

Executive Summary – Enforcement Matter – Case No. 62851
Air Liquide Large Industries U.S. LP
RN100215334
Docket No. 2022-1085-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Freeport Hyco Plant, 2398 Victoria Street, Freeport, Brazoria County

Type of Operation:

Chemical manufacturer plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 25, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$102,055

Amount Deferred for Expedited Settlement: \$20,411

Total Paid to General Revenue: \$81,644

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 27, 2022

Date(s) of NOE(s): August 12, 2022

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Violation Information

1. Failed to comply with the concentration limit. Specifically, the Respondent exceeded the total dissolved solids ("TDS") concentration limit of 1,550 parts per million by weight ("ppmw") by a range from 60.0 to 230.0 ppmw in the samples collected on April 7, 2021, April 14, 2021, and April 28, 2021 for the Cooling Tower water drift, Emissions Point Number ("EPN") COOLINGTWR [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c) and 122.143(4), New Source Review ("NSR") Permit Nos. 32274, PSDTX995M1, and N042, Special Conditions ("SC") No. 12.C., Federal Operating Permit ("FOP") No. O12391, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to comply with the maximum allowable emissions rates ("MAERs"). Specifically, the Respondent exceeded the particulate matter ("PM") MAER of 0.04 tons per year ("tpy") based on a 12-month rolling period for the 12-month periods ending from January 2017 through November 2018, October 2019 through December 2019, March 2020 through May 2020, and March 2021 through May 2021 and the 10 microns ("PM10") MAER of 0.04 tpy based on a 12-month rolling period for the 12-month periods ending from January 2017 through December 2017 for the Temporary Cooling Tower, EPN TCOOLTWR, resulting in 0.04 tons of unauthorized PM emissions and 0.01 tons of unauthorized PM10 emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit Nos. 32274, PSDTX995M1, and N042, SC No. 1, FOP No. O2391, GTC and STC No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to comply with the MAER. Specifically, the Respondent exceeded the PM equal to or less than 2.5 microns ("PM2.5") MAER of 0.01 tpy based on a 12-month rolling period for the 12-month periods ending from January 2017 through December 2021 for the EPN COOLINGTWR, resulting in 0.02 tons of unauthorized PM2.5 emissions [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit Nos. 32274, PSDTX995M1, and N042, SC No. 1, FOP No. O2391, GTC and STC No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to prevent the loss of valid data from a continuous emissions monitoring system ("CEMS") due to periods of monitor break down, out-of-control operations, repair, maintenance, or calibration that exceeds 5.0% of the time (in minutes) that the heater operated over the previous rolling 12-month period. Specifically, the CEMS downtime for the Steam Methane Reformer, EPN SMRSTACK was down to 5.31% for the 12-month period ending October 2021 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c) and 122.143(4), NSR Permit Nos. 32274, PSDTX995M1, and N042, SC No. 17.F, FOP No. O2391, GTC and STC No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5. Failed to prevent the loss of valid data from a CEMS due to periods of monitor break down, out-of-control operations, repair, maintenance, or calibration that exceeds 5.0 % of the time (in minutes) that the heater operated over the previous rolling 12-month period. Specifically, the CEMS downtime for the Auxiliary Boiler, EPN AUXSTACK

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ranged from 5.06% to 6.04% for the 12-month periods ending from June 2021 through October 2021 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2) and (c) and 122.143(4), NSR Permit Nos. 32274, PSDTX995M1, and N042, SC No. 17.F, FOP No. O2391, GTC and STC No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to report all instances of deviations. Specifically, the deviation report for the October 18, 2016 through April 17, 2017 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from January 2017 through April 2017 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from January 2017 through April 2017 for the Cooling Tower, EPN COOLINGTWR [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2391, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7. Failed to report all instances of deviations. Specifically, the deviation report for the April 18, 2017 through October 17, 2017 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from April 2017 through October 2017 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2017 through October 2017 for the Cooling Tower, EPN COOLINGTWR [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2391, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8. Failed to report all instances of deviations. Specifically, the deviation report for the October 18, 2017 through April 17, 2018 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from October 2017 through April 2018 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from October 2017 through April 2018 for the Cooling Tower, EPN COOLINGTWR [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2391, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9. Failed to report all instances of deviations. Specifically, the deviation report for the April 18, 2018 through October 17, 2018 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from April 2018 through October 2018 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2018 through October 2018 for the Cooling Tower, EPN COOLINGTWR [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2391, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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10. Failed to report all instances of deviations. Specifically, the deviation report for the October 18, 2018 through April 17, 2019 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from October 2018 through November 2018 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from October 2018 through April 2019 for the Cooling Tower, EPN COOLINGTWR [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2391, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

11. Failed to report all instances of deviations. Specifically, the deviation report for the April 18, 2019 through October 17, 2019 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending October 2019 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2019 through October 2019 for the Cooling Tower, EPN COOLINGTWR [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2391, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

12. Failed to report all instances of deviations. Specifically, the deviation report for the October 18, 2019 through April 17, 2020 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from October 2019 through December 2019 and March 2020 through April 2020 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from October 2019 through April 2020 for the Cooling Tower, EPN COOLINGTWR [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2391, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

13. Failed to report all instances of deviations. Specifically, the deviation report for the April 18, 2020 through October 17, 2020 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from April 2020 through May 2020 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2020 through October 2020 for the Cooling Tower, EPN COOLINGTWR [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2391, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

14. Failed to report all instances of deviations. Specifically, the deviation report for the October 18, 2020 through April 17, 2021 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from March 2021 through April 2021 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from October 2020 through April 2021 for the Cooling Tower, EPN COOLINGTWR [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2391, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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15. Failed to report all instances of deviations. Specifically, the deviation report for the April 18, 2021 through October 17, 2021 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from April 2021 through May 2021 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2021 through October 2021 for the Cooling Tower, EPN COOLINGTWR [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2391, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By identifying the problem and returning the Cooling Tower into proper operational mode in order to comply with the TDS concentration limit for EPN COOLINGTWR by May 5, 2021.
- b. By implementing measures and returning the Temporary Cooling Tower into proper operational mode in order to comply with the PM and PM equal to or less than PM10 annual MAER for the Temporary Cooling Tower, EPN TCOOLTWR by May 31, 2021.
- c. By replacing, installing and demonstrating working order of a new sample stream air dryer filter and sample stream ammonia scrubber in order to ensure that the valid data from the CEMS for EPN SMRSTACK is prevented from being lost due to periods of monitor breakdown, out-of-control operations, repair, maintenance, or calibration that exceeds 5.0 percent ("%") of the time (in minutes) that the heater operated over the previous rolling 12-month period, by October 12, 2021.
- d. By replacing, installing and demonstrating working order of a new sample stream air dryer filter and sample stream ammonia scrubber in order to ensure that the valid data from the CEMS for EPN AUXSTACK is prevented from being lost due to periods of monitor breakdown, out-of-control operations, repair, maintenance, or calibration that exceeds 5.0% of the time (in minutes) that the heater operated over the previous rolling 12-month period, by October 12, 2021.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Submit a revised deviation report for the October 18, 2016 through April 17, 2017 reporting period reporting period to report the deviation for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from

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January 2017 through April 2017 for EPN TCOOLTWR and for failing to comply with the PM_{2.5} MAER of 0.01 tpy based on a 12-month rolling periods ending from January 2017 through April 2017 for EPN COOLINGTWR;

ii. Submit a revised deviation report for the April 18, 2017 through October 17, 2017 reporting period to report the deviation for failing to comply with the PM and PM₁₀ MAER of 0.04 tpy based on a 12-month rolling periods ending from April 2017 through October 2017 for EPN TCOOLTWR and for failing to comply with the PM_{2.5} MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2017 through October 2017 for EPN COOLINGTWR;

iii. Submit a revised deviation report for the October 18, 2017 through April 17, 2018 reporting period to report the deviation for failing to comply with the PM and PM₁₀ MAER of 0.04 tpy based on a 12-month rolling periods ending from October 2017 through April 2018 for EPN TCOOLTWR and for failing to comply with the PM_{2.5} MAER of 0.01 tpy based on a 12-month rolling periods ending from October 2017 through April 2018 for EPN COOLINGTWR;

iv. Submit a revised deviation report for the April 18, 2018 through October 17, 2018 reporting period to report the deviation for failing to comply with the PM and PM₁₀ MAER of 0.04 tpy based on a 12-month rolling periods ending from April 2018 through October 2018 for EPN TCOOLTWR and for failing to comply with the PM_{2.5} MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2018 through October 2018 for EPN COOLINGTWR;

v. Submit a revised deviation report for the October 18, 2018 through April 17, 2019 reporting period to report the deviation for failing to comply with the PM and PM₁₀ MAER of 0.04 tpy based on a 12-month rolling periods ending from October 2018 through November 2018 for EPN TCOOLTWR and for failing to comply with the PM_{2.5} MAER of 0.01 tpy based on a 12-month rolling periods ending from October 2018 through April 2019 for EPN COOLINGTWR;

vi. Submit a revised deviation report for the April 18, 2019 through October 17, 2019 reporting period to report the deviation for failing to comply with the PM and PM₁₀ MAER of 0.04 tpy based on a 12-month rolling periods ending October 2019 for EPN TCOOLTWR and for failing to comply with the PM_{2.5} MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2019 through October 2019 for EPN COOLINGTWR;

vii. Submit a revised deviation report for the October 18, 2019 through April 17, 2020 reporting period to report the deviation for failing to comply with the PM and PM₁₀ MAER of 0.04 tpy based on a 12-month rolling periods ending from October 2019 through December 2019 and March 2020 through April 2020 for EPN TCOOLTWR and for failing to comply with the PM_{2.5} MAER of 0.01 tpy based on a 12-month rolling periods ending from October 2019 through April 2020 for EPN COOLINGTWR;

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viii. Submit a revised deviation report for the April 18, 2020 through October 17, 2020 reporting period to report the deviation for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from April 2020 through May 2020 for EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2020 through October 2020 for EPN COOLINGTWR;

ix. Submit a revised deviation report for the October 18, 2020 through April 17, 2021 reporting period to report the deviation for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from March 2021 through April 2021 for EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from October 2020 through April 2021 for EPN COOLINGTWR;

x. Submit a revised deviation report for the April 18, 2021 through October 17, 2021 reporting period to report the deviation for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from April 2021 through May 2021 for EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2021 through October 2021 for EPN COOLINGTWR;

xi. Implement measures and/or procedures designed to ensure that the deviation reports are submitted accurately and in a timely manner;

xii. Implement measures and/or procedures designed to comply with the PM2.5 annual MAER for EPN COOLINGTWR; or

xiii. Submit an administratively complete permit amendment application for NSR Permit Nos. 32274, PSDTX995M1, and N042 to increase the PM2.5 MAERs for EPN COOLINGTWR.

b. If a permit amendment is submitted, respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the amendment application for NSR Permit Nos. 32274, PSDTX995M1, and N042 by any deadline specified in writing.

c. Within 45 days, submit written certification to demonstrate compliance with a.

d. If a permit amendment is submitted, within 180 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate that the amendment for NSR Permit Nos. 32274, PSDTX995M1, and N042 has been obtained or operations have ceased until authorization is obtained.

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Contact Information

TCEQ Attorney: N/A

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

Respondent: Jody Phillips, Plant Manager, Air Liquide Large Industries U.S. LP, 2398 Victoria Street, Freeport, Texas 77541

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	16-Aug-2022	Screening	18-Aug-2022	EPA Due	
	PCW	12-Sep-2022				

RESPONDENT/FACILITY INFORMATION			
Respondent	Air Liquide Large Industries U.S. LP		
Reg. Ent. Ref. No.	RN100215334		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	62851	No. of Violations	15
Docket No.	2022-1085-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		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	\$90,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	27.0%	Adjustment	Subtotals 2, 3, & 7	\$24,367
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Notes: Enhancement for one NOV with same or similar violations and one order without a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$12,562
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$2,977
Estimated Cost of Compliance: \$22,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$102,055
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$102,055
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$102,055
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DEFERRAL	20.0%	Reduction	Adjustment	-\$20,411
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$81,644
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Screening Date	18-Aug-2022	Docket No.	2022-1085-AIR-E	PCW
Respondent	Air Liquide Large Industries U.S. LP			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62851			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN100215334			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	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>)	1	-1%
	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>)	1	-2%
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) 27%

>> 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 NOV with same or similar violations and one order without a denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 27%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 27%

Screening Date	18-Aug-2022	Docket No.	2022-1085-AIR-E	PCW
Respondent	Air Liquide Large Industries U.S. LP	Policy Revision 5 (January 28, 2021)		
Case ID No.	62851	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN100215334			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(c) and 122.143(4), New Source Review ("NSR") Permit Nos. 32274, PSDTX995M1, and N042, Special Conditions ("SC") No. 12.C., Federal Operating Permit ("FOP") No. O12391, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 12, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to comply with the concentration limit. Specifically, the Respondent exceeded the total dissolved solids ("TDS") concentration limit of 1,550 parts per million by weight ("ppmw") by a range from 60.0 to 230.0 ppmw in the samples collected on April 7, 2021, April 14, 2021, and April 28, 2021 for the Cooling Tower water drift, Emissions Point Number ("EPN") COOLINGTWR.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			x
	Potential			
		Percent	30.0%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
		Percent	0.0%	
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
		Adjustment	\$17,500	
			\$7,500	
Violation Events				
Number of Violation Events		1	28	Number of violation days
	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
		Violation Base Penalty	\$7,500	
One monthly event is recommended for the instances of non-compliance that occurred on April 7, 2021, April 14, 2021, and April 28, 2021.				
Good Faith Efforts to Comply		25.0%	Reduction	\$1,875
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary			
	Ordinary	x		
	N/A			
Notes	The Respondent completed the corrective action on May 5, 2021, prior to the Notice of Enforcement ("NOE") dated August 12, 2022.			
		Violation Subtotal	\$5,625	
Economic Benefit (EB) for this violation Statutory Limit Test				
Estimated EB Amount		\$6	Violation Final Penalty Total	\$7,650
		This violation Final Assessed Penalty (adjusted for limits)		\$7,650

Economic Benefit Worksheet

Respondent Air Liquide Large Industries U.S. LP
Case ID No. 62851
Reg. Ent. Reference No. RN100215334
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	7-Apr-2021	5-May-2021	0.08	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to identify the problem and return the Cooling Tower into proper operational mode in order to comply with the TDS concentration limit for EPN COOLINGTWR. The Date Required is the initial 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

\$6

Screening Date	18-Aug-2022	Docket No.	2022-1085-AIR-E	PCW
Respondent	Air Liquide Large Industries U.S. LP	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	62851	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN100215334			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit Nos. 32274, PSDTX995M1, and N042, SC No. 1, FOP No. O2391, GTC and STC No. 12, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	<p>Failed to comply with the maximum allowable emissions rates ("MAERs"). Specifically, the Respondent exceeded the particulate matter ("PM") MAER of 0.04 tons per year ("tpy") based on a 12-month rolling period for the 12-month periods ending from January 2017 through November 2018, October 2019 through December 2019, March 2020 through May 2020, and March 2021 through May 2021 and the PM equal to or less than 10 microns ("PM10") MAER of 0.04 tpy based on a 12-month rolling period for the 12-month periods ending from January 2017 through December 2017 for the Temporary Cooling Tower, EPN TCOOLTWR, resulting in 0.04 tons of unauthorized PM emissions and 0.01 tons of unauthorized PM10 emissions.</p>			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Major	Moderate	Minor	
	Actual	Potential	Percent	30.0%
	x			
>> 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 do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
		Adjustment	\$17,500	
		\$7,500		
Violation Events				
Number of Violation Events		5	Number of violation days	
		1611		
	daily		Violation Base Penalty	
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual	x		
	single event			
Five annual events are recommended for the period of non-compliance that occurred from January 2017 through May 2021.				
Good Faith Efforts to Comply		25.0%	Reduction	
		\$9,375		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary	x		
	N/A			
Notes	The Respondent completed the corrective action on May 31, 2021, prior to the NOE dated August 12, 2022.			
		Violation Subtotal	\$28,125	
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$331	Violation Final Penalty Total	
		\$38,250		
		This violation Final Assessed Penalty (adjusted for limits)		
		\$38,250		

Economic Benefit Worksheet

Respondent Air Liquide Large Industries U.S. LP
Case ID No. 62851
Reg. Ent. Reference No. RN100215334
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	1-Jan-2017	31-May-2021	4.41	\$331	n/a	\$331

Notes for DELAYED costs

Estimated cost to implement measures and procedures designed to comply with the PM and PM10 annual MAER for the Temporary Cooling Tower, EPN TCOOLTWR. 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

\$331

Screening Date	18-Aug-2022	Docket No.	2022-1085-AIR-E	PCW
Respondent	Air Liquide Large Industries U.S. LP		Policy Revision 5 (January 28, 2021)	
Case ID No.	62851		PCW Revision February 11, 2021	
Reg. Ent. Reference No.	RN100215334			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit Nos. 32274, PSDTX995M1, and N042, SC No. 1, FOP No. O2391, GTC and STC No. 12, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to comply with the MAER. Specifically, the Respondent exceeded the PM equal to or less than 2.5 microns ("PM2.5") MAER of 0.01 tpy based on a 12-month rolling period for the 12-month periods ending from January 2017 through December 2021 for the EPN COOLINGTWR, resulting in 0.02 tons of unauthorized PM2.5 emissions.			
Base Penalty			\$25,000	

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			
		Major	Moderate	Minor	
	Actual			x	
	Potential				
					Percent 30.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events	5	1825	Number of violation days
----------------------------	---	------	--------------------------

	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual	x			
	single event				

Violation Base Penalty \$37,500

Five annual events are recommended for the period of non-compliance that occurred from January 2017 through December 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 \$37,500

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount \$1,604	Violation Final Penalty Total \$47,625
This violation Final Assessed Penalty (adjusted for limits) \$47,625	

Economic Benefit Worksheet

Respondent Air Liquide Large Industries U.S. LP
Case ID No. 62851
Reg. Ent. Reference No. RN100215334
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$5,000	1-Jan-2017	1-Jun-2023	6.42	\$1,604	n/a	\$1,604
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain authorization to increase the PM2.5 annual MAERs for the Cooling Tower, EPN COOLINGTWR. 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

\$5,000

TOTAL

\$1,604

Screening Date	18-Aug-2022	Docket No.	2022-1085-AIR-E	PCW	
Respondent	Air Liquide Large Industries U.S. LP				
Case ID No.	62851	Policy Revision 5 (January 28, 2021)			
Reg. Ent. Reference No.	RN100215334	PCW Revision February 11, 2021			
Media	Air				
Enf. Coordinator	Yuliya Dunaway				
Violation Number	4				
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(c) and 122.143(4), NSR Permit Nos. 32274, PSDTX995M1, and N042, SC No. 17.F, FOP No. O2391, GTC and STC No. 12, and Tex. Health & Safety Code § 382.085(b)				
Violation Description	<p>Failed to prevent the loss of valid data from a continuous emissions monitoring system ("CEMS") due to periods of monitor break down, out-of-control operations, repair, maintenance, or calibration that exceeds 5.0 percent ("%") of the time (in minutes) that the heater operated over the previous rolling 12-month period. Specifically, the CEMS downtime for the Steam Methane Reformer, EPN SMRSTACK was down to 5.31% for the 12-month period ending October 2021.</p>				
Base Penalty			\$25,000		
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual	x			Percent 7.0%
	Potential			x	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent 0.0%
Matrix Notes	Human health or the environment could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.				
Adjustment			\$23,250		
			\$1,750		
Violation Events					
Number of Violation Events		1	12	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly	x			Violation Base Penalty \$1,750
	semiannual				
	annual				
	single event				
One quarterly event is recommended for the instance of non-compliance that occurred from October 1, 2021 through October 12, 2021.					
Good Faith Efforts to Comply		25.0%		Reduction	\$437
	Extraordinary				
	Ordinary	x			
	N/A				
Notes	The Respondent completed the corrective action on October 12, 2021, prior to the NOE dated August 12, 2022.				
Violation Subtotal			\$1,313		
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		\$8		Violation Final Penalty Total	\$1,786
This violation Final Assessed Penalty (adjusted for limits)			\$1,786		

Economic Benefit Worksheet

Respondent Air Liquide Large Industries U.S. LP
Case ID No. 62851
Reg. Ent. Reference No. RN100215334
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	1-Oct-2021	12-Oct-2021	0.03	\$8	n/a	\$8

Notes for DELAYED costs

Estimated cost to replace, install and demonstrate working order of a new sample stream air dryer filter and sample stream ammonia scrubber in order to ensure that the valid data from the CEMS for EPN SMRSTACK is prevented from being lost due to periods of monitor breakdown, out-of-control operations, repair, maintenance, or calibration that exceeds 5.0% of the time (in minutes) that the heater operated over the previous rolling 12-month period. The Date Required is the date the violation began and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$8

Screening Date	18-Aug-2022	Docket No.	2022-1085-AIR-E	PCW
Respondent	Air Liquide Large Industries U.S. LP	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	62851	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN100215334			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	5			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2) and (c) and 122.143(4), NSR Permit Nos. 32274, PSDTX995M1, and N042, SC No. 17.F, FOP No. O2391, GTC and STC No. 12, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent the loss of valid data from a CEMS due to periods of monitor break down, out-of-control operations, repair, maintenance, or calibration that exceeds 5.0 % of the time (in minutes) that the heater operated over the previous rolling 12-month period. Specifically, the CEMS downtime for the Auxiliary Boiler, EPN AUXSTACK ranged from 5.06% to 6.04% for the 12-month periods ending from June 2021 through October 2021.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

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

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events	2	133	Number of violation days
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	daily				
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				

Violation Base Penalty \$3,500

Two quarterly events are recommended for the instances of non-compliance that occurred from June1, 2021 through October 12, 2021.

Good Faith Efforts to Comply Reduction \$875

	25.0%				
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
Extraordinary					
Ordinary	x				
N/A					
Notes	The Respondent completed the corrective action on October 12, 2021, prior to the NOE dated August 12, 2022.				

Violation Subtotal \$2,625

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

Estimated EB Amount	\$91				
			Violation Final Penalty Total	\$3,570	
			This violation Final Assessed Penalty (adjusted for limits)	\$3,570	

Economic Benefit Worksheet

Respondent Air Liquide Large Industries U.S. LP
Case ID No. 62851
Reg. Ent. Reference No. RN100215334
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	1-Jun-2021	12-Oct-2021	0.36	\$91	n/a	\$91

Notes for DELAYED costs

Estimated cost to replace, install and demonstrate working order of a new sample stream air dryer filter and sample stream ammonia scrubber in order to ensure that the valid data from the CEMS for EPN AUXSTACK is prevented from being lost due to periods of monitor breakdown, out-of-control operations, repair, maintenance, or calibration that exceeds 5.0% of the time (in minutes) that the heater operated over the previous rolling 12-month period. The Date Required is the date the violation began and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$91

Screening Date	18-Aug-2022	Docket No.	2022-1085-AIR-E	PCW
Respondent	Air Liquide Large Industries U.S. LP	Policy Revision 5 (January 28, 2021)		
Case ID No.	62851	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN100215334			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	6			
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. O2391, GTC, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	<p>Failed to report all instances of deviations. Specifically, the deviation report for the October 18, 2016 through April 17, 2017 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from January 2017 through April 2017 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from January 2017 through April 2017 for the Cooling Tower, EPN COOLINGTWR.</p>			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR	Harm					
	Release	Major	Moderate	Minor		
	Actual					
	Potential					
					Percent	0.0%

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor		
				x		
					Percent	1.0%
Less than 30% of the rule requirements were not met.						
					Adjustment	\$24,750

\$250

Violation Events

Number of Violation Events	1	1939	Number of violation days
	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
One single event is recommended.			
Violation Base Penalty			
\$250			

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

	Statutory Limit Test
Estimated EB Amount	\$533
Violation Final Penalty Total	\$318
This violation Final Assessed Penalty (adjusted for limits)	
\$318	

Economic Benefit Worksheet

Respondent Air Liquide Large Industries U.S. LP
Case ID No. 62851
Reg. Ent. Reference No. RN100215334
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	27-Apr-2017	1-Jun-2023	6.10	\$457	n/a	\$457
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	27-Apr-2017	1-Jun-2023	6.10	\$76	n/a	\$76

Notes for DELAYED costs

Estimated costs to submit a revised deviation report for the October 18, 2016 through April 17, 2017 reporting period reporting period to report the deviation for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from January 2017 through April 2017 for EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from January 2017 through April 2017 for EPN COOLINGTWR (\$250) and to implement measures and/or procedures designed to ensure that all instances of deviations are reported in a timely manner (\$1,500). The Dates Required are the date the deviation should have been reported and the Final Dates are the estimated dates of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,750

TOTAL

\$533

Screening Date	18-Aug-2022	Docket No.	2022-1085-AIR-E	PCW
Respondent	Air Liquide Large Industries U.S. LP	Policy Revision 5 (January 28, 2021)		
Case ID No.	62851	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN100215334			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	7			
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. 02391, GTC, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	<p>Failed to report all instances of deviations. Specifically, the deviation report for the April 18, 2017 through October 17, 2017 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from April 2017 through October 2017 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2017 through October 2017 for the Cooling Tower, EPN COOLINGTWR.</p>			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
				x	Percent 1.0%

Matrix Notes	Less than 30% of the rule requirements were not met.
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Adjustment \$24,750

\$250

Violation Events

Number of Violation Events	1	Number of violation days	1756
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daily		Violation Base Penalty \$250
weekly		
monthly		
quarterly		
semiannual		
annual		
single event	x	

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.
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Violation Subtotal \$250

Economic Benefit (EB) for this violation

Estimated EB Amount	\$70	Statutory Limit Test	
		Violation Final Penalty Total	\$318
		This violation Final Assessed Penalty (adjusted for limits)	\$318

Economic Benefit Worksheet

Respondent Air Liquide Large Industries U.S. LP
Case ID No. 62851
Reg. Ent. Reference No. RN100215334
Media Air
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	27-Oct-2017	1-Jun-2023	5.60	\$70	n/a	\$70

Notes for DELAYED costs

Estimated cost to submit a revised deviation report for the April 18, 2017 through October 17, 2017 reporting period to report the deviation for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from April 2017 through October 2017 for EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2017 through October 2017 for EPN COOLINGTWR. The Date Required is the date the deviation should have been reported and the Final Date is the estimated dates of compliance. For Training/Sampling cost see the Economic Benefit for Violation No. 6.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$70

Screening Date	18-Aug-2022	Docket No.	2022-1085-AIR-E	PCW
Respondent	Air Liquide Large Industries U.S. LP	Policy Revision 5 (January 28, 2021)		
Case ID No.	62851	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN100215334			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	8			
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. 02391, GTC, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	<p>Failed to report all instances of deviations. Specifically, the deviation report for the October 18, 2017 through April 17, 2018 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from October 2017 through April 2018 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from October 2017 through April 2018 for the Cooling Tower, EPN COOLINGTWR.</p>			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm				
	Release	Major	Moderate	Minor		
	Actual					
	Potential				Percent	0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor		
				x		
					Percent	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	Number of violation days	1574
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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

	Statutory Limit Test
Estimated EB Amount	\$64
Violation Final Penalty Total	\$318
This violation Final Assessed Penalty (adjusted for limits)	
\$318	

Economic Benefit Worksheet

Respondent Air Liquide Large Industries U.S. LP
Case ID No. 62851
Reg. Ent. Reference No. RN100215334
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	27-Apr-2018	1-Jun-2023	5.10	\$64	n/a	\$64

Notes for DELAYED costs

Estimated cost to submit a revised deviation report for the October 18, 2017 through April 17, 2018 reporting period to report the deviation for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from October 2017 through April 2018 for EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from October 2017 through April 2018 for EPN COOLINGTWR. The Date Required is the date the deviation should have been reported and the Final Date is the estimated dates of compliance. For Training/Sampling cost see the Economic Benefit for Violation No. 6.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$64

Screening Date	18-Aug-2022	Docket No.	2022-1085-AIR-E	PCW
Respondent	Air Liquide Large Industries U.S. LP	Policy Revision 5 (January 28, 2021)		
Case ID No.	62851	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN100215334			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	9			
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. O2391, GTC, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	<p>Failed to report all instances of deviations. Specifically, the deviation report for the April 18, 2018 through October 17, 2018 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from April 2018 through October 2018 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2018 through October 2018 for the Cooling Tower, EPN COOLINGTWR.</p>			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR	Release	Harm				
		Major	Moderate	Minor		
	Actual					
	Potential				Percent	0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor		
				x		
					Percent	1.0%

Matrix Notes	Less than 30% of the rule requirements were not met.
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Adjustment	\$24,750
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	\$250
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Violation Events

Number of Violation Events	1	Number of violation days	1391
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	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

	Violation Base Penalty	\$250
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One single event is recommended.	
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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
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$57	Violation Final Penalty Total	\$318	

Statutory Limit Test

	This violation Final Assessed Penalty (adjusted for limits)	\$318
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Economic Benefit Worksheet

Respondent Air Liquide Large Industries U.S. LP
Case ID No. 62851
Reg. Ent. Reference No. RN100215334
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	27-Oct-2018	1-Jun-2023	4.60	\$57	n/a	\$57

Notes for DELAYED costs

Estimated cost to submit a revised deviation report for the April 18, 2018 through October 17, 2018 reporting period to report the deviation for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from April 2018 through October 2018 for EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2018 through October 2018 for EPN COOLINGTWR. The Date Required is the date the deviation should have been reported and the Final Date is the estimated dates of compliance. For Training/Sampling cost see the Economic Benefit for Violation No. 6.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$57

Screening Date	18-Aug-2022	Docket No.	2022-1085-AIR-E	PCW
Respondent	Air Liquide Large Industries U.S. LP	Policy Revision 5 (January 28, 2021)		
Case ID No.	62851	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN100215334			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	10			
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. 02391, GTC, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	<p>Failed to report all instances of deviations. Specifically, the deviation report for the October 18, 2018 through April 17, 2019 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from October 2018 through November 2018 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from October 2018 through April 2019 for the Cooling Tower, EPN COOLINGTWR.</p>			
Base Penalty		\$25,000		

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

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

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events	1	Number of violation days	1209	
	daily			Violation Base Penalty \$250
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
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

	Statutory Limit Test
Estimated EB Amount	Violation Final Penalty Total
\$51	\$318
This violation Final Assessed Penalty (adjusted for limits)	
\$318	

Economic Benefit Worksheet

Respondent Air Liquide Large Industries U.S. LP
Case ID No. 62851
Reg. Ent. Reference No. RN100215334
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	27-Apr-2019	1-Jun-2023	4.10	\$51	n/a	\$51

Notes for DELAYED costs

Estimated cost to submit a revised deviation report for the October 18, 2018 through April 17, 2019 reporting period to report the deviation for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from October 2018 through November 2018 for EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from October 2018 through April 2019 for EPN COOLINGTWR. The Date Required is the date the deviation should have been reported and the Final Date is the estimated dates of compliance. For Training/Sampling cost see the Economic Benefit for Violation No. 6.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$51

Screening Date	18-Aug-2022	Docket No.	2022-1085-AIR-E	PCW
Respondent	Air Liquide Large Industries U.S. LP			
Case ID No.	62851			
Reg. Ent. Reference No.	RN100215334			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	11			
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. 02391, GTC, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	<p>Failed to report all instances of deviations. Specifically, the deviation report for the April 18, 2019 through October 17, 2019 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending October 2019 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2019 through October 2019 for the Cooling Tower, EPN COOLINGTWR.</p>			
Base Penalty			\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm				
	Release	Major	Moderate	Minor		
	Actual					
	Potential				Percent	0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor		
				x		
					Percent	1.0%

Matrix Notes

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

Adjustment \$24,750

Violation Events

Number of Violation Events	1	1026	Number of violation days
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	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% **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 \$250

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$45	Violation Final Penalty Total \$318
This violation Final Assessed Penalty (adjusted for limits) \$318	

Economic Benefit Worksheet

Respondent Air Liquide Large Industries U.S. LP
Case ID No. 62851
Reg. Ent. Reference No. RN100215334
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	27-Oct-2019	1-Jun-2023	3.60	\$45	n/a	\$45

Notes for DELAYED costs

Estimated cost to submit a revised deviation report for the April 18, 2019 through October 17, 2019 reporting period to report the deviation for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending October 2019 for EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2019 through October 2019 for EPN COOLINGTWR. The Date Required is the date the deviation should have been reported and the Final Date is the estimated dates of compliance. For Training/Sampling cost see the Economic Benefit for Violation No. 6.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$45

Screening Date	18-Aug-2022	Docket No.	2022-1085-AIR-E	PCW
Respondent	Air Liquide Large Industries U.S. LP	Policy Revision 5 (January 28, 2021)		
Case ID No.	62851	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN100215334			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	12			
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. 02391, GTC, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	<p>Failed to report all instances of deviations. Specifically, the deviation report for the October 18, 2019 through April 17, 2020 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from October 2019 through December 2019 and March 2020 through April 2020 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from October 2019 through April 2020 for the Cooling Tower, EPN COOLINGTWR.</p>			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

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

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events	1	843	Number of violation days
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	daily			Violation Base Penalty \$250
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		

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 \$250

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	Violation Final Penalty Total
\$39	\$318
This violation Final Assessed Penalty (adjusted for limits)	
\$318	

Economic Benefit Worksheet

Respondent Air Liquide Large Industries U.S. LP
Case ID No. 62851
Reg. Ent. Reference No. RN100215334
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	27-Apr-2020	1-Jun-2023	3.10	\$39	n/a	\$39

Notes for DELAYED costs

Estimated cost to submit a revised deviation report for the October 18, 2019 through April 17, 2020 reporting period to report the deviation for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from October 2019 through December 2019 and March 2020 through April 2020 for EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from October 2019 through April 2020 for EPN COOLINGTWR. The Date Required is the date the deviation should have been reported and the Final Date is the estimated dates of compliance. For Training/Sampling cost see the Economic Benefit for Violation No. 6.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$39

Screening Date	18-Aug-2022	Docket No.	2022-1085-AIR-E	PCW
Respondent	Air Liquide Large Industries U.S. LP			
Case ID No.	62851			
Reg. Ent. Reference No.	RN100215334			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	13			
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. 02391, GTC, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	<p>Failed to report all instances of deviations. Specifically, the deviation report for the April 18, 2020 through October 17, 2020 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from April 2020 through May 2020 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2020 through October 2020 for the Cooling Tower, EPN COOLINGTWR.</p>			
Base Penalty			\$25,000	

>> Environmental, Property and Human Health Matrix

OR	Harm					
	Release	Major	Moderate	Minor		
	Actual					
	Potential				Percent	0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor		
				x		
					Percent	1.0%

Matrix Notes

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

Adjustment \$24,750

Violation Events

Number of Violation Events	1	660	Number of violation days
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	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	Statutory Limit Test
Estimated EB Amount	\$32
Violation Final Penalty Total	\$318
This violation Final Assessed Penalty (adjusted for limits)	
\$318	

Economic Benefit Worksheet

Respondent Air Liquide Large Industries U.S. LP
Case ID No. 62851
Reg. Ent. Reference No. RN100215334
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	27-Oct-2020	1-Jun-2023	2.59	\$32	n/a	\$32

Notes for DELAYED costs

Estimated cost to submit a revised deviation report for the April 18, 2020 through October 17, 2020 reporting period to report the deviation for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from April 2020 through May 2020 for EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2020 through October 2020 for EPN COOLINGTWR. The Date Required is the date the deviation should have been reported and the Final Date is the estimated dates of compliance. For Training/Sampling cost see the Economic Benefit for Violation No. 6.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$32

Screening Date	18-Aug-2022	Docket No.	2022-1085-AIR-E	PCW
Respondent	Air Liquide Large Industries U.S. LP			
Case ID No.	62851			
Reg. Ent. Reference No.	RN100215334			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	14			
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. 02391, GTC, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	<p>Failed to report all instances of deviations. Specifically, the deviation report for the October 18, 2020 through April 17, 2021 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from March 2021 through April 2021 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from October 2020 through April 2021 for the Cooling Tower, EPN COOLINGTWR.</p>			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
				x	Percent 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	478	Number of violation days
----------------------------	---	-----	--------------------------

	daily		Violation Base Penalty \$250
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

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 \$250

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

Estimated EB Amount \$26	Violation Final Penalty Total \$318
This violation Final Assessed Penalty (adjusted for limits) \$318	

Economic Benefit Worksheet

Respondent Air Liquide Large Industries U.S. LP
Case ID No. 62851
Reg. Ent. Reference No. RN100215334
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	27-Apr-2021	1-Jun-2023	2.10	\$26	n/a	\$26

Notes for DELAYED costs

Estimated cost to submit a revised deviation report for the October 18, 2020 through April 17, 2021 reporting period to report the deviation for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from March 2021 through April 2021 for EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from October 2020 through April 2021 for EPN COOLINGTWR. The Date Required is the date the deviation should have been reported and the Final Date is the estimated dates of compliance. For Training/Sampling cost see the Economic Benefit for Violation No. 6.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$26

Screening Date	18-Aug-2022	Docket No.	2022-1085-AIR-E	PCW
Respondent	Air Liquide Large Industries U.S. LP	Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021		
Case ID No.	62851			
Reg. Ent. Reference No.	RN100215334			
Media	Air			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	15			
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. 02391, GTC, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	<p>Failed to report all instances of deviations. Specifically, the deviation report for the April 18, 2021 through October 17, 2021 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from April 2021 through May 2021 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2021 through October 2021 for the Cooling Tower, EPN COOLINGTWR.</p>			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
				x	Percent 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	295	Number of violation days
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daily		Violation Base Penalty \$250
weekly		
monthly		
quarterly		
semiannual		
annual		
single event	x	

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	Statutory Limit Test
\$20	
	Violation Final Penalty Total \$318
This violation Final Assessed Penalty (adjusted for limits) \$318	

Economic Benefit Worksheet

Respondent Air Liquide Large Industries U.S. LP
Case ID No. 62851
Reg. Ent. Reference No. RN100215334
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	27-Oct-2021	1-Jun-2023	1.59	\$20	n/a	\$20

Notes for DELAYED costs

Estimated cost to submit a revised deviation report for the April 18, 2021 through October 17, 2021 reporting period to report the deviation for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from April 2021 through May 2021 for EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2021 through October 2021 for EPN COOLINGTWR. The Date Required is the date the deviation should have been reported and the Final Date is the estimated dates of compliance. For Training/Sampling cost see the Economic Benefit for Violation No. 6.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$20



Compliance History Report

Compliance History Report for CN600300693, RN100215334, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator:	CN600300693, Air Liquide Large Industries U.S. LP	Classification:	SATISFACTORY	Rating:	2.89
Regulated Entity:	RN100215334, FREEPORT HYCO PLANT	Classification:	SATISFACTORY	Rating:	1.38
Complexity Points:	20	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	2398 VICTORIA ST, FREEPORT, BRAZORIA COUNTY, TX				
TCEQ Region:	REGION 12 - HOUSTON				
ID Number(s):					
AIR OPERATING PERMITS ACCOUNT NUMBER BL0626U			AIR OPERATING PERMITS PERMIT 2391		
AIR NEW SOURCE PERMITS ACCOUNT NUMBER BL0626U			AIR NEW SOURCE PERMITS PERMIT 32274		
AIR NEW SOURCE PERMITS EPA PERMIT N042			AIR NEW SOURCE PERMITS EPA PERMIT PSDTX995		
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX995M1			AIR NEW SOURCE PERMITS REGISTRATION 140710		
AIR NEW SOURCE PERMITS REGISTRATION 140396			AIR NEW SOURCE PERMITS REGISTRATION 144168		
AIR NEW SOURCE PERMITS REGISTRATION 155112			AIR NEW SOURCE PERMITS AFS NUM 4803900146		
AIR EMISSIONS INVENTORY ACCOUNT NUMBER BL0626U			POLLUTION PREVENTION PLANNING ID NUMBER P06952		
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000031138			INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 86069		
Compliance History Period:		September 01, 2019 to August 31, 2024	Rating Year:	2024	Rating Date: 09/01/2024
Date Compliance History Report Prepared: March 26, 2025					
Agency Decision Requiring Compliance History: Enforcement					
Component Period Selected: March 26, 2020 to March 26, 2025					
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name: Yuliya Dunaway			Phone: (210) 403-4077		

Site and Owner/Operator History:

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

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

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

- | | | | |
|---|--|----------------------------|--|
| 1 | Effective Date: 06/16/2020 | ADMINORDER 2019-1006-AIR-E | (Findings Order-Agreed Order Without Denial) |
| | Classification: Moderate | | |
| | Citation: 30 TAC Chapter 101, SubChapter A 101.20(3) | | |
| | 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) | | |
| | 30 TAC Chapter 116, SubChapter B 116.115(c) | | |
| | 30 TAC Chapter 122, SubChapter B 122.143(4) | | |
| | 5C THSC Chapter 382 382.085(b) | | |
| | Rqmt Prov: FOP Special Term & Condition (ST&C) 11 OP | | |
| | NSR Special Condition (SC) 5B PERMIT | | |

Description: Exceeded the CO concentration limit of 25 ppmvd at 3% O2 based upon a three-hour average by an average of 51.91 ppmvd at 3% O2 for five hours on October 20, 2017 and by an average of 1.73 ppmvd at 3% O2 for two hours on October 23, 2017, and exceeded the CO MAER of 4.35 lbs/hr by an average of 9.47 lbs/hr for three hours on October 20, 2017 for the Steam Methane Reformer Stack, EmissionsPoint Number ("EPN") SMRSTACK,

resulting in approximately 28.41 lbs of unauthorized CO.
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP Special Term & Condition (ST&C) 11 OP
NSR Special Condition (SC) 6A PERMIT

Description: Exceeded the NOx concentration limit of 12.1 ppmvd at 3% O2 based upon a three-hour average by a range from 0.14 to 66.32 ppmvd at 3% O2 for a total of 111 hours on 14 days from October 23, 2017 to October 17, 2018, and exceeded the CO concentration limit of 130 ppmvd at 3% O2 based upon a three-hour average by a range from 0.14 to 1,937.23 ppmvd at 3% O2 for a total of 91 hours on 15 days from October 20, 2017 to October 17, 2018 for the Auxiliary Boiler Stack, EPN AUXSTACK.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	August 18, 2020	(1663893)
Item 2	June 29, 2022	(1797175)

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

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

1	Date:	06/06/2024	(1967106)
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP Special Term and Condition 12 OP NSR Special Condition 1 PERMIT	
	Description:	Failure to prevent the exceedance of the CO and NOx hourly emissions limits for the Steam Methane Reformer (EPN: SMR) (Category B13).	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP Special Term and Condition 12 OP NSR Special Condition 5A PERMIT NSR Special Condition 5B PERMIT	
	Description:	Failure to prevent the exceedance of the NOx three-hour average concentration limit for the Steam Methane Reformer (EPN: SMR) (Category B13).	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP Special Term and Condition 12 OP NSR Special Condition 12C PERMIT	
	Description:	Failure to prevent the exceedance of the TDS concentration limit for the Cooling Tower (EPN: COOLINGTWR) (Category B13).	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP Special Term and Condition 12 OP NSR Special Condition 1 PERMIT	
	Description:	Failure to prevent the exceedance of the CO and NOx hourly emissions limits for the Auxiliary Boiler (EPN: AUXBLR) (Category B13).	

F. Environmental audits:

Notice of Intent Date: 08/10/2020 (1670797)

Disclosure Date: 05/17/2021

Viol. Minor

Classification:

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.13
30 TAC Chapter 335, SubChapter A 335.6

Description: Failure to maintain documents associated with waste determination, characterization, and classification for non-hazardous industrial wastes.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT D 262.41
30 TAC Chapter 335, SubChapter A 335.9

Description: Failure to submit complete and accurate annual waste summaries for calendar year 2018.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT D 262.41
30 TAC Chapter 335, SubChapter C 335.71

Description: Failure to complete biennial reports as required for large quantity generators of hazardous waste.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.16
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.17(a)
30 TAC Chapter 335, SubChapter C 335.69
30 TAC Chapter 335, SubChapter C 335.70

Description: Failure to comply with requirements applicable to large quantity generators during the months of May 2016, April 2018, and May 2019. Specifically, training, training records, contingency plan, emergency procedures, and emergency responder notifications were not managed.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.13
30 TAC Chapter 335, SubChapter A 335.6

Description: Failure to maintain waste quantity below identified waste generator designation. Specifically, the facility exceeded hazardous waste quantity for the declared generator category (CESQG) by generating episodic large quantities of hazardous waste during or around the months of May 2016, April 2018, and May 2019 without notifying regulators of change in generator category.

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
AIR LIQUIDE LARGE INDUSTRIES U.S.
LP
RN100215334

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

AGREED ORDER DOCKET NO. 2022-1085-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 Air Liquide Large Industries U.S. LP (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 2398 Victoria Street in Freeport, Brazoria County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$102,055 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$81,644 of the penalty and \$20,411 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. By identifying the problem and returning the Cooling Tower into proper operational mode in order to comply with the total dissolved solids ("TDS") concentration limit for Emissions Point Number ("EPN") COOLINGTWR by May 5, 2021.
 - b. By implementing measures and returning the Temporary Cooling Tower into proper operational mode in order to comply with the particulate matter ("PM") and PM equal to or less than 10 microns ("PM10") annual MAER for the Temporary Cooling Tower, EPN TCOOLTWR by May 31, 2021.
 - c. By replacing, installing and demonstrating working order of a new sample stream air dryer filter and sample stream ammonia scrubber in order to ensure that the valid data from the continuous emissions monitoring system ("CEMS") for EPN SMRSTACK is prevented from being lost due to periods of monitor breakdown, out-of-control operations, repair, maintenance, or calibration that exceeds 5.0 percent ("%") of the time (in minutes) that the heater operated over the previous rolling 12-month period, by October 12, 2021.
 - d. By replacing, installing and demonstrating working order of a new sample stream air dryer filter and sample stream ammonia scrubber in order to ensure that the valid data from the CEMS for EPN AUXSTACK is prevented from being lost due to periods of monitor breakdown, out-of-control operations, repair, maintenance, or calibration that exceeds 5.0% of the time (in minutes) that the heater operated over the previous rolling 12-month period, by October 12, 2021.

II. ALLEGATIONS

During an investigation at the Plant conducted on April 27, 2022, an investigator documented that the Respondent:

1. Failed to comply with the concentration limit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c) and 122.143(4), New Source Review ("NSR") Permit Nos. 32274, PSDTX995M1, and N042, Special Conditions ("SC") No. 12.C., Federal Operating Permit ("FOP") No. O12391, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the TDS concentration limit of 1,550 parts per million by weight

- ("ppmw") by a range from 60.0 to 230.0 ppmw in the samples collected on April 7, 2021, April 14, 2021, and April 28, 2021 for the Cooling Tower water drift, EPN COOLINGTWR.
2. Failed to comply with the maximum allowable emissions rates ("MAERs"), in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit Nos. 32274, PSDTX995M1, and N042, SC No. 1, FOP No. O2391, GTC and STC No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the PM MAER of 0.04 tons per year ("tpy") based on a 12-month rolling period for the 12-month periods ending from January 2017 through November 2018, October 2019 through December 2019, March 2020 through May 2020, and March 2021 through May 2021 and the PM10 MAER of 0.04 tpy based on a 12-month rolling period for the 12-month periods ending from January 2017 through December 2017 for the Temporary Cooling Tower, EPN TCOOLTWR, resulting in 0.04 tons of unauthorized PM emissions and 0.01 tons of unauthorized PM10 emissions.
 3. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit Nos. 32274, PSDTX995M1, and N042, SC No. 1, FOP No. O2391, GTC and STC No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the PM equal to or less than 2.5 microns ("PM2.5") MAER of 0.01 tpy based on a 12-month rolling period for the 12-month periods ending from January 2017 through December 2021 for the EPN COOLINGTWR, resulting in 0.02 tons of unauthorized PM2.5 emissions.
 4. Failed to prevent the loss of valid data from a CEMS due to periods of monitor break down, out-of-control operations, repair, maintenance, or calibration that exceeds 5.0% of the time (in minutes) that the heater operated over the previous rolling 12-month period, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c) and 122.143(4), NSR Permit Nos. 32274, PSDTX995M1, and N042, SC No. 17.F, FOP No. O2391, GTC and STC No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the CEMS downtime for the Steam Methane Reformer, EPN SMRSTACK was down to 5.31% for the 12-month period ending October 2021.
 5. Failed to prevent the loss of valid data from a CEMS due to periods of monitor break down, out-of-control operations, repair, maintenance, or calibration that exceeds 5.0 % of the time (in minutes) that the heater operated over the previous rolling 12-month period, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2) and (c) and 122.143(4), NSR Permit Nos. 32274, PSDTX995M1, and N042, SC No. 17.F, FOP No. O2391, GTC and STC No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the CEMS downtime for the Auxiliary Boiler, EPN AUXSTACK ranged from 5.06% to 6.04% for the 12-month periods ending from June 2021 through October 2021.
 6. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2391, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the October 18, 2016 through April 17, 2017 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from January 2017 through April 2017 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from January 2017 through April 2017 for the Cooling Tower, EPN COOLINGTWR.

7. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2391, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the April 18, 2017 through October 17, 2017 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from April 2017 through October 2017 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2017 through October 2017 for the Cooling Tower, EPN COOLINGTWR.
8. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2391, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the October 18, 2017 through April 17, 2018 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from October 2017 through April 2018 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from October 2017 through April 2018 for the Cooling Tower, EPN COOLINGTWR.
9. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2391, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the April 18, 2018 through October 17, 2018 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from April 2018 through October 2018 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2018 through October 2018 for the Cooling Tower, EPN COOLINGTWR.
10. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2391, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the October 18, 2018 through April 17, 2019 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from October 2018 through November 2018 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from October 2018 through April 2019 for the Cooling Tower, EPN COOLINGTWR.
11. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2391, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the April 18, 2019 through October 17, 2019 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending October 2019 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2019 through October 2019 for the Cooling Tower, EPN COOLINGTWR.
12. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2391, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the October 18, 2019 through April

17, 2020 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from October 2019 through December 2019 and March 2020 through April 2020 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from October 2019 through April 2020 for the Cooling Tower, EPN COOLINGTWR.

13. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2391, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the April 18, 2020 through October 17, 2020 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from April 2020 through May 2020 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2020 through October 2020 for the Cooling Tower, EPN COOLINGTWR.
14. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2391, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the October 18, 2020 through April 17, 2021 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from March 2021 through April 2021 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from October 2020 through April 2021 for the Cooling Tower, EPN COOLINGTWR.
15. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. O2391, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the April 18, 2021 through October 17, 2021 reporting period did not include the deviations for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from April 2021 through May 2021 for the Temporary Cooling Tower, EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2021 through October 2021 for the Cooling Tower, EPN COOLINGTWR.

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: Air Liquide Large Industries U.S. LP, Docket No. 2022-1085-AIR-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Submit a revised deviation report for the October 18, 2016 through April 17, 2017 reporting period to report the deviation for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from January 2017 through April 2017 for EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from January 2017 through April 2017 for EPN COOLINGTWR.
 - ii. Submit a revised deviation report for the April 18, 2017 through October 17, 2017 reporting period to report the deviation for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from April 2017 through October 2017 for EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2017 through October 2017 for EPN COOLINGTWR.
 - iii. Submit a revised deviation report for the October 18, 2017 through April 17, 2018 reporting period to report the deviation for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from October 2017 through April 2018 for EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from October 2017 through April 2018 for EPN COOLINGTWR.
 - iv. Submit a revised deviation report for the April 18, 2018 through October 17, 2018 reporting period to report the deviation for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from April 2018 through October 2018 for EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2018 through October 2018 for EPN COOLINGTWR.
 - v. Submit a revised deviation report for the October 18, 2018 through April 17, 2019 reporting period to report the deviation for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from October 2018 through November 2018 for EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from October 2018 through April 2019 for EPN COOLINGTWR.
 - vi. Submit a revised deviation report for the April 18, 2019 through October 17, 2019 reporting period to report the deviation for failing to comply

with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending October 2019 for EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2019 through October 2019 for EPN COOLINGTWR.

- vii. Submit a revised deviation report for the October 18, 2019 through April 17, 2020 reporting period to report the deviation for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from October 2019 through December 2019 and March 2020 through April 2020 for EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from October 2019 through April 2020 for EPN COOLINGTWR.
- viii. Submit a revised deviation report for the April 18, 2020 through October 17, 2020 reporting period to report the deviation for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from April 2020 through May 2020 for EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2020 through October 2020 for EPN COOLINGTWR.
- ix. Submit a revised deviation report for the October 18, 2020 through April 17, 2021 reporting period to report the deviation for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from March 2021 through April 2021 for EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from October 2020 through April 2021 for EPN COOLINGTWR.
- x. Submit a revised deviation report for the April 18, 2021 through October 17, 2021 reporting period to report the deviation for failing to comply with the PM and PM10 MAER of 0.04 tpy based on a 12-month rolling periods ending from April 2021 through May 2021 for EPN TCOOLTWR and for failing to comply with the PM2.5 MAER of 0.01 tpy based on a 12-month rolling periods ending from April 2021 through October 2021 for EPN COOLINGTWR.
- xi. Implement measures and/or procedures designed to ensure that the deviation reports are submitted accurately and in a timely manner.
- xii. Implement measures and/or procedures designed to comply with the PM2.5 annual MAER for EPN COOLINGTWR, in accordance with NSR Permit Nos. 32274, PSDTX995M1, and N042; or
- xiii. Submit an administratively complete permit amendment application for NSR Permit Nos. 32274, PSDTX995M1, and N042 to increase the PM2.5 MAERs for EPN COOLINGTWR, in accordance with 30 TEX. ADMIN. CODE § 116.111, to:

Air Permits Division, MC 163
Texas Commission on Environmental Quality

P.O. Box 13087
Austin, Texas 78711-3087

- b. If a permit amendment is submitted, respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the amendment application for NSR Permit Nos. 32274, PSDTX995M1, and N042 by any deadline specified in writing.
- c. Within 45 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 2.d, to demonstrate compliance with Ordering Provision No. 2.a.
- d. If a permit amendment is submitted, within 180 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate that the amendment for NSR Permit Nos. 32274, PSDTX995M1, and N042 has been obtained or operations have ceased until authorization is obtained. 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 Plant operations referenced in this Order.
- 5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war,

- strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
 7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
 8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
 9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

08/24/2025

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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



Signature

5/7/25

Date

Jodi Phillips

Name (Printed or typed)
Authorized Representative of
Air Liquide Large Industries U.S. LP

Plant Manager

Title

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

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