTC, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to include a signed certification of accuracy and completeness. Specifically, the Respondent did not include a signed certification of accuracy and completeness, Form OP-CRO1, with the deviation report for the January 20, 2021 through July 19, 2021 reporting period.

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"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="20.0%"/>
<input type="text" value="100% of the rule requirements were not met."/>					

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"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

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 measures by October 6, 2022, prior to the NOE dated October 19, 2022.

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 SOLAR TURBINES INCORPORATED
Case ID No. 61958
Reg. Ent. Reference No. RN100214477
Media Air
Violation No. 7

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)	\$250	18-Aug-2021	6-Oct-2022	1.13	\$14	n/a	\$14

Notes for DELAYED costs

Estimated cost to submit the signed certification of accuracy and completeness, Form OP-CRO1, for the deviation report for the January 20, 2021 through July 19, 2021 reporting period. The Date Required is the date the certified deviation report was due 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

\$250

TOTAL

\$14

Screening Date 18-Feb-2022 **Docket No.** 2022-0211-AIR-E **PCW**
Respondent SOLAR TURBINES INCORPORATED *Policy Revision 5 (January 28, 2021)*
Case ID No. 61958 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100214477
Media Air
Enf. Coordinator Yuliya Dunaway

Violation Number 8
Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and (15) and 122.165(a)(7), FOP No. O1130, GTC, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to include a signed certification of accuracy and completeness. Specifically, the Respondent did not include a signed certification of accuracy and completeness, Form OP-CRO1, with the deviation report for the July 20, 2021 through January 19, 2022 reporting period.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		
100% of the rule requirements were not met.					

Adjustment \$20,000

\$5,000

Violation Events

Number of Violation Events 1 230 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$5,000

One single event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$1,250

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

Notes: The Respondent completed the corrective measures by October 6, 2022, prior to the NOE dated October 19, 2022.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation **Statutory Limit Test**
 Estimated EB Amount \$8 Violation Final Penalty Total \$3,913
This violation Final Assessed Penalty (adjusted for limits) \$3,913

Economic Benefit Worksheet

Respondent SOLAR TURBINES INCORPORATED
Case ID No. 61958
Reg. Ent. Reference No. RN100214477
Media Air
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	18-Feb-2022	6-Oct-2022	0.63	\$8	n/a	\$8

Notes for DELAYED costs

Estimated cost to submit the signed certification of accuracy and completeness, Form OP-CRO1, for the deviation report for the July 20, 2021 through January 19, 2022 reporting period. The Date Required is the date the certified deviation report was due 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

\$250

TOTAL

\$8

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 CN600127518, RN100214477, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN600127518, SOLAR TURBINES INCORPORATED **Classification:** SATISFACTORY **Rating:** 1.27
Regulated Entity: RN100214477, SOLAR TURBINES **Classification:** HIGH **Rating:** 0.00
Complexity Points: 11 **Repeat Violator:** NO
CH Group: 14 - Other
Location: 16504 DE ZAVALLA ROAD, CHANNELVIEW, HARRIS COUNTY, TEXAS
TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG2445G	AIR OPERATING PERMITS PERMIT 1130
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG2445G	AIR NEW SOURCE PERMITS AFS NUM 4820101369
AIR NEW SOURCE PERMITS PERMIT 19157	AIR NEW SOURCE PERMITS PERMIT 48910
AIR NEW SOURCE PERMITS REGISTRATION 111152	AIR NEW SOURCE PERMITS REGISTRATION 155670
STORMWATER PERMIT TXR05P445	AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG2445G
POLLUTION PREVENTION PLANNING ID NUMBER P02995	INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD982561243
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 38674	

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

Date Compliance History Report Prepared: October 31, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 31, 2017 to October 31, 2022

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

Name: Yuliya Dunaway

Phone: (210) 403-4077

Site and Owner/Operator History:

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

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	June 13, 2018	(1484338)
Item 2	August 07, 2019	(1552346)
Item 3	October 22, 2019	(1592265)
Item 4	October 01, 2020	(1672531)
Item 5	January 28, 2022	(1762814)

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

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

N/A

F. Environmental audits:

N/A

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
SOLAR TURBINES INCORPORATED
RN100214477**

**§
§
§
§
§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2022-0211-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 SOLAR TURBINES INCORPORATED (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 turbine and turbine parts manufacturing plant located at 16504 De Zavalla Road in Channelview, Harris County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$29,350 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$23,480 of the penalty and \$5,870 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. By September 30, 2021, began changing the oil and oil filter for the Firewater Pump Engine on an annual basis;
 - b. By October 4, 2021, began calibrating the differential pressure gauges that monitor the pressure drop across the baghouse filters for the Blast Room on an annual basis;
 - c. By October 21, 2021, began conducting the monthly audio, visual, and olfactory ("AVO") inspections of the capture system for the Blast Room;
 - d. On December 8, 2021, submitted the deviation report for the January 20, 2020 through July 19, 2020 reporting period to report the deviations for failing to conduct the monthly AVO inspections of the capture system for the Blast Room during January and May 2020;
 - e. On December 8, 2021, submitted the deviation report for the July 20, 2020 through January 19, 2020 reporting period to report the deviations for failing to conduct the monthly AVO inspections of the capture system for the Blast Room during July 2020 and September 2020, failing to calibrate the two differential pressure gauges for the Blast Room, failing to comply with the maintenance requirements for the Firewater Pump Engine, and failing to submit the deviation report for the January 20, 2020 through July 19, 2020 reporting period;
 - f. On February 3, 2022, submitted the deviation report for the January 20, 2021 through July 19, 2021 reporting period; and
 - g. On October 6, 2022, submitted the signed certification of accuracy and completeness, Form OP-CRO1, for the deviation reports for the January 20, 2021 through July 19, 2021 and July 20, 2021 through January 19, 2022 reporting periods.

II. ALLEGATIONS

1. During an investigation at the Plant conducted on October 7, 2021, an investigator documented that the Respondent:
 - a. Failed to conduct monthly AVO inspections, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit No. 19157, Special Conditions ("SC") No. 16.H, Federal Operating Permit ("FOP") No. O1130, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not conduct the monthly AVO inspections to check for leaking components at the Blast Room during January 2020, May 2020, July 2020, and September 2020.
 - b. Failed to calibrate and maintain a differential pressure gauge to monitor the pressure drop across the baghouse filters, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 19157, SC No. 16.C, FOP No. O1130, GTC and STC No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not calibrate the two differential pressure gauges for the Blast Room at least annually in accordance with the manufacturer's specifications for calendar year 2020.
 - c. Failed to submit a deviation report for at least each six-month period after permit issuance and failed to submit the deviation report no later than 30 days after the end of each reporting period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(B) and (C), FOP No. O1130, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent determined that no deviations occurred and did not submit a deviation report for the January 20, 2020 through July 19, 2020 reporting period, but a deviation report should have been submitted by August 18, 2020 to report the deviations for failing to conduct the monthly AVO inspections of the capture system for the Blast Room during January 2020 and May 2020.
 - d. Failed to submit a deviation report for at least each six-month period after permit issuance and failed to submit the deviation report no later than 30 days after the end of each reporting period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(B) and (C), FOP No. O1130, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent determined that no deviations occurred and did not submit a deviation report for the July 20, 2020 through January 19, 2021 reporting period, but a deviation report should have been submitted by February 18, 2021 to report the deviations for failing to conduct the monthly AVO inspections of the capture system for the Blast Room during July 2020 and September 2020, failing to calibrate the two differential pressure gauges for the Blast Room, failing to comply with the maintenance requirements for the Firewater Pump Engine, and failing to submit the deviation report for the January 20, 2020 through July 19, 2020 reporting period.
 - e. Failed to comply with the maintenance requirements for existing stationary reciprocating internal combustion engines located at an area source of hazardous air pollutants emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 113.1090, and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 63.6603(a), FOP No. O1130, GTC and STC No. 1.A, and TEX. HEALTH & SAFETY

CODE § 382.085(b). Specifically, the Respondent did not change the oil and oil filter on the Firewater Pump Engine in calendar year 2020.

2. During a record review for the Plant conducted from September 14, 2022 through October 4, 2022, an investigator documented that the Respondent:
 - a. Failed to submit a deviation report no later than 30 days after the end of each reporting period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), FOP No. O1130, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the January 20, 2021 through July 19, 2021 reporting period was due by August 18, 2021, but was not submitted until February 3, 2022.
 - b. Failed to include a signed certification of accuracy and completeness, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and (15) and 122.165(a)(7), FOP No. O1130, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not include a signed certification of accuracy and completeness, Form OP-CRO1, for the deviation report for the January 20, 2021 through July 19, 2021 reporting period.
 - c. Failed to include a signed certification of accuracy and completeness, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and (15) and 122.165(a)(7), FOP No. O1130, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not include a signed certification of accuracy and completeness, Form OP-CRO1, for the deviation report for the July 20, 2021 through January 19, 2022 reporting period.

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: SOLAR TURBINES INCORPORATED, Docket No. 2022-0211-AIR-E" to:

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

2. All relief not expressly granted in this Order is denied.


3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
7. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



5/2/2023

For the Executive Director

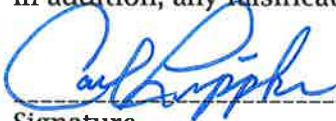
Date

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

Date

4/11/2023



Name (Printed or typed)

Title

Director

Authorized Representative of
SOLAR TURBINES INCORPORATED

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.