

Executive Summary – Enforcement Matter – Case No. 63099
OCCIDENTAL PERMIAN LTD.
RN102205119
Docket No. 2022-1645-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three repeated enforcement actions (or two orders with nuisance violations) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Mallet C02 Recovery Plant, located three miles west of the intersection of Farm-to-Market Road 301 and Farm-to-Market Road 303, Sundown, Hockley County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 20, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$2,645

Total Paid to General Revenue: \$2,645

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 22, 2022 through September 2, 2022

Date(s) of NOE(s): September 2, 2022

Executive Summary – Enforcement Matter – Case No. 63099
OCCIDENTAL PERMIAN LTD.
RN102205119
Docket No. 2022-1645-PWS-E

Violation Information

1. Failed to comply with the maximum contaminant level ("MCL") of 0.005 milligrams per liter for benzene based on the running annual average [30 TEX. ADMIN. CODE § 290.107(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
2. Failed to conduct water quality parameter sampling at each of the Facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director [30 TEX. ADMIN. CODE § 290.117(e)(2), (h), and (i)(3)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

- a. By January 13, 2023, the Respondent conducted water quality parameter sampling at each of the Facility's entry points and at each of the required distribution sample sites, had the samples analyzed, and reported the results to the Executive Director;
- b. On November 29, 2022, was granted approval for a demonstration study for the removal of benzene, fluoride, and secondary standard contaminants using Granulated Activated Carbon Filtration ("GAC") Treatment System;
- c. On March 29, 2024, was granted an exception to continue to use innovative/alternate treatment using GAC Treatment System until September 29, 2025, to allow for the collection of additional data;
- d. On August 13, 2024, submitted plans and specifications for the GAC Treatment System to TCEQ Technical Review and Oversight Team; and
- e. On August 13, 2024, began an extended monitoring and sampling program as required in the March 29, 2024 exception approval letter.
- f. The chemical analysis single samples of benzene at the Facility was below the minimum reporting limit for the fourth quarter of 2024 and first quarter of 2025.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 270 days, return to compliance with the MCL for benzene based on a running annual average; and
- b. Within 285 days, submit written certification to demonstrate compliance with a.

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Docket No. 2022-1645-PWS-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Tessa Bond, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-1269; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Joseph C. Elliot, President, OCCIDENTAL PERMIAN LTD., 5 Greenway Plaza, Suite 110, Houston, Texas 77046-0521

Nicholas J. Bouterie, Attorney-in-Fact, OCCIDENTAL PERMIAN LTD., 5 Greenway Plaza, Suite 110, Houston, Texas 77046-0521

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

| | | | | | | |
|--------------|-----------------|-------------|------------------|------------|----------------|-------------|
| DATES | Assigned | 20-Sep-2022 | Screening | 6-Oct-2022 | EPA Due | 31-Dec-2022 |
| | PCW | 12-Dec-2022 | | | | |

| | |
|--|-------------------------|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | OCCIDENTAL PERMIAN LTD. |
| Reg. Ent. Ref. No. | RN102205119 |
| Facility/Site Region | 2-Lubbock |
| Major/Minor Source | Minor |

| | | | |
|--|---------------------|------------------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 63099 | No. of Violations | 2 |
| Docket No. | 2022-1645-PWS-E | Order Type | Findings |
| Media Program(s) | Public Water Supply | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | Tessa Bond |
| | | EC's Team | Enforcement Team 4 |
| Admin. Penalty \$ Limit Minimum | \$50 | Maximum | \$5,000 |

Penalty Calculation Section

| | | |
|---|-------------------|---------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$2,000 |
|---|-------------------|---------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | | |
|---------------------------|-------|------------|--------------------------------|-------|
| Compliance History | 36.0% | Adjustment | Subtotals 2, 3, & 7 | \$720 |
|---------------------------|-------|------------|--------------------------------|-------|

Notes: Enhancement for one NOV with dissimilar violations and two agreed orders containing a denial of liability. Reduction for two notices of intent to conduct an audit and two disclosures of violations.

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

Notes: The Respondent does not meet the culpability criteria.

| | | |
|--|-------------------|-------|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | -\$75 |
|--|-------------------|-------|

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

| | |
|------------------------------|---------|
| Total EB Amounts | \$1,325 |
| Estimated Cost of Compliance | \$5,080 |

*Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|---------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$2,645 |
|-----------------------------|-----------------------|---------|

| | | | |
|---|------|------------|-----|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 0.0% | Adjustment | \$0 |
|---|------|------------|-----|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

| | |
|-----------------------------|---------|
| Final Penalty Amount | \$2,645 |
|-----------------------------|---------|

| | | |
|-----------------------------------|-------------------------------|---------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$2,645 |
|-----------------------------------|-------------------------------|---------|

| | | | | |
|-----------------|------|-----------|------------|-----|
| DEFERRAL | 0.0% | Reduction | Adjustment | \$0 |
|-----------------|------|-----------|------------|-----|

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

| | |
|------------------------|---------|
| PAYABLE PENALTY | \$2,645 |
|------------------------|---------|

Screening Date 6-Oct-2022

Docket No. 2022-1645-PWS-E

PCW

Respondent OCCIDENTAL PERMIAN LTD.

Policy Revision 5 (January 28, 2021)

Case ID No. 63099

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102205119

Media Public Water Supply

Enf. Coordinator Tessa Bond

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Number | Adjust. |
|-------------------------------|--|--------|---------|
| NOVs | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>) | 0 | 0% |
| | Other written NOVs | 1 | 2% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 2 | 40% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) | 2 | -2% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 2 | -4% |
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 36%

>> 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 dissimilar violations and two agreed orders containing a denial of liability. Reduction for two notices of intent to conduct an audit and two disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 36%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 36%

Screening Date 6-Oct-2022
Respondent OCCIDENTAL PERMIAN LTD.
Case ID No. 63099
Reg. Ent. Reference No. RN102205119
Media Public Water Supply
Enf. Coordinator Tessa Bond

Docket No. 2022-1645-PWS-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.107(f)(1) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to comply with the maximum contaminant level ("MCL") of 0.005 milligram per liter ("mg/L") for benzene based on the running annual average. Specifically, the running annual average concentrations of benzene were 0.049 mg/L for the fourth quarter of 2021, 0.055 mg/L for the first quarter of 2022, and 0.158 mg/L for the second quarter of 2022.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | x | | 25.0% |
| | Potential | | | | |

>> Programmatic Matrix

| | Falsification | Major | Moderate | Minor | Percent |
|--|---------------|-------|----------|-------|---------|
| | | | | | 0.0% |

Matrix Notes Exceeding the MCL for benzene caused persons served by the Facility to be exposed to a significant amount of pollutants which do not exceed levels protective of human health.

Adjustment \$3,750

\$1,250

Violation Events

Number of Violation Events 1 278 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | x |
| single event | |

Violation Base Penalty \$1,250

One annual 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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,323

Violation Final Penalty Total \$1,700

This violation Final Assessed Penalty (adjusted for limits) \$1,700

Economic Benefit Worksheet

Respondent OCCIDENTAL PERMIAN LTD.
Case ID No. 63099
Reg. Ent. Reference No. RN102205119
Media Public Water Supply
Violation No. 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|---------|-------------|-------------|------|------|---------|---------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$5,000 | 31-Dec-2021 | 11-Oct-2025 | 3.78 | \$63 | \$1,260 | \$1,323 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The delayed cost includes the estimated amount to investigate, identify, and implement the necessary corrective actions to return to compliance with the MCL for benzene, calculated from the last day of the first quarter of noncompliance to 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

\$1,323

Screening Date 6-Oct-2022 **Docket No.** 2022-1645-PWS-E **PCW**
Respondent OCCIDENTAL PERMIAN LTD. *Policy Revision 5 (January 28, 2021)*
Case ID No. 63099 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102205119
Media Public Water Supply
Enf. Coordinator Tessa Bond

Violation Number
Rule Cite(s)
Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent OCCIDENTAL PERMIAN LTD.
Case ID No. 63099
Reg. Ent. Reference No. RN102205119
Media Public Water Supply
Violation No. 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|------|-------------|-------------|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | \$80 | 30-Jun-2022 | 13-Jan-2023 | 0.54 | \$2 | n/a | \$2 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The delayed cost includes the estimated amount to collect all required water quality parameter samples [\$20 per sample x two missed samples x (one entry point + one distribution sample site) x one monitoring period], calculated from the last day of the monitoring period of non-compliance to 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

\$80

TOTAL

\$2



Compliance History Report

Compliance History Report for CN600755086, RN102205119, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN600755086, OCCIDENTAL PERMIAN LTD. **Classification:** SATISFACTORY **Rating:** 1.39

Regulated Entity: RN102205119, MALLET CO2 RECOVERY PLANT **Classification:** SATISFACTORY **Rating:** 26.71

Complexity Points: 5 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: THREE MILES WEST OF THE INTERSECTION OF FARM-TO-MARKET 301 AND FARM-TO-MARKET 303 IN SUNDOWN, HOCKLEY, TEXAS

TCEQ Region: REGION 02 - LUBBOCK

ID Number(s):

| | |
|--|--|
| AIR OPERATING PERMITS PERMIT 3636 | AIR OPERATING PERMITS ACCOUNT NUMBER HP0074I |
| PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1100039 | AIR NEW SOURCE PERMITS AFS NUM 4821900009 |
| AIR NEW SOURCE PERMITS PERMIT 16842 | AIR NEW SOURCE PERMITS ACCOUNT NUMBER HP0074I |
| AIR EMISSIONS INVENTORY ACCOUNT NUMBER HP0074I | TAX RELIEF ID NUMBER 20763 |

Compliance History Period: September 01, 2019 to August 31, 2024 **Rating Year:** 2024 **Rating Date:** 09/01/2024

Date Compliance History Report Prepared: November 01, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 01, 2019 to November 01, 2024

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

| | |
|-------------------------|------------------------------|
| Name: Tessa Bond | Phone: (512) 239-1269 |
|-------------------------|------------------------------|

Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 07/26/2022 ADMINORDER 2021-1333-AIR-E (1660 Order-Agreed Order With Denial)
 - Classification: Moderate
 - Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
 - Rqmt Prov: GTC OP
SC 2(F) OP
 - Description: Failure to submit and initial notification of a reportable emissions event within 24 hours of discovery.
 - 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)
 - Rqmt Prov: General Terms OP
SC 1 PERMIT
STC No. 8 OP
 - Description: Failure to prevent unauthorized emissions.

2 Effective Date: 10/24/2022 ADMINORDER 2020-1138-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: SC 2 OP

Description: Failure to notify the TCEQ Region 2 Lubbock Office of reportable emissions events within 24 hours after the discovery of the events.

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)

Rqmt Prov: SC 1 PERMIT
SC 7 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during emissions events.

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)

Rqmt Prov: SC 1 PERMIT
SC 7 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Rqmt Prov: General Terms and Conditions OP

Description: Failure to report all instances of deviations.

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)

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 1666 pounds (lbs) of carbon monoxide, 44.4 lbs of hydrogen sulfide, 194.3 lbs of nitrogen oxides, 283.8 lbs of volatile organic compounds and 5,072.10 lbs of sodium dioxide from Emissions Point Number FE1 that lasted 2 hours and 40 minutes on October 19, 2018.

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)

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 4425.1 pounds (lbs) of carbon monoxide, 44.1 lbs of hydrogen sulfide, 516.1 lbs of nitrogen oxides, 2718.2 lbs of volatile organic compounds and 7911.3 lbs of sodium dioxide from Emissions Point Number FE1 that lasted 10 hours and 30 minutes on May 24, 2019.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

| | | |
|---------|-------------------|-----------|
| Item 1 | November 13, 2019 | (1604467) |
| Item 2 | January 16, 2020 | (1623212) |
| Item 3 | January 31, 2020 | (1624148) |
| Item 4 | February 10, 2020 | (1623409) |
| Item 5 | February 12, 2020 | (1630029) |
| Item 6 | February 14, 2020 | (1625019) |
| Item 7 | February 21, 2020 | (1630710) |
| Item 8 | February 24, 2020 | (1631447) |
| Item 9 | March 30, 2020 | (1639633) |
| Item 10 | March 31, 2020 | (1639757) |

| | | |
|---------|-------------------|-----------|
| Item 11 | April 02, 2020 | (1639946) |
| Item 12 | April 14, 2020 | (1644412) |
| Item 13 | October 13, 2020 | (1677544) |
| Item 14 | October 16, 2020 | (1677550) |
| Item 15 | October 20, 2020 | (1683572) |
| Item 16 | October 21, 2020 | (1680075) |
| Item 17 | October 23, 2020 | (1684531) |
| Item 18 | November 05, 2020 | (1679123) |
| Item 19 | November 12, 2020 | (1679142) |
| Item 20 | November 19, 2020 | (1690709) |
| Item 21 | December 11, 2020 | (1696561) |
| Item 22 | December 16, 2020 | (1696575) |
| Item 23 | December 18, 2020 | (1692680) |
| Item 24 | January 05, 2021 | (1697369) |
| Item 25 | February 17, 2021 | (1699117) |
| Item 26 | February 19, 2021 | (1698565) |
| Item 27 | March 08, 2021 | (1699454) |
| Item 28 | March 10, 2021 | (1699120) |
| Item 29 | March 15, 2021 | (1700525) |
| Item 30 | March 16, 2021 | (1699453) |
| Item 31 | March 24, 2021 | (1703791) |
| Item 32 | April 05, 2021 | (1707767) |
| Item 33 | April 06, 2021 | (1707764) |
| Item 34 | April 19, 2021 | (1706100) |
| Item 35 | April 20, 2021 | (1706179) |
| Item 36 | June 04, 2021 | (1707794) |
| Item 37 | July 28, 2021 | (1706928) |
| Item 38 | August 02, 2021 | (1749373) |
| Item 39 | August 03, 2021 | (1707948) |
| Item 40 | August 19, 2021 | (1745234) |
| Item 41 | August 26, 2021 | (1755897) |
| Item 42 | October 13, 2021 | (1745243) |
| Item 43 | October 14, 2021 | (1745244) |
| Item 44 | October 15, 2021 | (1754992) |
| Item 45 | March 07, 2022 | (1745231) |
| Item 46 | March 08, 2022 | (1776299) |
| Item 47 | May 05, 2022 | (1811839) |
| Item 48 | May 24, 2022 | (1817802) |
| Item 49 | February 27, 2023 | (1840565) |
| Item 50 | May 17, 2024 | (1956510) |

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: 08/27/2024 (2007869)
- 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)
SC 12I PERMIT
ST&C 8 OP
- Description: Failure to make an initial attempt to repair leaking components within 5 days of discovery.
- 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)
SC 12J PERMIT
ST&C 8 OP
- Description: Failure to make to or place on delay of repair leaking components within 15 days of discovery.
- Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT OOOO 60.5385(a)(2)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A OP

Description: Failed to replace rod packing on a subject reciprocating compressor within 36 months of the last rod packing replacement

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(4)(iii)
 5C THSC Chapter 382 382.085(b)
 SC 15A PERMIT
 ST&C 1A OP
 ST&C 8 OP

Description: Failure to limit flare exit velocity to 60 feet per sec (ft/s).

F. Environmental audits:

Notice of Intent Date: 03/31/2021 (1736383)
 Disclosure Date: 11/05/2021

Viol. Minor
 Classification:
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)

Description: Failed to keep documentation of the amount of chemicals used each week.
 Viol. Minor
 Classification:
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)

Description: There was no documentation found regarding the amount of chemicals used each week.
 Viol. Verbal
 Classification:
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(vii)

Description: No maintenance records found for water system equipment and facilities. For systems using reverse osmosis or nanofiltration, maintain records of each clean-in-place process including the date, duration, and procedure used for each event.
 Viol. Verbal
 Classification:
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iii)
 30 TAC Chapter 290, SubChapter D 290.46(p)(2)

Description: No documentation found of daily or monthly records of part-time operators (for systems that do not hire fulltime operators).
 Viol. Minor
 Classification:
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(i)

Description: Copies of notices of violation and resulting corrective actions were missing.
 Viol. Verbal
 Classification:
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)

Description: Documentation missing regarding the results of disinfectant residual monitoring from the distribution system
 Viol. Minor
 Classification:
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iv)

Description: No calibration records found for laboratory equipment, flow meters, rate-of flow controllers, on-line turbidimeters, and online disinfectant residual analyzers
 Viol. Minor
 Classification:
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(i)

Description: Plant missing inspection records for all water-storage and pressure-maintenance facilities.
 Viol. Minor
 Classification:
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(i)

Description: .Monthly operating reports and supporting documentation
 Viol. Minor
 Classification:
 Citation:
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(ii)

Description: No records found regarding results of chemical analyses
 Viol. Minor
 Classification:

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(iii)
Description: No records were found regarding any written reports, summaries, or communications relating to sanitary surveys of the system conducted by the system itself, by a private consultant, or by the executive director shall be kept for a period not less than ten years after completion of the survey involved.
Viol. Minor
Classification:
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(viii)
Description: Written reports, summaries, or communications relating to sanitary surveys of the system conducted by the system itself, by a private consultant, or by the executive director shall be kept for a period not less than 10 years after completion of the survey involved.
Viol. Minor
Classification:
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(ix)
Description: Documentation was missing for monitoring plans.
Viol. Minor
Classification:
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(F)
Description: Records relating to lead and copper requirements were not able to be located.

Notice of Intent Date: 03/31/2021 (1797450)
Disclosure Date: 02/28/2021
Viol. Minor
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 12
Description: Failed to maintain records of equipment that is excluded from monitoring requirements under NSR Permit No. 16842, SC 12.
Viol. Minor
Classification:
Citation: 40 CFR Part 60, Subpart VV 60.486
40 CFR Chapter 60, SubChapter C, PT 60, SubPT KKK 60.635(a)
Description: Failed to maintain records of a number of necessary records related to components that are designated as having no emissions, difficult to monitor, or unable to monitor.

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

30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(3)
Description: LCR WQP MR 1st 6M2022 - The system failed to monitor for water quality parameters in accordance with TCEQ rules two times during the 1st 6M2022 monitoring period at entry point 2902 FM 301, Sundown (EP001) and the distribution system. ETT Point Value = 1 Action Level Exceeder

5 Date: 08/19/2022 (1840345)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 290, SubChapter F 290.107(f)(1)
Description: VOC MCL 2Q2022 - During the 2nd quarter of 2022 the system violated the maximum contaminant level for benzene with a RAA of 0.15800 mg/L. ETT Point Value = 5

6 Date: 08/19/2022 (1794972)
Self Report? NO Classification: Moderate
Citation:
1 PERMIT
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)
ST&C 8 OP
Description: Failure to meet emissions limits for CO of the MAERT of NSR Permit No. 16842 for Emissions Point : FE2 during MSS events.

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT KKK 60.632(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
5C THSC Chapter 382 382.085(b)
SC 12.J PERMIT
SC 3 PERMIT
ST&C 1 OP
ST&C 8 OP

Description: Failure to repair leaking components within 15 days.
Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to report all instances of deviations.

7 Date: 03/03/2023 (1874653)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(2)
5C THSC Chapter 382 382.085(b)
SC 3B PERMIT
ST&C 1A OP
ST&C 8 OP

Description: Failure to make a first attempt to repair leaking components within 5 days.
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(c)(1)

5C THSC Chapter 382 382.085(b)
SC 12I PERMIT
SC 3B PERMIT
ST&C 1A OP
ST&C 8 OP

Description: Failure to repair leaking components within 15 days.

8 Date: 08/01/2023 (1909492)
Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)
Description: Failure to inspect the interior surface of the pressure tank every five years.

9* Date: 08/27/2024 (2007869)
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)
SC 12I PERMIT
ST&C 8 OP
Description: Failure to make an initial attempt to repair leaking components within 5 days of discovery.

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)
SC 12J PERMIT
ST&C 8 OP

Description: Failure to make to or place on delay of repair leaking components within 15 days of discovery.

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT OOOO 60.5385(a)(2)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failed to replace rod packing on a subject reciprocating compressor within 36 months of the last rod packing replacement

Self Report? NO Classification: Moderate
Citation:

30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(4)(iii)
5C THSC Chapter 382 382.085(b)
SC 15A PERMIT
ST&C 1A OP
ST&C 8 OP

Description: Failure to limit flare exit velocity to 60 feet per sec (ft/s).

* NOVs applicable for the Compliance History rating period 9/1/2019 to 8/31/2024

Appendix B

All Investigations Conducted During Component Period November 01, 2019 and November 01, 2024

| | | |
|---------|---------------------|-----------|
| Item 1* | November 13, 2019** | (1604467) |
| Item 2* | January 16, 2020** | (1623212) |
| Item 3* | January 31, 2020** | (1624148) |
| Item 4* | February 10, 2020** | (1623409) |
| Item 5* | February 12, 2020** | (1630029) |
| Item 6* | February 14, 2020** | (1625019) |

| | | |
|----------|----------------------|-----------|
| Item 7* | February 21, 2020** | (1630710) |
| Item 8* | February 24, 2020** | (1631447) |
| Item 9* | March 30, 2020** | (1639633) |
| Item 10* | March 31, 2020** | (1639757) |
| Item 11* | April 02, 2020** | (1639946) |
| Item 12* | April 14, 2020** | (1644412) |
| Item 13 | August 26, 2020** | (1625474) |
| Item 14* | October 13, 2020** | (1677544) |
| Item 15* | October 16, 2020** | (1677550) |
| Item 16* | October 20, 2020** | (1683572) |
| Item 17* | October 21, 2020** | (1680075) |
| Item 18* | October 23, 2020** | (1684531) |
| Item 19* | November 05, 2020** | (1679123) |
| Item 20* | November 12, 2020** | (1679142) |
| Item 21* | November 19, 2020** | (1690709) |
| Item 22* | December 11, 2020** | (1696561) |
| Item 23* | December 16, 2020** | (1696575) |
| Item 24* | December 18, 2020** | (1692680) |
| Item 25* | January 05, 2021** | (1697369) |
| Item 26* | February 17, 2021** | (1699117) |
| Item 27* | February 19, 2021** | (1698565) |
| Item 28* | March 08, 2021** | (1699454) |
| Item 29* | March 10, 2021** | (1699120) |
| Item 30* | March 15, 2021** | (1700525) |
| Item 31* | March 16, 2021** | (1699453) |
| Item 32* | March 24, 2021** | (1703791) |
| Item 33* | April 05, 2021** | (1707767) |
| Item 34* | April 06, 2021** | (1707764) |
| Item 35* | April 19, 2021** | (1706100) |
| Item 36* | April 20, 2021** | (1706179) |
| Item 37* | June 04, 2021** | (1707794) |
| Item 38 | June 11, 2021** | (1706177) |
| Item 39* | July 28, 2021** | (1706928) |
| Item 40* | August 02, 2021** | (1749373) |
| Item 41* | August 03, 2021** | (1707948) |
| Item 42* | August 19, 2021** | (1745234) |
| Item 43* | August 26, 2021** | (1755897) |
| Item 44 | September 21, 2021** | (1745242) |
| Item 45* | October 13, 2021** | (1745243) |
| Item 46* | October 14, 2021** | (1745244) |
| Item 47* | October 15, 2021** | (1754992) |
| Item 48 | December 16, 2021** | (1763387) |
| Item 49* | March 07, 2022** | (1745231) |
| Item 50* | March 08, 2022** | (1776299) |
| Item 51* | May 05, 2022** | (1811839) |
| Item 52* | May 24, 2022** | (1817802) |
| Item 53 | August 19, 2022** | (1794972) |
| Item 54 | August 30, 2022** | (1840345) |

| | | |
|----------|----------------------|-----------|
| Item 55 | September 14, 2022** | (1840837) |
| Item 56 | October 17, 2022** | (1852630) |
| Item 57* | February 27, 2023** | (1840565) |
| Item 58 | March 01, 2023** | (1874653) |
| Item 59 | May 12, 2023** | (1898176) |
| Item 60 | July 24, 2023** | (1909492) |
| Item 61 | August 11, 2023** | (1918459) |
| Item 62* | May 17, 2024** | (1956510) |
| Item 63 | August 25, 2024** | (2007869) |

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2019 and 08/31/2024.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
OCCIDENTAL PERMIAN LTD.
RN102205119

§
§
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§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-1645-PWS-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding OCCIDENTAL PERMIAN LTD. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that 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. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located three miles west of the intersection of Farm-to-Market Road 301 and Farm-to-Market Road 303 in Sundown, Hockley County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 25 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(73).
2. During a record review for the Facility conducted on August 22, 2022 through September 2, 2022, an investigator documented that:
 - a. The running annual average concentrations of benzene were 0.049 milligram per liter ("mg/L") for the fourth quarter of 2021, 0.055 mg/L for the first quarter of 2022, and 0.158 mg/L for the second quarter of 2022; and
 - b. The Respondent did not conduct water quality parameter sampling at each of the Facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2022 through June 30, 2022 monitoring period.

3. The Executive Director recognizes that by January 13, 2023, the Respondent conducted water quality parameter sampling at each of the Facility's entry points and at each of the required distribution sample sites, had the samples analyzed, and reported the results to the Executive Director.
4. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. On November 29, 2022, was granted approval for a demonstration study for the removal of benzene, fluoride, and secondary standard contaminants using Granulated Activated Carbon Filtration ("GAC") Treatment System;
 - b. On March 29, 2024, was granted an exception to continue to use innovative/alternate treatment using GAC Treatment System until September 29, 2025, to allow for the collection of additional data;
 - c. On August 13, 2024, submitted plans and specifications for the GAC Treatment System to TCEQ Technical Review and Oversight Team; and
 - d. On August 13, 2024, began an extended monitoring and sampling program as required in the March 29, 2024 exception approval letter.
5. The Executive Director recognizes that the chemical analysis single samples of benzene at the Facility was below the minimum reporting limit for the fourth quarter of 2024 and first quarter of 2025.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.005 mg/L for benzene based on the running annual average, in violation of 30 TEX. ADMIN. CODE § 290.107(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to conduct water quality parameter sampling at each of the Facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.117(e)(2), (h), and (i)(3).
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of \$2,645 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent paid the \$2,645 penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 5 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: OCCIDENTAL PERMIAN LTD., Docket No. 2022-1645-PWS-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 270 days after the effective date of this Order, return to compliance with the MCL for benzene based on a running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.107.
 - b. Within 285 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 compliance with Ordering Provision No. 2.a. 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:

Drinking Water Special Functions Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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 Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. 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 in this Order.
7. 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.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively,

the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission
Krista Mello-Jurack

For the Executive Director

Date
07/30/2025

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.

N. S. Bouterie

Signature

05/07/2025

Date

NICHOLAS S. BOUTERIE

Name (Printed or typed)
Authorized Representative of
OCCIDENTAL PERMIAN LTD.

ATTORNEY-IN-FACT

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.