

Executive Summary – Enforcement Matter – Case No. 62500

K-Solv Chemicals, LLC

RN100616721

Docket No. 2022-0750-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

K Solv, 1015 Lakeside Drive, Channelview, Harris County

Type of Operation:

Dock facility that conducts barge degassing and heel removal operations

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda

Texas Register Publication Date: October 4, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$164,996

Amount Deferred for Expedited Settlement: \$32,999

Total Paid to General Revenue: \$131,997

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): October 27, 2021

Complaint Information: Alleged odor from a facility in the area.

Date(s) of Investigation: September 8, 2021 through May 23, 2022 and April 27, 2023 through September 22, 2023

Date(s) of NOE(s): May 27, 2022 and October 30, 2023

Executive Summary – Enforcement Matter – Case No. 62500

K-Solv Chemicals, LLC

RN100616721

Docket No. 2022-0750-AIR-E

Violation Information

1. Failed to limit the use of compounds at the storage and loading, barge depressurizing, and barge degassing to those identified in New Source Review ("NSR") Permit No. 87595 Attachment Lists I, II, and III. Specifically, the Respondent is approved to store and load benzene that is no greater than 50 percent ("%") concentration, but the Respondent provided records demonstrating that benzene at 100% concentration was stored in Frac Tank A424 in May 2021; in Storage Tank L-3 in May 2021, July 2021, and November 2021; and in Storage Tank L-4, in January 2021, June 2021, and July 2021 [30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 87595, Special Conditions ("SC") No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, on December 17, 2021, TCEQ staff requested that the Respondent provide the hourly tank filling rate records from July 2021 through December 2021 for all applicable storage tanks, but the Respondent provided a response that the permit condition does not specify that the Site maintain records for the hourly tank filling rate and the Respondent did not provide the requested records demonstrating that the filling rates for Storage Tanks L-2, L-3, and L-4 were limited to a maximum of 8,000 gallons per hour [30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(i) and (c), NSR Permit No. 87595, General Conditions ("GC") No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, on December 17, 2021, TCEQ staff requested that the Respondent provide the records from July 2021 through December 2021 documenting that the annual vapor-tight testing was conducted for the tank trucks used, but the Respondent provided a response that the permit conditions do not specify a recordkeeping requirement and the Respondent did not provide the requested records demonstrating that each tank truck passed the required the vapor-tight testing [30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(i) and (c), NSR Permit No. 129626, GC No. 7, NSR Permit No. 87595, GC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to perform loading of liquids into containers within a total enclosure or within a partial enclosure designed and operated with a capture velocity of at least 200 feet per minute ("fpm") (if outside, 300 fpm to 500 fpm) at the container vent. Specifically, the drum and tote loading operations were not performed within a total enclosure or within a partial enclosure designed and operated with a capture velocity of at least 200 fpm at the container vent [30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 129626, SC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
5. Failed to maintain the minimum six-minute average temperature in, or immediately downstream of, the combustion zone at or above 1,450 degrees Fahrenheit ("F"). Specifically, the temperatures of the combustion zone for the Vapor Combustor ranged

Executive Summary – Enforcement Matter – Case No. 62500

K-Solv Chemicals, LLC

RN100616721

Docket No. 2022-0750-AIR-E

from 51.7 °F to 1,449.9 °F for 73 hours and 43 minutes from November 12, 2021 to December 31, 2021 [30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 87595, SC No. 7.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to operate the Vapor Combustor with no visible emissions. Specifically, TCEQ staff observed that the Vapor Combustor was in operation on September 8, 2021, October 26, 2021, and November 12, 2021 and observed visible emissions from the Vapor Combustor from 9:15 a.m. through 9:40 a.m. on September 8, 2021, at 10:12 a.m. on October 26, 2021, and at 2:20 p.m. on November 12, 2021 [30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 87595, SC No. 7.D., and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7. Failed to submit the 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 61 Subpart BB quarterly reports. Specifically, on December 17, 2021, TCEQ staff requested that the Respondent provide a copy of the 40 CFR Part 61 Subpart BB quarterly reports that were submitted for calendar year 2021, but the Respondent did not submit the 40 CFR Part 61 Subpart BB quarterly reports for calendar year 2021 [30 TEX. ADMIN. CODE §§ 101.20(2) and 116.115(c), 40 CFR § 61.305(f), NSR Permit No. 129626, SC No. 4.D., and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8. Failed to submit the 40 CFR Part 61 Subpart V semiannual reports. Specifically, on December 17, 2021, TCEQ staff requested that the Respondent provide a copy of the 40 CFR Part 61 Subpart V semiannual reports that were submitted for calendar year 2021, but the Respondent did not submit the 40 CFR Part 61 Subpart V semiannual reports for calendar year 2021 [30 TEX. ADMIN. CODE §§ 101.20(2) and 116.115(c), 40 CFR § 61.247(b), NSR Permit No. 129626, SC No. 4.C., and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9. Failed to maintain all air pollution emission capture and abatement equipment in good working order and operating properly during normal facility operations. Specifically, on December 16, 2021, TCEQ staff used an Optical Gas Imaging Camera and observed volatile organic compounds emissions being emitted from Frac Tanks 4 and 8 [30 TEX. ADMIN. CODE § 116.115(b)(2)(G), NSR Permit No. 87595, GC No. 9, NSR Permit No. 129626, GC No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

10. Failed to calibrate the temperature monitor on annual basis. Specifically, on December 17, 2021, TCEQ staff requested that the Respondent provide the annual calibration record for the temperature monitor for calendar years 2020 and 2021, but the Respondent did not calibrate the temperature monitor for the vapor control system in calendar year 2020 [30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 87595, SC Nos. 5.B.(2) and 7.B., and TEX. HEALTH & SAFETY CODE § 382.085(b)].

11. Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, on December 17, 2021, TCEQ staff requested that the Respondent provide the continuous temperature monitoring records for the Vapor Combustor from January 2021 through December 2021, but the

Executive Summary – Enforcement Matter – Case No. 62500

K-Solv Chemicals, LLC

RN100616721

Docket No. 2022-0750-AIR-E

Respondent did not maintain the continuous temperature monitoring records for the Vapor Combustor from January 2021 through November 11, 2021 [30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(i) and (c), NSR Permit No. 87595, GC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

12. Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, on December 17, 2021, TCEQ staff requested that the Respondent provide the weekly visual inspection records for the Carbon Adsorption System Stacks from January 2021 through December 2021, but the Respondent did not maintain the records for the weekly visual inspections for carbon build-up around Carbon Systems 1, 2, and 3 Storage Tank Control and Truck Loading Control Systems 1, 2, and 3 from January 1, 2021 through May 17, 2021 [30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(i) and (c), NSR Permit No. 129626, GC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

13. Failed to conduct quarterly Leak Detection and Repair ("LDAR") monitoring. Specifically, the Respondent did not conduct quarterly LDAR monitoring of all accessible valves during the first quarter of 2021 [30 TEX. ADMIN. CODE §§ 115.354(2)(C) and 116.115(c), NSR Permit No. 87595, SC No. 11.F., NSR Permit No. 129626, SC No. 18.F., and TEX. HEALTH & SAFETY CODE § 382.085(b)].

14. Failed to calibrate the flame ionization detector. Specifically, the Respondent did not calibrate the flame ionization detector for the first quarter and second quarter of 2021 [30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 87595, SC No. 11.F., NSR Permit No. 129626, SC No. 18.F., and TEX. HEALTH & SAFETY CODE § 382.085(b)].

15. Failed maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, on April 27, 2023, TCEQ staff requested that the Respondent provide the continuous temperature monitoring records for the Vapor Combustor beginning from January 2023, but the Respondent could not retrieve the continuous temperature monitoring records for the Vapor Combustor from April 25, 2023 through April 27, 2023 [30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(i) and (c), NSR Permit No. 87595, GC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

16. Failed to maintain the minimum six-minute average temperature in, or immediately downstream of, the combustion zone at or above 1,450 °F. Specifically, the temperatures of the combustion zone for the Vapor Combustor ranged from 44.4 °F to 1,446.9 °F for 202 hours and 55 minutes from January 1, 2023 to April 30, 2023 [30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 87595, SC No. 7.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)].

17. Failed to operate the Vapor Combustor five minutes prior to, during, and for 15 minutes after emissions are directed to the Vapor Combustor. Specifically, the Respondent did not operate the Vapor Combustor five minutes prior and 15 minutes after degassing and depressurizing operations for 62 instances from January 2, 2023

Executive Summary – Enforcement Matter – Case No. 62500

K-Solv Chemicals, LLC

RN100616721

Docket No. 2022-0750-AIR-E

to April 27, 2023 [30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 87595, SC No. 8, 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 May 18, 2021, began maintaining the records demonstrating that the visual inspection for carbon build-up around Carbon Systems 1, 2, and 3 Storage Tank Control and Truck Loading Control Systems 1, 2, and 3 occurred once a week;
- b. By June 17, 2021, began conducting LDAR monitoring;
- c. On July 1, 2021, calibrated the flame ionization detector;
- d. By November 11, 2021, calibrated the temperature monitor for the vapor collection system; and
- e. By December 20, 2021, took Frac Tanks 4 and 8 out of service and removed Frac Tanks 4 and 8 from the Site.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Implement measures designed to ensure that the use of compounds at the storage and loading, barge depressurizing, and barge degassing is limited to those identified in NSR Permit No. 87595 Attachment Lists I, II, and III;
 - ii. Begin maintaining the records demonstrating that the tank filling rate is limited to a maximum of 8,000 gallons per hour for Storage Tanks L-2, L-3, and L-4;
 - iii. Begin maintaining the records demonstrating that each tank truck passed vapor-tight testing every 12 months;
 - iv. Implement measures designed to ensure that the loading of liquids into drums and totes is performed within a total enclosure or within a partial enclosure designed and operated with a capture velocity of at least 200 fpm (if outside, 300 fpm to 500 fpm);

Executive Summary – Enforcement Matter – Case No. 62500

K-Solv Chemicals, LLC

RN100616721

Docket No. 2022-0750-AIR-E

- v. Implement measures designed to ensure that the six-minute average temperature in, or immediately downstream of, the combustion zone for the Vapor Combustor is maintained at or above 1,450 °F;
 - vi. Implement measures designed to ensure that the Vapor Combustor is operated with no visible emissions;
 - vii. Implement measures designed to ensure that the 40 CFR Part 61 Subpart BB quarterly reports are submitted in a timely manner;
 - viii. Implement measures designed to ensure that the 40 CFR Part 61 Subpart V semiannual reports are submitted in a timely manner;
 - ix. Begin maintaining the records demonstrating that the six-minute average temperature in, or immediately downstream of, the combustion zone for the Vapor Combustor is maintained at or above 1,450 °F; and
 - x. Implement measures designed to ensure that the Vapor Combustor is operated five minutes prior to, during, and for 15 minutes after emissions are directed to the Vapor Combustor.
- b. Within 45 days, submit written certification that demonstrates compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Danielle Porras, Enforcement Division, Enforcement Team 2, MC R-12, (512) 239-2923; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Gary Weatherly, Executive Vice President of Operations, K-Solv Chemicals, LLC, 16517 De Zavalla Road, Channelview, Texas 77530
Todd Riddle, Chief Legal Officer, K-Solv Chemicals, LLC, 16517 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	31-May-2022	Screening	9-Jun-2022	EPA Due	23-Nov-2022
	PCW	8-May-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	K-Solv Chemicals, LLC				
Reg. Ent. Ref. No.	RN100616721				
Facility/Site Region	12-Houston	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	62500	No. of Violations	17
Docket No.	2022-0750-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Danielle Porras
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$132,000
---	-------------------	-----------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	25.0%	Adjustment	Subtotals 2, 3, & 7	\$33,000
---------------------------	-------	-------------------	--------------------------------	----------

Notes Enhancement for one order without a denial of liability.

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

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$2,623
--	-------------------	----------

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

Total EB Amounts	\$11,869
Estimated Cost of Compliance	\$71,569

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$162,377
-----------------------------	-----------------------	-----------

OTHER FACTORS AS JUSTICE MAY REQUIRE	1.6%	Adjustment	\$2,619
---	------	-------------------	---------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Recommended enhancement to capture the avoided costs of compliance associated with Violation Nos. 7, 8, 10, 13, and 14.

Final Penalty Amount	\$164,996
-----------------------------	-----------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$164,996
-----------------------------------	-------------------------------	-----------

DEFERRAL	20.0%	Reduction	Adjustment	-\$32,999
-----------------	-------	------------------	-------------------	-----------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY	\$131,997
------------------------	-----------

Screening Date	9-Jun-2022	Docket No.	2022-0750-AIR-E	PCW
Respondent	K-Solv Chemicals, LLC			
Case ID No.	62500			
Reg. Ent. Reference No.	RN100616721			
Media	Air			
Enf. Coordinator	Danielle Porras			

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	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) 25%

>> 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 order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 25%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 25%

Screening Date 9-Jun-2022 Respondent K-Solv Chemicals, LLC Case ID No. 62500 Reg. Ent. Reference No. RN100616721 Media Air Enf. Coordinator Danielle Porras	Docket No. 2022-0750-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
--	-----------------------------------	--

Violation Number	1		
Rule Cite(s)		30 Tex. Admin. Code § 116.115(c), New Source Review ("NSR") Permit No. 87595, Special Conditions ("SC") No. 6, and Tex. Health & Safety Code § 382.085(b)	
Violation Description		Failed to limit the use of compounds at the storage and loading, barge depressurizing, and barge degassing to those identified in NSR Permit No. 87595 Attachment Lists I, II, and III. Specifically, the Respondent is approved to store and load benzene that is no greater than 50 percent ("%") concentration, but the Respondent provided records demonstrating that benzene at 100% concentration was stored in Frac Tank A424 in May 2021; in Storage Tank L-3 in May 2021, July 2021, and November 2021; and in Storage Tank L-4, in January 2021, June 2021, and July 2021.	

Base Penalty	\$25,000
---------------------	----------

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
		Percent			15.0%

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor		
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>		
	Percent				0.0%	
	Adjustment					\$21,250

	\$3,750
--	---------

Violation Events

Number of Violation Events	5	153	Number of violation days
----------------------------	---	-----	--------------------------

	daily	<input type="text"/>			
	weekly	<input type="text"/>			
	monthly	<input checked="" type="text" value="x"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
Violation Base Penalty					\$18,750

Five monthly events are recommended for the instances of non-compliance that occurred on January 2021, May 2021, June 2021, July 2021, and November 2021.	
---	--

Good Faith Efforts to Comply

0.0%		Reduction	\$0
	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 checked="" type="text" value="x"/>	<input type="text"/>	
Notes	The Respondent does not meet the good faith criteria for this violation.		

Violation Subtotal	\$18,750
---------------------------	----------

Economic Benefit (EB) for this violation

Statutory Limit Test	
Estimated EB Amount	\$2,001
Violation Final Penalty Total	\$23,816
This violation Final Assessed Penalty (adjusted for limits)	\$23,816

Economic Benefit Worksheet

Respondent K-Solv Chemicals, LLC
Case ID No. 62500
Reg. Ent. Reference No. RN100616721
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	1-Jan-2021	1-Jan-2025	4.00	\$2,001	n/a	\$2,001

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that the use of compounds at the storage and loading, barge depressurizing, and barge degassing is limited to those identified in NSR Permit No. 87595 Attachment Lists I, II, and III. The Date Required is the first date of non-compliance 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

\$10,000

TOTAL

\$2,001

Screening Date 9-Jun-2022 Respondent K-Solv Chemicals, LLC Case ID No. 62500 Reg. Ent. Reference No. RN100616721 Media Air Enf. Coordinator Danielle Porras	Docket No. 2022-0750-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
--	-----------------------------------	--

Violation Number	2	
Rule Cite(s)		30 Tex. Admin. Code § 116.115(b)(2)(E)(i) and (c), NSR Permit No. 87595, General Conditions ("GC") No. 7, and Tex. Health & Safety Code § 382.085(b)
Violation Description		Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, on December 17, 2021, TCEQ staff requested that the Respondent provide the hourly tank filling rate records from July 2021 through December 2021 for all applicable storage tanks, but the Respondent provided a response that the permit condition does not specify that the Site maintain records for the hourly tank filling rate and the Respondent did not provide the requested records demonstrating that the filling rates for Storage Tanks L-2, L-3, and L-4 were limited to a maximum of 8,000 gallons per hour.

Base Penalty	\$25,000
---------------------	----------

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			
		Major	Moderate	Minor	
	Actual				Percent
	Potential				0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
			x		Percent
					2.5%

Matrix Notes	More than 30% but less than 70% of the rule requirements were not met.
--------------	--

Adjustment	\$24,375
-------------------	----------

	\$625
--	-------

Violation Events

Number of Violation Events	3	343	Number of violation days
----------------------------	---	-----	--------------------------

	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			Violation Base Penalty
					\$1,875

Three single events are recommended (one event for each tank).	
--	--

Good Faith Efforts to Comply

	0.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	
Notes	The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal	\$1,875
---------------------------	---------

Economic Benefit (EB) for this violation

Estimated EB Amount	\$263	Statutory Limit Test
		Violation Final Penalty Total
		\$2,382

This violation Final Assessed Penalty (adjusted for limits)	\$2,382
--	---------

Economic Benefit Worksheet

Respondent K-Solv Chemicals, LLC
Case ID No. 62500
Reg. Ent. Reference No. RN100616721
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	\$1,500	1-Jul-2021	1-Jan-2025	3.51	\$263	n/a	\$263
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

Estimated cost to begin maintaining the records demonstrating that the tank filling rate is limited to a maximum of 8,000 gallons per hour for Storage Tanks L-2, L-3, and L-4. The Date Required is the first date of non-compliance 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

\$1,500

TOTAL

\$263

Screening Date 9-Jun-2022 Respondent K-Solv Chemicals, LLC Case ID No. 62500 Reg. Ent. Reference No. RN100616721 Media Air Enf. Coordinator Danielle Porras	Docket No. 2022-0750-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>				
Violation Number 3						
Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(E)(i) and (c), NSR Permit No. 129626, GC No. 7, NSR Permit No. 87595, GC No. 7, and Tex. Health & Safety Code § 382.085(b)						
Violation Description <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, on December 17, 2021, TCEQ staff requested that the Respondent provide the records from July 2021 through December 2021 documenting that the annual vapor-tight testing was conducted for the tank trucks used, but the Respondent provided a response that the permit conditions do not specify a recordkeeping requirement and the Respondent did not provide the requested records demonstrating that each tank truck passed the required the vapor-tight testing. </div>						
Base Penalty		\$25,000				
>> Environmental, Property and Human Health Matrix						
OR	Release	Major	Moderate	Minor	Percent	0.0%
	Actual					
	Potential					
>> Programmatic Matrix						
	Falsification	Major	Moderate	Minor		
			x		Percent	2.5%
Matrix Notes	More than 30% but less than 70% of the rule requirements were not met.					
Adjustment						\$24,375
						\$625
Violation Events						
Number of Violation Events		1	343		Number of violation days	
	daily					
	weekly					
	monthly					
	quarterly					
	semiannual					
	annual					
	single event	x				
Violation Base Penalty						\$625
One single event is recommended.						
Good Faith Efforts to Comply		0.0%	Reduction		\$0	
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer					
	Extraordinary					
	Ordinary					
	N/A	x				
	Notes	The Respondent does not meet the good faith criteria for this violation.				
Violation Subtotal						\$625
Economic Benefit (EB) for this violation			Statutory Limit Test			
Estimated EB Amount		\$232	Violation Final Penalty Total		\$794	
This violation Final Assessed Penalty (adjusted for limits)						\$794

Economic Benefit Worksheet

Respondent K-Solv Chemicals, LLC
Case ID No. 62500
Reg. Ent. Reference No. RN100616721
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	\$1,500	1-Jul-2021	3-Aug-2024	3.09	\$232	n/a	\$232
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

Estimated cost to begin maintaining the records demonstrating that each tank truck passed vapor-tight testing every 12 months. The Date Required is the first date of non-compliance 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

\$1,500

TOTAL

\$232

Screening Date 9-Jun-2022 Respondent K-Solv Chemicals, LLC Case ID No. 62500 Reg. Ent. Reference No. RN100616721 Media Air Enf. Coordinator Danielle Porras Violation Number 4 Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), NSR Permit No. 129626, SC No. 17, and Tex. Health & Safety Code § 382.085(b)	Docket No. 2022-0750-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
---	-----------------------------------	--

Violation Description
 Failed to perform loading of liquids into containers within a total enclosure or within a partial enclosure designed and operated with a capture velocity of at least 200 feet per minute ("fpm") (if outside, 300 fpm to 500 fpm) at the container vent. Specifically, the drum and tote loading operations were not performed within a total enclosure or within a partial enclosure designed and operated with a capture velocity of at least 200 fpm at the container vent.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release			
Actual			x
Potential			

Percent 15.0%

>> Programmatic Matrix

Matrix Notes

Falsification	Major	Moderate	Minor

Percent 0.0%

Human health or the environment has been exposed to insignificant amounts of pollutants that did 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 10

274 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$37,500

Ten monthly events are recommended from the September 8, 2021 investigation date to the June 9, 2022 screening date.

Good Faith Efforts to Comply

0.0%
 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Reduction \$0

Extraordinary
 Ordinary
 N/A

x	

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

Violation Subtotal \$37,500

Economic Benefit (EB) for this violation

Estimated EB Amount \$1,659

Statutory Limit Test
Violation Final Penalty Total \$47,631

This violation Final Assessed Penalty (adjusted for limits) \$47,631

Economic Benefit Worksheet

Respondent K-Solv Chemicals, LLC
Case ID No. 62500
Reg. Ent. Reference No. RN100616721
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	8-Sep-2021	1-Jan-2025	3.32	\$1,659	n/a	\$1,659

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that the loading of liquids into drums and totes is performed within a total enclosure or within a partial enclosure designed and operated with a capture velocity of at least 200 fpm (if outside, 300 fpm to 500 fpm). The Date Required is the investigation date 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

\$10,000

TOTAL

\$1,659

Screening Date 9-Jun-2022 Respondent K-Solv Chemicals, LLC Case ID No. 62500 Reg. Ent. Reference No. RN100616721 Media Air Enf. Coordinator Danielle Porras Violation Number 5 Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), NSR Permit No. 87595, SC No. 7.A., and Tex. Health & Safety Code § 382.085(b)	Docket No. 2022-0750-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
--	-----------------------------------	--

Violation Description
 Failed to maintain the minimum six-minute average temperature in, or immediately downstream of, the combustion zone at or above 1,450 degrees Fahrenheit ("°F"). Specifically, the temperatures of the combustion zone for the Vapor Combustor ranged from 51.7 °F to 1,449.9 °F for 73 hours and 43 minutes from November 12, 2021 to December 31, 2021.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

		Harm	
		Major	Minor
Release			
Actual			x
Potential			

Percent 15.0%

>> Programmatic Matrix

Matrix Notes

		Major	Moderate	Minor
Falsification				

Percent 0.0%

Human health or the environment has been exposed to insignificant amounts of pollutants that did 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 2

49 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two monthly events are recommended for the instances of non-compliance that occurred from November 12, 2021 to December 31, 2021.

Good Faith Efforts to Comply

0.0%
 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Reduction \$0

Extraordinary	
Ordinary	
N/A	x

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test
 Estimated EB Amount \$1,570

Violation Final Penalty Total \$9,526

This violation Final Assessed Penalty (adjusted for limits) \$9,526

Economic Benefit Worksheet

Respondent K-Solv Chemicals, LLC
Case ID No. 62500
Reg. Ent. Reference No. RN100616721
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	12-Nov-2021	1-Jan-2025	3.14	\$1,570	n/a	\$1,570

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that the six-minute average temperature in, or immediately downstream of, the combustion zone for the Vapor Combustor is maintained at or above 1,450 °F. The Date Required is the first date of non-compliance 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

\$10,000

TOTAL

\$1,570

Screening Date 9-Jun-2022 Respondent K-Solv Chemicals, LLC Case ID No. 62500 Reg. Ent. Reference No. RN100616721 Media Air Enf. Coordinator Danielle Porras Violation Number 6 Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), NSR Permit No. 87595, SC No. 7.D., and Tex. Health & Safety Code § 382.085(b)	Docket No. 2022-0750-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
--	-----------------------------------	--

Violation Description	Failed to operate the Vapor Combustor with no visible emissions. Specifically, TCEQ staff observed that the Vapor Combustor was in operation on September 8, 2021, October 26, 2021, and November 12, 2021 and observed visible emissions from the Vapor Combustor from 9:15 a.m. through 9:40 a.m. on September 8, 2021, at 10:12 a.m. on October 26, 2021, and at 2:20 p.m. on November 12, 2021.
------------------------------	---

Base Penalty	\$25,000
---------------------	----------

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	
	Potential				

15.0%

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

0.0%

Human health or the environment has been exposed to insignificant amounts of pollutants that did 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	2		3	Number of violation days
----------------------------	---	--	---	--------------------------

daily								
weekly								
monthly	x							
quarterly								
semiannual								
annual								
single event								

Violation Base Penalty \$7,500

Two monthly events are recommended for the instances of non-compliance that occurred on September 8, 2021 and from October 26, 2021 to November 12, 2021.	
---	--

Good Faith Efforts to Comply

	0.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal	\$7,500
---------------------------	---------

Economic Benefit (EB) for this violation

Estimated EB Amount	
\$1,659	

Statutory Limit Test

Violation Final Penalty Total	
\$9,526	

This violation Final Assessed Penalty (adjusted for limits)	\$9,526
--	---------

Economic Benefit Worksheet

Respondent K-Solv Chemicals, LLC
Case ID No. 62500
Reg. Ent. Reference No. RN100616721
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)	\$10,000	8-Sep-2021	1-Jan-2025	3.32	\$1,659	n/a	\$1,659

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that the Vapor Combustor is operated with no visible emissions. The Date Required is the first date of non-compliance and the Final Date is the estimated date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,659

Screening Date 9-Jun-2022 Respondent K-Solv Chemicals, LLC Case ID No. 62500 Reg. Ent. Reference No. RN100616721 Media Air Enf. Coordinator Danielle Porras	Docket No. 2022-0750-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
--	-----------------------------------	--

Violation Number	7	
Rule Cite(s)		30 Tex. Admin. Code §§ 101.20(2) and 116.115(c), 40 Code of Federal Regulations ("CFR") § 61.305(f), NSR Permit No. 129626, SC No. 4.D., and Tex. Health & Safety Code § 382.085(b)
Violation Description		Failed to submit the 40 CFR Part 61 Subpart BB quarterly reports. Specifically, on December 17, 2021, TCEQ staff requested that the Respondent provide a copy of the 40 CFR Part 61 Subpart BB quarterly reports that were submitted for calendar year 2021, but the Respondent did not submit the 40 CFR Part 61 Subpart BB quarterly reports for calendar year 2021.

Base Penalty	\$25,000
---------------------	----------

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	Potential	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
0.0%					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
10.0%					

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

Adjustment	\$22,500
-------------------	----------

	\$2,500
--	---------

Violation Events

Number of Violation Events	4	405	Number of violation days
----------------------------	---	-----	--------------------------

	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	Violation Base Penalty
	weekly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	monthly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	quarterly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	single event	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>	
\$10,000			

Four single events are recommended.

Good Faith Efforts to Comply

	0.0%	
		Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
Ordinary	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
N/A	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
Notes	The Respondent does not meet the good faith criteria for this violation.		

Violation Subtotal	\$10,000
---------------------------	----------

Economic Benefit (EB) for this violation

Estimated EB Amount	\$1,313
----------------------------	---------

Statutory Limit Test

Violation Final Penalty Total	\$12,702
--------------------------------------	----------

This violation Final Assessed Penalty (adjusted for limits)	\$12,702
--	----------

Economic Benefit Worksheet

Respondent K-Solv Chemicals, LLC
Case ID No. 62500
Reg. Ent. Reference No. RN100616721
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	30-Apr-2021	1-Jan-2025	3.68	\$276	n/a	\$276
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

Estimated cost to implement measures designed to ensure that the 40 CFR Part 61 Subpart BB quarterly reports are submitted in a timely manner. The Date Required is the date the first quarterly report was due 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	\$1,019	30-Jan-2022	9-Jun-2022	0.36	\$18	\$1,019	\$1,037
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to submit the 40 CFR Part 61 Subpart BB quarterly reports (\$250/quarterly report x 4 missed quarterly reports plus \$19 in interest). The Date Required is the date the last quarterly report was due and the Final Date is the screening date for Inv. No. 1762522.

Approx. Cost of Compliance

\$2,519

TOTAL

\$1,313

Screening Date 9-Jun-2022 Respondent K-Solv Chemicals, LLC Case ID No. 62500 Reg. Ent. Reference No. RN100616721 Media Air Enf. Coordinator Danielle Porras Violation Number 8 Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(2) and 116.115(c), 40 CFR § 61.247(b), NSR Permit No. 129626, SC No. 4.C., and Tex. Health & Safety Code § 382.085(b)	Docket No. 2022-0750-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
--	-----------------------------------	--

Violation Description
 Failed to submit the 40 CFR Part 61 Subpart V semiannual reports. Specifically, on December 17, 2021, TCEQ staff requested that the Respondent provide a copy of the 40 CFR Part 61 Subpart V semiannual reports that were submitted for calendar year 2021, but the Respondent did not submit the 40 CFR Part 61 Subpart V semiannual reports for calendar year 2021.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual	Potential	Potential	
					0.0%

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
		x			
	100% of the rule requirements were not met.				
Adjustment					\$22,500

\$2,500

Violation Events

Number of Violation Events	2		Number of violation days	314
----------------------------	---	--	--------------------------	-----

daily		Violation Base Penalty	
weekly			
monthly			
quarterly			
semiannual			
annual			
single event	x		

Two single events are recommended.

Good Faith Efforts to Comply

		0.0%	
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary			
Ordinary			
N/A	x		
Notes		The Respondent does not meet the good faith criteria for this violation.	
Violation Subtotal			\$5,000

Economic Benefit (EB) for this violation

		Statutory Limit Test
Estimated EB Amount	\$778	Violation Final Penalty Total
		\$6,351
This violation Final Assessed Penalty (adjusted for limits)		\$6,351

Economic Benefit Worksheet

Respondent K-Solv Chemicals, LLC
Case ID No. 62500
Reg. Ent. Reference No. RN100616721
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	\$1,500	30-Jul-2021	1-Jan-2025	3.43	\$257	n/a	\$257
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

Estimated cost to implement measures designed to ensure that the 40 CFR Part 61 Subpart V semiannual reports are submitted in a timely manner. The Date Required is the date the first semiannual report was due 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	\$506	30-Jan-2022	6-Sep-2022	0.60	\$15	\$506	\$521
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to submit the 40 CFR Part 61 Subpart V semiannual reports (\$250/semiannual report x 2 missed semiannual reports plus \$6 in interest). The Date Required is the date the last semiannual report was due and the Final Date is the screening date for Inv. No. 1762522.

Approx. Cost of Compliance

\$2,006

TOTAL

\$778

Screening Date 9-Jun-2022 Respondent K-Solv Chemicals, LLC Case ID No. 62500 Reg. Ent. Reference No. RN100616721 Media Air Enf. Coordinator Danielle Porras	Docket No. 2022-0750-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
Violation Number 9		
Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(G), NSR Permit No. 87595, GC No. 9, NSR Permit No. 129626, GC No. 9, and Tex. Health & Safety Code § 382.085(b)		
Violation Description Failed to maintain all air pollution emission capture and abatement equipment in good working order and operating properly during normal facility operations. Specifically, on December 16, 2021, TCEQ staff used an Optical Gas Imaging Camera and observed volatile organic compounds emissions being emitted from Frac Tanks 4 and 8.		
Base Penalty		\$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes		Falsification	Major	Moderate	Minor	
						Percent 0.0%
						
		Human health or the environment has been exposed to insignificant amounts of pollutants that did 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	Number of violation days	1
----------------------------	---	--------------------------	---

	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

One monthly event is recommended for the instances of non-compliance that occurred on December 16, 2021.

Good Faith Efforts to Comply

	25.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		
Notes	The Respondent completed the corrective measures by December 20, 2021, prior to the Notice of Enforcement ("NOE") dated May 27, 2022.	

Reduction \$937

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Estimated EB Amount	\$5	Statutory Limit Test
----------------------------	---	-----------------------------

Violation Final Penalty Total \$3,811

This violation Final Assessed Penalty (adjusted for limits) \$3,811

Economic Benefit Worksheet

Respondent K-Solv Chemicals, LLC
Case ID No. 62500
Reg. Ent. Reference No. RN100616721
Media Air
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	16-Dec-2021	20-Dec-2021	0.01	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to take Frac Tanks 4 and 8 out of service and remove Frac Tanks 4 and 8 from the Site. The Date Required is the date of non-compliance and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$5

Screening Date 9-Jun-2022 Respondent K-Solv Chemicals, LLC Case ID No. 62500 Reg. Ent. Reference No. RN100616721 Media Air Enf. Coordinator Danielle Porras	Docket No. 2022-0750-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>	
Violation Number 10			
Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), NSR Permit No. 87595, SC Nos. 5.B.(2) and 7.B., and Tex. Health & Safety Code § 382.085(b)			
Violation Description Failed to calibrate the temperature monitor on annual basis. Specifically, on December 17, 2021, TCEQ staff requested that the Respondent provide the annual calibration record for the temperature monitor for calendar years 2020 and 2021, but the Respondent did not calibrate the temperature monitor for the vapor control system in calendar year 2020.			
Base Penalty		\$25,000	
>> Environmental, Property and Human Health Matrix			
OR	Release Actual Potential	Harm Major Moderate Minor	Percent 3.0%
>> Programmatic Matrix			
	Falsification Major Moderate Minor		
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		\$24,250	
		\$750	
Violation Events			
Number of Violation Events 1		365 Number of violation days	
	daily weekly monthly quarterly semiannual annual single event		
		Violation Base Penalty \$750	
One single event is recommended.			
Good Faith Efforts to Comply		25.0%	Reduction \$187
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary Ordinary N/A		
Notes	The Respondent completed the corrective measures by November 11, 2021, prior to the NOE dated May 27, 2022.		
Violation Subtotal		\$563	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount		\$261	Violation Final Penalty Total \$763
This violation Final Assessed Penalty (adjusted for limits)		\$763	

Economic Benefit Worksheet

Respondent K-Solv Chemicals, LLC
Case ID No. 62500
Reg. Ent. Reference No. RN100616721
Media Air
Violation No. 10

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)				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	\$250	31-Dec-2020	11-Nov-2021	0.86	\$11	\$250	\$261
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to calibrate the temperature monitor on annual basis. The Date Required is the last date the temperature monitor could have been calibrated and the Final Date is the date of compliance.

Approx. Cost of Compliance

\$250

TOTAL

\$261

Screening Date 9-Jun-2022 Respondent K-Solv Chemicals, LLC Case ID No. 62500 Reg. Ent. Reference No. RN100616721 Media Air Enf. Coordinator Danielle Porras Violation Number 11 Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(E)(i) and (c), NSR Permit No. 87595, GC No. 7, and Tex. Health & Safety Code § 382.085(b)	Docket No. 2022-0750-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
---	-----------------------------------	--

Violation Description
 Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, on December 17, 2021, TCEQ staff requested that the Respondent provide the continuous temperature monitoring records for the Vapor Combustor from January 2021 through December 2021, but the Respondent did not maintain the continuous temperature monitoring records for the Vapor Combustor from January 2021 through November 11, 2021.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm		
		Major Moderate Minor		
	Actual Potential	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
				Percent 0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text"/>	<input type="text"/>	<input type="text"/>	
					Percent 10.0%

Matrix Notes
 More than 70% of the rule requirements were not met.

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events	1	315	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"/>				

Violation Base Penalty \$2,500

One single event is recommended.

Good Faith Efforts to Comply

	0.0%		
	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 checked="" type="text"/>	<input type="text"/>	
Notes	The Respondent does not meet the good faith criteria for this violation.		

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

	\$300		
Estimated EB Amount		Violation Final Penalty Total	
			\$3,175

This violation Final Assessed Penalty (adjusted for limits) \$3,175

Economic Benefit Worksheet

Respondent K-Solv Chemicals, LLC
Case ID No. 62500
Reg. Ent. Reference No. RN100616721
Media Air
Violation No. 11

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	\$1,500	1-Jan-2021	1-Jan-2025	4.00	\$300	n/a	\$300
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

Estimated cost to begin maintaining the records demonstrating that the six-minute average temperature in, or immediately downstream of, the combustion zone for the Vapor Combustor is maintained at or above 1,450 °F. The Date Required is the first date of non-compliance 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

\$1,500

TOTAL

\$300

Screening Date 9-Jun-2022 Respondent K-Solv Chemicals, LLC Case ID No. 62500 Reg. Ent. Reference No. RN100616721 Media Air Enf. Coordinator Danielle Porras	Docket No. 2022-0750-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>	
Violation Number 12			
Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(E)(i) and (c), NSR Permit No. 129626, GC No. 7, and Tex. Health & Safety Code § 382.085(b)			
Violation Description <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, on December 17, 2021, TCEQ staff requested that the Respondent provide the weekly visual inspection records for the Carbon Adsorption System Stacks from January 2021 through December 2021, but the Respondent did not maintain the records for the weekly visual inspections for carbon build-up around Carbon Systems 1, 2, and 3 Storage Tank Control and Truck Loading Control Systems 1, 2, and 3 from January 1, 2021 through May 17, 2021. </div>			
Base Penalty		\$25,000	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
	Actual		
	Potential		
		Percent	0.0%
>> Programmatic Matrix			
	Falsification	Major	Moderate
			
		Minor	x
			
		Percent	2.5%
Matrix Notes	More than 30% but less than 70% of the rule requirements were not met.		
Adjustment		\$24,375	
		\$625	
Violation Events			
Number of Violation Events		6	
		136	Number of violation days
	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event		
		Violation Base Penalty	\$3,750
Six single events are recommended (one event for each Carbon Adsorption System Stack).			
Good Faith Efforts to Comply		25.0%	Reduction \$937
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A			
Notes	The Respondent completed the corrective measures by May 18, 2021, prior to the NOE dated May 27, 2022.		
Violation Subtotal		\$2,813	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	\$28		Violation Final Penalty Total
		\$3,811	
This violation Final Assessed Penalty (adjusted for limits)		\$3,811	

Economic Benefit Worksheet

Respondent K-Solv Chemicals, LLC
Case ID No. 62500
Reg. Ent. Reference No. RN100616721
Media Air
Violation No. 12

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	\$1,500	1-Jan-2021	18-May-2021	0.38	\$28	n/a	\$28
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

Estimated cost to begin maintaining the records demonstrating that the visual inspection for carbon build-up around Carbon Systems 1, 2, and 3 Storage Tank Control and Truck Loading Control Systems 1, 2, and 3 occurs once a week. The Date Required is the first date of non-compliance 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

\$1,500

TOTAL

\$28

Screening Date 9-Jun-2022 Respondent K-Solv Chemicals, LLC Case ID No. 62500 Reg. Ent. Reference No. RN100616721 Media Air Enf. Coordinator Danielle Porras	Docket No. 2022-0750-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
--	-----------------------------------	--

Violation Number	13	Rule Cite(s)	
		30 Tex. Admin. Code §§ 115.354(2)(C) and 116.115(c), NSR Permit No. 87595, SC No. 11.F., NSR Permit No. 129626, SC No. 18.F., and Tex. Health & Safety Code § 382.085(b)	
Violation Description		Failed to conduct quarterly Leak Detection and Repair ("LDAR") monitoring. Specifically, the Respondent did not conduct quarterly LDAR monitoring of all accessible valves during the first quarter of 2021.	

Base Penalty	\$25,000
---------------------	----------

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			
		Major	Moderate	Minor	
	Actual				
	Potential			x	

Percent 3.0%

>> 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	\$24,250
-------------------	----------

	\$750
--	-------

Violation Events

Number of Violation Events	1	89	Number of violation days
----------------------------	---	----	--------------------------

	daily				
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				

Violation Base Penalty \$750

One quarterly event is recommended for the period of non-compliance from January 1, 2021 to March 31, 2021.

Good Faith Efforts to Comply

25.0%	Reduction	\$187
	Before NOE/NOV	NOE/NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes	The Respondent completed the corrective measures by June 17, 2021, prior to the NOE dated May 27, 2022.
-------	---

Violation Subtotal	\$563
---------------------------	-------

Economic Benefit (EB) for this violation

Estimated EB Amount	\$297	Statutory Limit Test
		Violation Final Penalty Total
		\$763

This violation Final Assessed Penalty (adjusted for limits)	\$763
--	-------

Economic Benefit Worksheet

Respondent K-Solv Chemicals, LLC
Case ID No. 62500
Reg. Ent. Reference No. RN100616721
Media Air
Violation No. 13

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)				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	\$294	31-Mar-2021	17-Jun-2021	0.21	\$3	\$294	\$297
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to conduct quarterly LDAR monitoring (\$0.65 per component x 452 components x one missed quarter). The Date Required is last day that LDAR monitoring could have been conducted and the Final Date is the date of compliance.

Approx. Cost of Compliance

\$294

TOTAL

\$297

Screening Date 9-Jun-2022 Respondent K-Solv Chemicals, LLC Case ID No. 62500 Reg. Ent. Reference No. RN100616721 Media Air Enf. Coordinator Danielle Porras	Docket No. 2022-0750-AIR-E Base Penalty \$25,000	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
--	---	--

Violation Number	14	Rule Cite(s)
		30 Tex. Admin. Code § 116.115(c), NSR Permit No. 87595, SC No. 11.F., NSR Permit No. 129626, SC No. 18.F., and Tex. Health & Safety Code § 382.085(b)
Violation Description		Failed to calibrate the flame ionization detector. Specifically, the Respondent did not calibrate the flame ionization detector for the first quarter and second quarter of 2021.

>> Environmental, Property and Human Health Matrix

OR		Release	Harm		
		Major	Moderate	Minor	
	Actual				
	Potential			x	
					Percent 3.0%

>> 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 \$24,250

\$750

Violation Events

Number of Violation Events	2	180	Number of violation days
----------------------------	---	-----	--------------------------

	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		

Two single events are recommended (one event for each missed calibration).

Good Faith Efforts to Comply

	25.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary	x		
N/A			
Notes	The Respondent completed the corrective measures on July 1, 2021, prior to the NOE dated May 27, 2022.		

Violation Subtotal \$1,125

\$375

Economic Benefit (EB) for this violation

Estimated EB Amount	\$503	Statutory Limit Test
		Violation Final Penalty Total \$1,524
		This violation Final Assessed Penalty (adjusted for limits) \$1,524

Economic Benefit Worksheet

Respondent K-Solv Chemicals, LLC
Case ID No. 62500
Reg. Ent. Reference No. RN100616721
Media Air
Violation No. 14

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)				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	\$250	30-Jun-2021	1-Jul-2021	0.00	\$0	\$250	\$250
Other (as needed)	\$250	31-Mar-2021	1-Jul-2021	0.25	\$3	\$250	\$253

Notes for AVOIDED costs

Estimated cost to calibrate the flame ionization detector (\$250/quarter x two missed quarters). The Dates Required is the last date the quarterly calibration could have been conducted and the Final Date is the date of compliance.

Approx. Cost of Compliance

\$500

TOTAL

\$503

Screening Date 9-Jun-2022 Respondent K-Solv Chemicals, LLC Case ID No. 62500 Reg. Ent. Reference No. RN100616721 Media Air Enf. Coordinator Danielle Porras	Docket No. 2022-0750-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
Violation Number 15		
Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(E)(i) and (c), NSR Permit No. 87595, GC No. 7, and Tex. Health & Safety Code § 382.085(b)		
Violation Description Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, on April 27, 2023, TCEQ staff requested that the Respondent provide the continuous temperature monitoring records for the Vapor Combustor beginning from January 2023, but the Respondent could not retrieve the continuous temperature monitoring records for the Vapor Combustor from April 25, 2023 through April 27, 2023.		
Base Penalty		\$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				
	Potential				

>> Programmatic Matrix

OR	Falsification	Major	Moderate	Minor	Percent	
				x		1.0%

Matrix Notes
 Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1	3	Number of violation days
------------------------------	---	--------------------------

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

	0.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Estimated EB Amount \$0	Statutory Limit Test
	Violation Final Penalty Total \$318
This violation Final Assessed Penalty (adjusted for limits) \$318	

Economic Benefit Worksheet

Respondent K-Solv Chemicals, LLC
Case ID No. 62500
Reg. Ent. Reference No. RN100616721
Media Air
Violation No. 15

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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	See the Economic Benefit in Violation No. 11.						

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 \$0

TOTAL \$0

Screening Date 9-Jun-2022 Respondent K-Solv Chemicals, LLC Case ID No. 62500 Reg. Ent. Reference No. RN100616721 Media Air Enf. Coordinator Danielle Porras	Docket No. 2022-0750-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
Violation Number 16		
Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), NSR Permit No. 87595, SC No. 7.A., and Tex. Health & Safety Code § 382.085(b)		
Violation Description Failed to maintain the minimum six-minute average temperature in, or immediately downstream of, the combustion zone at or above 1,450 °F. Specifically, the temperatures of the combustion zone for the Vapor Combustor ranged from 44.4 °F to 1,446.9 °F for 202 hours and 55 minutes from January 1, 2023 to April 30, 2023.		
Base Penalty		\$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes: Human health or the environment has been exposed to insignificant amounts of pollutants that did 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	4	119	Number of violation days
----------------------------	---	-----	--------------------------

	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$15,000

Four monthly events are recommended for the instances of non-compliance that occurred from January 1, 2023 to April 30, 2023.

Good Faith Efforts to Comply

	0.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Estimated EB Amount	Statutory Limit Test
\$0	\$19,052

This violation Final Assessed Penalty (adjusted for limits) \$19,052

Economic Benefit Worksheet

Respondent K-Solv Chemicals, LLC
Case ID No. 62500
Reg. Ent. Reference No. RN100616721
Media Air
Violation No. 16

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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	See the Economic Benefit in Violation No. 5.						

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

TOTAL

Screening Date 9-Jun-2022 Respondent K-Solv Chemicals, LLC Case ID No. 62500 Reg. Ent. Reference No. RN100616721 Media Air Enf. Coordinator Danielle Porras Violation Number 17 Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), NSR Permit No. 87595, SC No. 8, and Tex. Health & Safety Code § 382.085(b) Violation Description Failed to operate the Vapor Combustor five minutes prior to, during, and for 15 minutes after emissions are directed to the Vapor Combustor. Specifically, the Respondent did not operate the Vapor Combustor five minutes prior and 15 minutes after degassing and depressurizing operations for 62 instances from January 2, 2023 to April 27, 2023.	Docket No. 2022-0750-AIR-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
---	-----------------------------------	--

	Base Penalty \$25,000
--	------------------------------

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

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

	Adjustment \$21,250
--	----------------------------

	Adjustment \$3,750
--	---------------------------

Violation Events

Number of Violation Events 4		Number of violation days 115
------------------------------	--	------------------------------

	daily		
	weekly		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		

	Violation Base Penalty \$15,000
--	--

	Adjustment \$0
--	-----------------------

	Adjustment \$0
--	-----------------------

Good Faith Efforts to Comply

	0.0%	
		Reduction \$0

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

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

	Violation Subtotal \$15,000
--	------------------------------------

Economic Benefit (EB) for this violation

	\$1,000	
--	---------	--

Statutory Limit Test

	\$19,052	
--	----------	--

	This violation Final Assessed Penalty (adjusted for limits) \$19,052
--	---

Economic Benefit Worksheet

Respondent K-Solv Chemicals, LLC
Case ID No. 62500
Reg. Ent. Reference No. RN100616721
Media Air
Violation No. 17

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	2-Jan-2023	1-Jan-2025	2.00	\$1,000	n/a	\$1,000

Notes for DELAYED costs

Estimated cost implement measures designed to ensure that the Vapor Combustor is operated five minutes prior to, during, and for 15 minutes after emissions are directed to the Vapor Combustor. The Date Required is the first date of non-compliance 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

\$10,000

TOTAL

\$1,000

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 CN605668805, RN100616721, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN605668805, K-Solv Chemicals, LLC **Classification:** SATISFACTORY **Rating:** 10.91

Regulated Entity: RN100616721, K SOLV **Classification:** SATISFACTORY **Rating:** 10.91

Complexity Points: 10 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 1015 LAKESIDE DRIVE, CHANNELVIEW, HARRIS COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR NEW SOURCE PERMITS ACCOUNT NUMBER
HX2351A

AIR NEW SOURCE PERMITS PERMIT 87595

AIR NEW SOURCE PERMITS PERMIT 129626

AIR NEW SOURCE PERMITS REGISTRATION 150670

AIR NEW SOURCE PERMITS AFS NUM 4820101651

AIR EMISSIONS INVENTORY ACCOUNT NUMBER
HX2351A

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: May 03, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 03, 2019 to May 03, 2024

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

Name: Danielle Porras

Phone: (512) 239-2923

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: 08/25/2022 ADMINORDER 2021-1006-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Major
Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 150670 PERMIT
Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on April 7, 2021, TCEQ/STEERS Incident No. 354013.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085(b)
Description: Failure to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event.

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 07, 2022	(1762849)
Item 3	March 13, 2023	(1880078)

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
K-SOLV CHEMICALS, LLC
RN100616721

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0750-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 K-Solv Chemicals, LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a dock facility that conducts barge degassing and heel removal operations located at 1015 Lakeside Drive in Channelview, Harris County, Texas (the "Site"). The Site 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 \$164,996 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$131,997 of the penalty and \$32,999 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 Site:
 - a. By May 18, 2021, began maintaining the records demonstrating that the visual inspection for carbon build-up around Carbon Systems 1, 2, and 3 Storage Tank Control and Truck Loading Control Systems 1, 2, and 3 occurred once a week;
 - b. By June 17, 2021, began conducting Leak Detection and Repair ("LDAR") monitoring;
 - c. On July 1, 2021, calibrated the flame ionization detector;
 - d. By November 11, 2021, calibrated the temperature monitor for the vapor collection system; and
 - e. By December 20, 2021, took Frac Tanks 4 and 8 out of service and removed Frac Tanks 4 and 8 from the Site.

II. ALLEGATIONS

1. During an investigation at the Site conducted from September 8, 2021 through May 23, 2022, an investigator documented that the Respondent:
 - a. Failed to limit the use of compounds at the storage and loading, barge depressurizing, and barge degassing to those identified in New Source Review ("NSR") Permit No. 87595 Attachment Lists I, II, and III, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 87595, Special Conditions ("SC") No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent is approved to store and load benzene that is no greater than 50 percent ("%") concentration, but the Respondent provided records demonstrating that benzene at 100% concentration was stored in Frac Tank A424 in May 2021; in Storage Tank L-3 in May 2021, July 2021, and November 2021; and in Storage Tank L-4, in January 2021, June 2021, and July 2021.
 - b. Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(i) and (c), NSR Permit No. 87595, General Conditions ("GC") No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on December 17, 2021, TCEQ staff requested that the Respondent provide the hourly tank filling

rate records from July 2021 through December 2021 for all applicable storage tanks, but the Respondent provided a response that the permit condition does not specify that the Site maintain records for the hourly tank filling rate and the Respondent did not provide the requested records demonstrating that the filling rates for Storage Tanks L-2, L-3, and L-4 were limited to a maximum of 8,000 gallons per hour.

- c. Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(i) and (c), NSR Permit No. 129626, GC No. 7, NSR Permit No. 87595, GC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on December 17, 2021, TCEQ staff requested that the Respondent provide the records from July 2021 through December 2021 documenting that the annual vapor-tight testing was conducted for the tank trucks used, but the Respondent provided a response that the permit conditions do not specify a recordkeeping requirement and the Respondent did not provide the requested records demonstrating that each tank truck passed the required the vapor-tight testing.
- d. Failed to perform loading of liquids into containers within a total enclosure or within a partial enclosure designed and operated with a capture velocity of at least 200 feet per minute ("fpm") (if outside, 300 fpm to 500 fpm) at the container vent, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 129626, SC No. 17, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the drum and tote loading operations were not performed within a total enclosure or within a partial enclosure designed and operated with a capture velocity of at least 200 fpm at the container vent.
- e. Failed to maintain the minimum six-minute average temperature in, or immediately downstream of, the combustion zone at or above 1,450 degrees Fahrenheit ("°F"), in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 87595, SC No. 7.A., and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the temperatures of the combustion zone for the Vapor Combustor ranged from 51.7 °F to 1,449.9 °F for 73 hours and 43 minutes from November 12, 2021 to December 31, 2021.
- f. Failed to operate the Vapor Combustor with no visible emissions, in violation of 30 TEX. ADMIN CODE § 116.115(c), NSR Permit No. 87595, SC No. 7.D., and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, TCEQ staff observed that the Vapor Combustor was in operation on September 8, 2021, October 26, 2021, and November 12, 2021 and observed visible emissions from the Vapor Combustor from 9:15 a.m. through 9:40 a.m. on September 8, 2021, at 10:12 a.m. on October 26, 2021, and at 2:20 p.m. on November 12, 2021.
- g. Failed to submit the 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 61 Subpart BB quarterly reports, in violation of 30 TEX. ADMIN CODE §§ 101.20(2) and 116.115(c), 40 CFR § 61.305(f), NSR Permit No. 129626, SC No. 4.D., and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on December 17, 2021, TCEQ staff requested that the Respondent provide a copy of the 40 CFR Part 61 Subpart BB quarterly reports that were submitted for calendar year 2021, but the Respondent did not submit the 40 CFR Part 61 Subpart BB quarterly reports for calendar year 2021.

- h. Failed to submit the 40 CFR Part 61 Subpart V semiannual reports, in violation of 30 TEX. ADMIN CODE §§ 101.20(2) and 116.115(c), 40 CFR § 61.247(b), NSR Permit No. 129626, SC No. 4.C., and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on December 17, 2021, TCEQ staff requested that the Respondent provide a copy of the 40 CFR Part 61 Subpart V semiannual reports that were submitted for calendar year 2021, but the Respondent did not submit the 40 CFR Part 61 Subpart V semiannual reports for calendar year 2021.
- i. Failed to maintain all air pollution emission capture and abatement equipment in good working order and operating properly during normal facility operations, in violation of 30 TEX. ADMIN CODE § 116.115(b)(2)(G), NSR Permit No. 87595, GC No. 9, NSR Permit No. 129626, GC No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on December 16, 2021, TCEQ staff used an Optical Gas Imaging Camera and observed volatile organic compounds emissions being emitted from Frac Tanks 4 and 8.
- j. Failed to calibrate the temperature monitor on annual basis, in violation of 30 TEX. ADMIN CODE § 116.115(c), NSR Permit No. 87595, SC Nos. 5.B.(2) and 7.B., and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on December 17, 2021, TCEQ staff requested that the Respondent provide the annual calibration record for the temperature monitor for calendar years 2020 and 2021, but the Respondent did not calibrate the temperature monitor for the vapor control system in calendar year 2020.
- k. Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(i) and (c), NSR Permit No. 87595, GC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on December 17, 2021, TCEQ staff requested that the Respondent provide the continuous temperature monitoring records for the Vapor Combustor from January 2021 through December 2021, but the Respondent did not maintain the continuous temperature monitoring records for the Vapor Combustor from January 2021 through November 11, 2021.
- l. Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(i) and (c), NSR Permit No. 129626, GC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on December 17, 2021, TCEQ staff requested that the Respondent provide the weekly visual inspection records for the Carbon Adsorption System Stacks from January 2021 through December 2021, but the Respondent did not maintain the records for the weekly visual inspections for carbon build-up around Carbon Systems 1, 2, and 3 Storage Tank Control and Truck Loading Control Systems 1, 2, and 3 from January 1, 2021 through May 17, 2021.
- m. Failed to conduct quarterly Leak Detection and Repair ("LDAR") monitoring, in violation of 30 TEX. ADMIN. CODE §§ 115.354(2)(C) and 116.115(c), NSR Permit No. 87595, SC No. 11.F., NSR Permit No. 129626, SC No. 18.F., and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not conduct quarterly LDAR monitoring of all accessible valves during the first quarter of 2021.

- n. Failed to calibrate the flame ionization detector, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 87595, SC No. 11.F., NSR Permit No. 129626, SC No. 18.F., and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not calibrate the flame ionization detector for the first quarter and second quarter of 2021.
2. During an investigation at the Site conducted from April 27, 2023 through September 22, 2023, an investigator documented that the Respondent:
 - a. Failed maintain records containing the information and data sufficient to demonstrate compliance with the permit, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(i) and (c), NSR Permit No. 87595, GC No. 7, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on April 27, 2023, TCEQ staff requested that the Respondent provide the continuous temperature monitoring records for the Vapor Combustor beginning from January 2023, but the Respondent could not retrieve the continuous temperature monitoring records for the Vapor Combustor from April 25, 2023 through April 27, 2023.
 - b. Failed to maintain the minimum six-minute average temperature in, or immediately downstream of, the combustion zone at or above 1,450 °F, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 87595, SC No. 7.A., and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the temperatures of the combustion zone for the Vapor Combustor ranged from 44.4 °F to 1,446.9 °F for 202 hours and 55 minutes from January 1, 2023 to April 30, 2023.
 - c. Failed to operate the Vapor Combustor five minutes prior to, during, and for 15 minutes after emissions are directed to the Vapor Combustor, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 87595, SC No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not operate the Vapor Combustor five minutes prior and 15 minutes after degassing and depressurizing operations for 62 instances from January 2, 2023 to April 27, 2023.

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: K-Solv Chemicals, LLC, Docket No. 2022-0750-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

2. The Respondent shall undertake the following technical requirements at the Site:
 - a. Within 30 days after the effective date of this Order:
 - i. Implement measures designed to ensure that the use of compounds at the storage and loading, barge depressurizing, and barge degassing is limited to those identified in NSR Permit No. 87595 Attachment Lists I, II, and III;
 - ii. Begin maintaining the records demonstrating that the tank filling rate is limited to a maximum of 8,000 gallons per hour for Storage Tanks L-2, L-3, and L-4;
 - iii. Begin maintaining the records demonstrating that each tank truck passed vapor-tight testing every 12 months;
 - iv. Implement measures designed to ensure that the loading of liquids into drums and totes is performed within a total enclosure or within a partial enclosure designed and operated with a capture velocity of at least 200 fpm (if outside, 300 fpm to 500 fpm);
 - v. Implement measures designed to ensure that the six-minute average temperature in, or immediately downstream of, the combustion zone for the Vapor Combustor is maintained at or above 1,450 °F;
 - vi. Implement measures designed to ensure that the Vapor Combustor is operated with no visible emissions;
 - vii. Implement measures designed to ensure that the 40 CFR Part 61 Subpart BB quarterly reports are submitted in a timely manner;
 - viii. Implement measures designed to ensure that the 40 CFR Part 61 Subpart V semiannual reports are submitted in a timely manner;
 - ix. Begin maintaining the records demonstrating that the six-minute average temperature in, or immediately downstream of, the combustion zone for the Vapor Combustor is maintained at or above 1,450 °F; and
 - x. Implement measures designed to ensure that the Vapor Combustor is operated five minutes prior to, during, and for 15 minutes after emissions are directed to the Vapor Combustor.
 - b. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.a., and include detailed supporting documentation including photographs, receipts, and/or other

records to demonstrate compliance. 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:

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

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Site operations referenced in this Order.
5. 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.
6. 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.
7. 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.

8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date


For the Executive Director

11/27/2024

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

9/5/24
Date

TOOD RIDDLE
Name (Printed or typed)
Authorized Representative of
K-Solv Chemicals, LLC

Chief Legal Officer
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.