

**Executive Summary – Enforcement Matter – Case No. 63421  
Motiva Enterprises LLC f/k/a Motiva Chemicals LLC  
RN100217389  
Docket No. 2022-1680-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

Motiva Enterprises Port Arthur Chemicals, 4241 Savannah Avenue, Port Arthur,  
Jefferson County

**Type of Operation:**

Chemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2023-1303-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** April 26, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$28,938

**Total Paid to General Revenue:** \$14,469

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$14,469

Name of SEP: Southeast Texas Regional Planning Commission (Third-Party Pre-  
Approved)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigations:** November 15, 2022

**Date(s) of NOE(s):** November 28, 2022 and December 9, 2022

**Executive Summary – Enforcement Matter – Case No. 63421**  
**Motiva Enterprises LLC f/k/a Motiva Chemicals LLC**  
**RN100217389**  
**Docket No. 2022-1680-AIR-E**

***Violation Information***

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 355.89 pounds ("lbs") of volatile organic compounds ("VOC") from Tank 33758, Emissions Point Number ("EPN") LOU33758, during an emissions event (Incident No. 381397) that began on June 12, 2022 and lasted 45 hours and 15 minutes. The emissions event occurred due to a process upset, resulting in the release to the atmosphere. The Respondent withdrew its claim for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(a), 116.715(a), and 122.143(4), Flexible Permit Nos. 16989 and PSDTX794, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1317, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 23, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 3,787.07 lbs of carbon monoxide, 743.01 lbs of nitrogen oxides, and 1,733.04 lbs of VOC from the Light Olefins Unit Flare, EPN LOUFLARE, during an emissions event (Incident No. 381162) that began on May 31, 2022 and lasted 190 hours and 27 minutes. The emissions event occurred due to the failure of the 4th Stage Dry Gas Seals on the Cracked Gas Compressor located in the Light Olefins Unit, resulting in flaring. Since the Respondent did not comply with the emissions event reporting requirements, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(a), 116.715(a), and 122.143(4), Flexible Permit Nos. 16989 and PSDTX794, SC No. 1, FOP No. O1317, GTC and STC No. 23, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O1317, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the initial notification for Incident No. 381162 was due by June 1, 2022 at 10:03 a.m., but was not submitted until June 8, 2022 at 6:15 p.m. [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O1317, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

- a. On June 8, 2022, submitted the initial notification for Incident No. 381162;
- b. By December 5, 2022, revised the operational procedures to ensure that the light end hydrocarbon material is not sent to Tank 33758 in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 381397; and

**Executive Summary – Enforcement Matter – Case No. 63421  
Motiva Enterprises LLC f/k/a Motiva Chemicals LLC  
RN100217389  
Docket No. 2022-1680-AIR-E**

c. By December 12, 2022, repaired the Cracked Gas Compressor and reduced the alarm set point on the total flare flow alarm to give the Operations personnel earlier warning of an elevated flare flow in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 381162.

**Technical Requirements:**

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Caleb Martin, Enforcement Division, Enforcement Team 2, MC R-12, (512) 239-2091; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

**SEP Third-Party Administrator:** Southeast Texas Regional Planning Commission, 2210 Eastex Freeway, Beaumont, Texas 77703

**Respondent:** Jody M. Moffett, Executive Vice President and General Manager, Motiva Enterprises LLC, Post Office Box 712, Port Arthur, Texas 77641-0712

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	5-Dec-2022	<b>Screening</b>	6-Dec-2022	<b>EPA Due</b>	
	<b>PCW</b>	3-Feb-2024				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Motiva Enterprises LLC f/k/a Motiva Chemicals LLC		
<b>Reg. Ent. Ref. No.</b>	RN100217389		
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	63421	<b>No. of Violations</b>	3
<b>Docket No.</b>	2022-1680-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Caleb Martin
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$15,250
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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.

<b>Compliance History</b>	100.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$15,250
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<b>Notes</b>	Enhancement for one NOV with same or similar violations and seven orders containing a denial of liability. Reduction for two Notices of Intent to conduct an audit and one Disclosure of Violations.
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<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$1,562
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$704	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$26,750	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$28,938
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$28,938
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$28,938
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	No deferral for orders in which the Respondent has two or more prior administrative penalty orders as set out in Tex. Water Code § 7.105(b)(2), (b)(4), and (b)(6).
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<b>PAYABLE PENALTY</b>	\$28,938
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**Screening Date** 6-Dec-2022

**Docket No.** 2022-1680-AIR-E

**PCW**

**Respondent** Motiva Enterprises LLC f/k/a Motiva Chemicals LLC

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 63421

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN100217389

**Media** Air

**Enf. Coordinator** Caleb Martin

### 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> )	7	140%
	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> )	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)** 141%

#### >> 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 seven orders containing a denial of liability. Reduction for two Notices of Intent to conduct an audit and one Disclosure of Violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 141%

#### >> Final Compliance History Adjustment

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

**Screening Date** 6-Dec-2022 **Docket No.** 2022-1680-AIR-E **PCW**  
**Respondent** Motiva Enterprises LLC f/k/a Motiva Chemicals LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 63421 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100217389  
**Media** Air  
**Enf. Coordinator** Caleb Martin

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(3), 116.115(a), 116.715(a), and 122.143(4), Flexible Permit Nos. 16989 and PSDTX794, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1317, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 23, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to prevent unauthorized emissions. Specifically, the Respondent released 355.89 pounds ("lbs") of volatile organic compounds ("VOC") from Tank 33758, Emissions Point Number ("EPN") LOUT33758, during an emissions event (Incident No. 381397) that began on June 12, 2022 and lasted 45 hours and 15 minutes. The emissions event occurred due to a process upset, resulting in the release to the atmosphere. The Respondent withdrew its claim for an affirmative defense under 30 Tex. Admin. Code § 101.222.

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text" value="30.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

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

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

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

One monthly event is recommended.

**Good Faith Efforts to Comply**  Reduction

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

**Notes** The Respondent completed the corrective measures by December 5, 2022, after the Notice of Enforcement ("NOE") dated November 28, 2022.

**Violation Subtotal**

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

# Economic Benefit Worksheet

**Respondent** Motiva Enterprises LLC f/k/a Motiva Chemicals LLC  
**Case ID No.** 63421  
**Reg. Ent. Reference No.** RN100217389  
**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	12-Jun-2022	5-Dec-2022	0.48	\$36	n/a	\$36

**Notes for DELAYED costs**

Estimated cost to revise the operational procedures to ensure that the light end hydrocarbon material is not sent to Tank 33758 in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 381397. The Date Required is the date the emissions event 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

\$1,500

**TOTAL**

\$36

Screening Date 6-Dec-2022

Docket No. 2022-1680-AIR-E

PCW

Respondent Motiva Enterprises LLC f/k/a Motiva Chemicals LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 63421

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100217389

Media Air

Enf. Coordinator Caleb Martin

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(a), 116.715(a), and 122.143(4), Flexible Permit Nos. 16989 and PSDTX794, SC No. 1, FOP No. O1317, GTC and STC No. 23, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 3,787.07 lbs of carbon monoxide, 743.01 lbs of nitrogen oxides, and 1,733.04 lbs of VOC from the Light Olefins Unit Flare, EPN LOUFLARE, during an emissions event (Incident No. 381162) that began on May 31, 2022 and lasted 190 hours and 27 minutes. The emissions event occurred due to the failure of the 4th Stage Dry Gas Seals on the Cracked Gas Compressor located in the Light Olefins Unit, resulting in flaring. Since the Respondent did not comply with the emissions event reporting requirements, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> 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 Number of violation days 8

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$750

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

Extraordinary	
Ordinary	x
N/A	

Notes The Respondent completed the corrective measures by December 12, 2022, after the NOE dated December 9, 2022.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$668

Violation Final Penalty Total \$14,250

This violation Final Assessed Penalty (adjusted for limits) \$14,250



# Economic Benefit Worksheet

**Respondent** Motiva Enterprises LLC f/k/a Motiva Chemicals LLC  
**Case ID No.** 63421  
**Reg. Ent. Reference No.** RN100217389  
**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)	\$25,000	31-May-2022	12-Dec-2022	0.53	\$668	n/a	\$668

**Notes for DELAYED costs**

Estimated cost to repair the Cracked Gas Compressor and reduce the alarm set point on the total flare flow alarm to give the Operations personnel earlier warning of an elevated flare flow in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 381162. The Date Required is the date the emissions event 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

\$25,000

**TOTAL**

\$668

Screening Date 6-Dec-2022

Docket No. 2022-1680-AIR-E

PCW

Respondent Motiva Enterprises LLC f/k/a Motiva Chemicals LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 63421

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100217389

Media Air

Enf. Coordinator Caleb Martin

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O1317, GTC and STC No. 2.F, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 381162 was due by June 1, 2022 at 10:03 a.m., but was not submitted until June 8, 2022 at 6:15 p.m.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				x	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 7

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$62

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

Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent completed the corrective measures on June 8, 2022, prior to the NOE dated December 9, 2022.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$438

This violation Final Assessed Penalty (adjusted for limits) \$438

# Economic Benefit Worksheet

**Respondent** Motiva Enterprises LLC f/k/a Motiva Chemicals LLC  
**Case ID No.** 63421  
**Reg. Ent. Reference No.** RN100217389  
**Media** Air  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	1-Jun-2022	8-Jun-2022	0.02	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to submit the initial notification for Incident No. 381162. The Date Required is the date the initial notification was due and the Final Date is the date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$250

**TOTAL** \$0

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

Compliance History Report for CN600124051, RN100217389, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

**Customer, Respondent, or Owner/Operator:** CN600124051, Motiva Enterprises LLC  
f/k/a Motiva Chemicals LLC **Classification:** SATISFACTORY **Rating:** 9.67

**Regulated Entity:** RN100217389, MOTIVA ENTERPRISES  
PORT ARTHUR CHEMICALS **Classification:** SATISFACTORY **Rating:** 11.61

**Complexity Points:** 24 **Repeat Violator:** NO

**CH Group:** 05 - Chemical Manufacturing

**Location:** 4241 Savannah Avenue, Port Arthur, Jefferson County, Texas

**TCEQ Region:** REGION 10 - BEAUMONT

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER JE0135Q  
**AIR QUALITY NON PERMITTED** ID NUMBER  
ENV100217389  
**AIR NEW SOURCE PERMITS** PERMIT 16989  
**AIR NEW SOURCE PERMITS** REGISTRATION 55148  
**AIR NEW SOURCE PERMITS** AFS NUM 4824500082  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX794  
**AIR NEW SOURCE PERMITS** REGISTRATION 111992  
**AIR NEW SOURCE PERMITS** PERMIT 140051  
**AIR NEW SOURCE PERMITS** REGISTRATION 124103  
**AIR NEW SOURCE PERMITS** REGISTRATION 150531  
**AIR NEW SOURCE PERMITS** REGISTRATION 164263  
**AIR NEW SOURCE PERMITS** REGISTRATION 164117  
**AIR NEW SOURCE PERMITS** REGISTRATION 163951  
**AIR NEW SOURCE PERMITS** REGISTRATION 150649  
**AIR NEW SOURCE PERMITS** REGISTRATION 161300  
**AIR NEW SOURCE PERMITS** REGISTRATION 161654  
**AIR NEW SOURCE PERMITS** REGISTRATION 173548  
**AIR NEW SOURCE PERMITS** REGISTRATION 172191  
**AIR NEW SOURCE PERMITS** REGISTRATION 169831  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1564  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGPSDTX195

**UNDERGROUND INJECTION CONTROL** PERMIT  
5X2500122  
**WASTEWATER** EPA ID TX0105287  
**POLLUTION PREVENTION PLANNING** ID NUMBER  
P00678  
**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE  
REGISTRATION # (SWR) 89230  
**TAX RELIEF** ID NUMBER 19879

**AIR OPERATING PERMITS** PERMIT 1317  
**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION  
1230093  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER JE0135Q  
**AIR NEW SOURCE PERMITS** REGISTRATION 169161  
**AIR NEW SOURCE PERMITS** REGISTRATION 48586  
**AIR NEW SOURCE PERMITS** REGISTRATION 112518  
**AIR NEW SOURCE PERMITS** REGISTRATION 133863  
**AIR NEW SOURCE PERMITS** REGISTRATION 118347  
**AIR NEW SOURCE PERMITS** REGISTRATION 119835  
**AIR NEW SOURCE PERMITS** REGISTRATION 164412  
**AIR NEW SOURCE PERMITS** REGISTRATION 168490  
**AIR NEW SOURCE PERMITS** REGISTRATION 165268  
**AIR NEW SOURCE PERMITS** REGISTRATION 164053  
**AIR NEW SOURCE PERMITS** REGISTRATION 156024  
**AIR NEW SOURCE PERMITS** REGISTRATION 159717  
**AIR NEW SOURCE PERMITS** REGISTRATION 158961  
**AIR NEW SOURCE PERMITS** REGISTRATION 172293  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX794M1  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1624  
**AIR NEW SOURCE PERMITS** PERMIT 156571  
**IHW CORRECTIVE ACTION** SOLID WASTE REGISTRATION  
# (SWR) 89230  
**WASTEWATER** PERMIT WQ0003057000

**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER JE0135Q  
**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID  
TXR000080142  
**TAX RELIEF** ID NUMBER 19657

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

**Date Compliance History Report Prepared:** October 11, 2023

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** October 11, 2018 to October 11, 2023

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

**Name:** Karyn Olschesky

**Phone:** (817) 588-5896

## **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? YES
- 3) Who is the current owner/operator? Opal Group, Inc. OPERATOR since 12/21/2009  
Flint Hills Resources, LP OWNER OPERATOR since 10/15/2007  
Motiva Chemicals LLC OWNER OPERATOR since 6/20/1996  
CHAMPIONX LLC OWNER OPERATOR since 5/8/2014  
Afton Chemical Additives Corporation OWNER OPERATOR since 7/19/2013  
Huntsman Petrochemical Corporation OWNER OPERATOR since 7/19/2013  
Koch Pipeline OWNER OPERATOR since 5/21/2013  
Huntsman Petrochemical LLC OWNER OPERATOR since 3/7/2019  
Motiva Enterprises LLC OWNER OPERATOR since 10/31/2022
- 4) Who was/were the prior owner(s)/operator(s)? Motiva Enterprises LLC, OWNER OPERATOR, 4/18/2019 to 12/12/2019

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

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

- 1 Effective Date: 02/12/2019 ADMINORDER 2018-0323-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 1 PERMIT  
Special Term & Condition 24 OP  
Description: Failure to prevent unauthorized emissions.
- 2 Effective Date: 01/21/2020 ADMINORDER 2018-1718-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 1 PERMIT  
Special Term & Condition 24 OP  
Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 4,181.70 pounds ("lbs") of carbon monoxide, 10,022.52 lbs of ethylene, and 578.97 lbs of nitrogen oxides from the Light Olefins Unit Elevated Flare, Emissions Point Number LOUFLARE, during an emissions event (Incident No. 290520) that began on August 19, 2018, and lasted eight hours and 30 minutes.
- 3 Effective Date: 08/18/2020 ADMINORDER 2019-1289-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: PSD-TX-794, SPECIAL CONDITION 1 PERMIT  
SPECIAL CONDITION 24 OP  
Description: Failure to maintain an emission rate below the allowable emission limit.  
A8 Mod 2D  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 1 PERMIT  
Special Condition 24 OP  
Description: Failure to maintain an emission rate below the allowable emission limit.  
A8, Mod 2B

- 4 Effective Date: 03/16/2021 ADMINORDER 2020-0790-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: SPECIAL CONDITION 1 PERMIT  
SPECIAL CONDITION 24 OP  
Special Conditions No. 28.A OP  
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 243.005 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 326444) that began on December 10, 2019 and lasted 36 hours and 48 minutes. The emissions event occurred due to the overfilling of Tank 33743 that caused a pressure relief valve to lift at the Light Olefins Unit, resulting in a spill and the release to the atmosphere.
- 5 Effective Date: 10/27/2021 ADMINORDER 2020-1275-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: GTC and STC No. 23 OP  
SC No. 1 PERMIT  
SPECIAL CONDITION 1 PERMIT  
SPECIAL CONDITION 24 OP  
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,090.74 lbs of CO, 5,754.08 lbs of VOC, and 274.99 lbs of NOx from the Light Olefins Unit Elevated Flare, EPN LOUFLARE, during an emissions event (Incident No. 335752) that occurred on May 19, 2020, and lasted two hours and 50 minutes.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: GTC and STC No. 23 OP  
SC No. 1 PERMIT  
SPECIAL CONDITION 1 PERMIT  
SPECIAL CONDITION 24 OP  
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 8,227.59 lbs of CO, 14,361.69 lbs of VOC, 1,082.18 lbs of NOx, and 56.96 lbs of nitrogen dioxide from the Light Olefins Unit Elevated Flare, EPN LOUFLARE, during an emissions event (Incident No. 340127) that began on August 4, 2020 and lasted 64 hours and 10 minutes.
- 6 Effective Date: 05/17/2022 ADMINORDER 2021-0279-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: SC No. 1 PERMIT  
SPECIAL CONDITION 1 PERMIT  
SPECIAL CONDITION 24 OP  
Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 334.12 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 345332) that occurred on November 2, 2020 and lasted four hours and 15 minutes. The emissions event occurred when a relief valve on the chemical injection system was set at a lower pressure than one of the process injection points that caused the relief valve to relieve and allow condensate from the cracked g
- 7 Effective Date: 12/20/2022 ADMINORDER 2021-1461-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: SPECIAL CONDITION 1 PERMIT  
SPECIAL CONDITION 24 OP  
Description: Failure to maintain an emission rate below the allowable emission limit.

A12i6, Mod2d  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SPECIAL CONDITION 1 PERMIT  
SPECIAL CONDITION 24 OP

Description: Failure to maintain an emission rate below the allowable emission limit (Incident No. 366135).

A12i6, Mod2d

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SPECIAL CONDITION 1 PERMIT  
SPECIAL CONDITION 24 OP

Description: Failure to maintain an emission rate below the allowable emission limit (Incident No. 368816).

A12i6, Mod2d

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	October 22, 2018	(1535115)
Item 2	October 30, 2018	(1524620)
Item 3	November 12, 2018	(1525879)
Item 4	November 15, 2018	(1542970)
Item 5	December 13, 2018	(1546710)
Item 6	January 18, 2019	(1564243)
Item 8	February 15, 2019	(1564241)
Item 9	March 14, 2019	(1564242)
Item 10	March 15, 2019	(1552339)
Item 11	March 19, 2019	(1551840)
Item 12	April 22, 2019	(1573342)
Item 13	May 20, 2019	(1586291)
Item 14	June 18, 2019	(1586292)
Item 15	June 20, 2019	(1575492)
Item 16	July 15, 2019	(1594689)
Item 17	August 07, 2019	(1582073)
Item 18	August 16, 2019	(1582395)
Item 19	August 20, 2019	(1600989)
Item 20	September 20, 2019	(1607906)
Item 21	October 11, 2019	(1614771)
Item 22	October 22, 2019	(1602999)
Item 23	November 19, 2019	(1620560)
Item 24	December 19, 2019	(1627910)
Item 25	January 22, 2020	(1635536)
Item 26	January 30, 2020	(1617412)
Item 27	February 19, 2020	(1642153)
Item 28	March 09, 2020	(1633633)
Item 29	March 10, 2020	(1631169)
Item 30	March 23, 2020	(1648665)
Item 31	March 26, 2020	(1632683)
Item 32	April 15, 2020	(1633114)
Item 33	April 22, 2020	(1655020)
Item 34	April 24, 2020	(1644185)
Item 35	April 29, 2020	(1633113)

Item 36	May 18, 2020	(1661579)
Item 37	May 22, 2020	(1639251)
Item 38	May 29, 2020	(1645935)
Item 39	June 10, 2020	(1668113)
Item 40	June 25, 2020	(1652096)
Item 41	July 16, 2020	(1675060)
Item 42	August 13, 2020	(1663375)
Item 43	August 20, 2020	(1681828)
Item 44	September 21, 2020	(1688405)
Item 45	September 22, 2020	(1677493)
Item 47	October 21, 2020	(1671271)
Item 48	October 22, 2020	(1694766)
Item 49	October 23, 2020	(1672985)
Item 50	October 27, 2020	(1671409)
Item 51	November 10, 2020	(1716884)
Item 52	November 13, 2020	(1678620)
Item 53	November 24, 2020	(1679937)
Item 54	December 11, 2020	(1716885)
Item 56	January 14, 2021	(1716886)
Item 57	January 22, 2021	(1686002)
Item 58	January 25, 2021	(1699021)
Item 59	February 22, 2021	(1729964)
Item 60	March 22, 2021	(1729965)
Item 62	April 15, 2021	(1729966)
Item 63	April 16, 2021	(1685771)
Item 64	April 23, 2021	(1709156)
Item 65	May 10, 2021	(1706208)
Item 66	May 12, 2021	(1706080)
Item 67	May 13, 2021	(1742271)
Item 68	May 14, 2021	(1679452)
Item 69	May 27, 2021	(1706077)
Item 70	June 17, 2021	(1722030)
Item 71	June 24, 2021	(1735361)
Item 72	July 16, 2021	(1753166)
Item 73	August 10, 2021	(1758570)
Item 75	September 16, 2021	(1767864)
Item 76	September 23, 2021	(1746772)
Item 77	October 12, 2021	(1778426)
Item 78	October 31, 2021	(1762401)
Item 79	November 10, 2021	(1785097)
Item 80	November 17, 2021	(1773914)
Item 81	November 19, 2021	(1773783)
Item 83	December 15, 2021	(1792130)
Item 84	January 13, 2022	(1799979)
Item 85	February 08, 2022	(1771775)
Item 86	February 14, 2022	(1807811)
Item 87	February 24, 2022	(1789254)
Item 88	March 07, 2022	(1814854)
Item 89	March 25, 2022	(1795867)
Item 90	March 31, 2022	(1803510)
Item 91	April 13, 2022	(1821423)
Item 92	April 18, 2022	(1809758)
Item 93	May 16, 2022	(1830320)
Item 94	June 15, 2022	(1836570)
Item 95	June 21, 2022	(1823747)
Item 96	July 14, 2022	(1843755)
Item 97	July 18, 2022	(1825715)
Item 98	August 08, 2022	(1832528)
Item 99	August 15, 2022	(1849916)
Item 100	September 13, 2022	(1857687)
Item 101	September 19, 2022	(1825736)



Item 102	September 30, 2022	(1798187)
Item 103	October 10, 2022	(1841022)
Item 104	October 13, 2022	(1864040)
Item 106	November 18, 2022	(1870949)
Item 107	December 05, 2022	(1859984)
Item 108	December 13, 2022	(1876806)
Item 109	January 13, 2023	(1866568)
Item 110	January 18, 2023	(1883617)
Item 111	January 19, 2023	(1869383)
Item 112	January 24, 2023	(1845902)
Item 113	February 10, 2023	(1891430)
Item 114	March 13, 2023	(1900003)
Item 115	March 20, 2023	(1881578)
Item 116	April 05, 2023	(1886080)
Item 117	April 12, 2023	(1887070)
Item 118	April 18, 2023	(1906803)
Item 119	May 15, 2023	(1913956)
Item 120	June 09, 2023	(1845906)
Item 121	June 16, 2023	(1920564)
Item 122	June 28, 2023	(1855515)
Item 123	July 14, 2023	(1927550)
Item 124	September 19, 2023	(1930045)
Item 125	October 06, 2023	(1931178)

**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: 03/03/2023 (1868577)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.354(11)  
30 TAC Chapter 115, SubChapter D 115.354(2)  
30 TAC Chapter 115, SubChapter D 115.356(2)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1025(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1027(b)(3)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(e)(3)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS & CONDITIONS OP  
SPECIAL CONDITION 15F PERMIT  
SPECIAL CONDITION 16F PERMIT  
SPECIAL CONDITION 1A OP  
SPECIAL CONDITION 23 OP  
SPECIAL CONDITION 27 OP  
SPECIAL CONDITION 8 PERMIT
- Description: Failure to monitor Leak Detection and Repair (LDAR) components.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1030(b)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS AND CONDITIONS OP  
SPECIAL CONDITION 1A OP  
SPECIAL CONDITION 23 OP  
SPECIAL CONDITION 27 OP  
SPECIAL CONDITION 8 PERMIT
- Description: Failure to operate a component with an instrument reading of less than 500 parts per million (ppm).
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 116, SubChapter F 116.615(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SPECIAL CONDITION 1A OP  
 SPECIAL CONDITION 23 OP  
 SPECIAL CONDITION 4(B)(ii) PERMIT  
 SPECIAL CONDITION 4(B)(v) PERMIT  
 SPECIAL CONDITION 4(B)(vi) PERMIT

Description: Failure to maintain the ammonia emission limit for LOU Standby Boiler.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SPECIAL CONDITION 11(C) PERMIT  
 SPECIAL CONDITION 1A OP  
 SPECIAL CONDITION 23 OP  
 SPECIAL CONDITION 27 OP  
 SPECIAL CONDITION 6 PERMIT  
 SPECIAL CONDITION 8 PERMIT

Description: Failure to prevent a smoking flare.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS & CONDITIONS OP  
 SPECIAL CONDITION 1A OP  
 SPECIAL CONDITION 23 IHWPERMTCP  
 SPECIAL CONDITION 27 OP  
 SPECIAL CONDITION 38(A)(1) PERMIT  
 SPECIAL CONDITION 42(C)(3) PERMIT

Description: Failure to document volatile organic compounds (VOC) exhaust concentration in accordance to permit.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 117, SubChapter B 117.105(f)(1)  
 30 TAC Chapter 117, SubChapter B 117.110(c)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SPECIAL CONDITION 1A OP  
 SPECIAL CONDITION 4(B)(v) PERMIT

Description: Failure to maintain carbon monoxide (CO) emissions below permitted limits.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter B 115.144(3)(F)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SPECIAL CONDITION 1A OP  
 SPECIAL CONDITION 23 OP  
 SPECIAL CONDITION 27 OP  
 SPECIAL CONDITION 7 PERMIT

Description: Failure to accurately record process parameters for the treatment process or wastewater treatment system unit.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SPECIAL CONDITION 11(A) PERMIT  
 SPECIAL CONDITION 1A OP

SPECIAL CONDITION 23 OP  
 SPECIAL CONDITION 27 OP  
 SPECIAL CONDITION 6 PERMIT  
 SPECIAL CONDITION 8 PERMIT  
 Description: Failure to maintain the flare's net heating value at or above 300 British thermal units per standard cubic foot (Btu/scf) (AUFLARE).  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 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)  
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(d)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SPECIAL CONDITION 1A OP  
 SPECIAL CONDITION 46(A)(2) PERMIT  
 SPECIAL CONDITION 46(A)(4) PERMIT  
 Description: Failure to conduct carbon monitoring.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SPECIAL CONDITION 11(A) PERMIT  
 SPECIAL CONDITION 1A OP  
 SPECIAL CONDITION 23 OP  
 SPECIAL CONDITION 27 OP  
 SPECIAL CONDITION 6 PERMIT  
 SPECIAL CONDITION 8 PERMIT  
 Description: Failure to maintain the flare's net heating value at or above 300 British thermal units per standard cubic foot (Btu/scf) (LOUFLARE).  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 Description: Failure to report all deviations.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS & CONDITIONS OP  
 SPECIAL CONDITION 1A OP  
 SPECIAL CONDITION 23 OP  
 SPECIAL CONDITION 27 OP  
 SPECIAL CONDITION 38A PERMIT  
 Description: Failure to conduct monitoring within 15 days.  
 Self Report? NO Classification: Moderate  
 Citation: GENERAL TERMS AND CONDITIONS OP  
 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1019(d)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(b)(5)  
 5C THSC Chapter 382 382.085(b)  
 SPECIAL CONDITION 1A OP  
 Description: Failure to maintain records.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(e)(3)  
 5C THSC Chapter 382 382.085(b)  
 GENERAL TERMS AND CONDITIONS OP  
 SPECIAL CONDITION 15(E) PERMIT

SPECIAL CONDITION 16(E) PERMIT  
SPECIAL CONDITION 1A OP  
SPECIAL CONDITION 23 OP  
SPECIAL CONDITION 8 PERMIT

Description: Failure to prevent open-ended lines (OELs).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348(a)(1)(i)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(7)(ii)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS AND CONDITIONS OP  
SPECIAL CONDITION 23 OP  
SPECIAL CONDITION 27 OP  
SPECIAL CONDITION 7 PERMIT

Description: Failure to maintain Waste Water Stripping Units operating limits for benzene.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.354(11)  
30 TAC Chapter 115, SubChapter D 115.354(2)  
30 TAC Chapter 115, SubChapter D 115.356(2)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(f)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023(e)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1024(c)  
5C THSC Chapter 382 382.085(b)  
GENERAL TERMS & CONDITIONS OP  
SPECIAL CONDITION 15F PERMIT  
SPECIAL CONDITION 16F PERMIT  
SPECIAL CONDITION 1A OP  
SPECIAL CONDITION 23 OP  
SPECIAL CONDITION 27 OP  
SPECIAL CONDITION 8 PERMIT

Description: Failure to tag 11 LDAR components on Delay of Repair.

**F. Environmental audits:**

Notice of Intent Date: 07/17/2018 (1505541)

Disclosure Date: 03/25/2019

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT JJJJ 60.4245(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6645(c)

Description: Failed to submit the initial notifications for 37G-O100. Specifically, there was no record of a 30-day post-construction notification required by 40 CFR § 60.4245(c) for 37G-O100 or of a 120-day post startup notification required by 40 CFR § 63.6645(c) (startup was March 21, 2016, so initial notification was due on April 20, 2016, and post construction notification was due on July 19, 2016).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT JJJJ 60.4245(d)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(d)

Description: Failed to submit a 30-day pretest notification and 60-day performance test report for 37G-O100. Specifically, a performance test occurred on April 4, 2016, for 37G-O100 and no record was found that a 30-day pretest notification was submitted (the pretest notification was due on March 5, 2016, and the 60-day report was due on Jun 3, 2016).

Disclosure Date: 06/20/2019

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT IIII 60.4211(f)(2)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6602  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6655(c)

Description: Maintenance records are inconsistent, or not available, to validate that stationary RICEs were maintained according to FHRs owner maintenance plan.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6655(f)

Description: Hourly engine runtime records are not available or were not tracked for the following pumps. (EPNs: 30G-101, 33P-106, 33P-107, 34P-114A, 34P-114B, 33P-I 14S, 34P-I 18S, P-1, 34P-109A, 34P-109B, 34?-1Q9C, 34P-109D)

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.10(c)

Description: FHR has been utilizing 52 hours per pump as the maximum allowed maintenance hours instead of actual

runtime, to calculate emissions from stationary pumps in the site's annual emission inventory.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT JJJJ 60.4243(b)

Description: The emergency backup generator (EPN: 37G-0100) was incorrectly permitted as an EPA certified engine. However, after reviewing the manufacturer's information the engine is not an EPA certified engine.

Notice of Intent Date: 02/21/2020 (1633650)

No DOV Associated

Notice of Intent Date: 05/17/2022 (1825836)

No DOV Associated

**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  
MOTIVA ENTERPRISES LLC F/K/A  
MOTIVA CHEMICALS LLC  
RN100217389

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2022-1680-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 Motiva Enterprises LLC f/k/a Motiva Chemicals LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 4241 Savannah Avenue in Port Arthur, Jefferson 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 \$28,938 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$14,469 of the penalty.

Pursuant to TEX. WATER CODE § 7.067, \$14,469 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
  - a. On June 8, 2022, submitted the initial notification for Incident No. 381162;
  - b. By December 5, 2022, revised the operational procedures to ensure that the light end hydrocarbon material is not sent to Tank 33758 in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 381397; and
  - c. By December 12, 2022, repaired the Cracked Gas Compressor and reduced the alarm set point on the total flare flow alarm to give the Operations personnel earlier warning of an elevated flare flow in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 381162.

## II. ALLEGATIONS

1. During a record review for the Plant conducted on November 15, 2022, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(a), 116.715(a), and 122.143(4), Flexible Permit Nos. 16989 and PSDTX794, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1317, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 23, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 355.89 pounds ("lbs") of volatile organic compounds ("VOC") from Tank 33758, Emissions Point Number ("EPN") LOU33758, during an emissions event (Incident No. 381397) that began on June 12, 2022 and lasted 45 hours and 15 minutes. The emissions event occurred due to a process upset, resulting in the release to the atmosphere. The Respondent withdrew its claim for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. During a record review for the Plant conducted on November 15, 2022, an investigator documented that the Respondent:

- a. Failed to prevent unauthorized emissions, in violation of in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(a), 116.715(a), and 122.143(4), Flexible Permit Nos. 16989 and PSDTX794, SC No. 1, FOP No. O1317, GTC and STC No. 23, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 3,787.07 lbs of carbon monoxide, 743.01 lbs of nitrogen oxides, and 1,733.04 lbs of VOC from the Light Olefins Unit Flare, EPN LOUFLARE, during an emissions event (Incident No. 381162) that began on May 31, 2022 and lasted 190 hours and 27 minutes. The emissions event occurred due to the failure of the 4th Stage Dry Gas Seals on the Cracked Gas Compressor located in the Light Olefins Unit, resulting in flaring. Since the Respondent did not comply with the emissions event reporting requirements, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
- b. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), FOP No. O1317, GTC and STC No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the initial notification for Incident No. 381162 was due by June 1, 2022 at 10:03 a.m., but was not submitted until June 8, 2022 at 6:15 p.m.

### 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: Motiva Enterprises LLC f/k/a Motiva Chemicals LLC, Docket No. 2022-1680-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 implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$14,469 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. 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. 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.
6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

For the Executive Director

Date

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

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

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

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

Signature

Date

Name (Printed or typed)

Title

Authorized Representative of  
Motiva Enterprises LLC f/k/a Motiva  
Chemicals LLC

Port Arthur Manufacturing  
Complex

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

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

Attachment A

Docket Number: 2022-1680-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

<b>Respondent:</b>	<b>Motiva Enterprises LLC f/k/a Motiva Chemicals LLC</b>
<b>Payable Penalty Amount:</b>	<b>\$28,938</b>
<b>SEP Offset Amount:</b>	<b>\$14,469</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Administrator SEP</b>
<b>Third-Party Administrator:</b>	<b>Southeast Texas Regional Planning Commission</b>
<b>Project Name:</b>	<b><i>Lighthouse Program</i></b>
<b>Total Project Budget:</b>	<b>\$5,679,300.00</b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *Lighthouse Program* Project (the "Project"). The Project is to hire a contractor to conduct initial inspections of eligible applicants' homes. The inspections will determine whether the home is in a condition suitable for weatherization and energy efficiency upgrades. Upgrades will not be completed at homes that need new roofs or significant foundation work. The contractor shall also determine what weatherization and energy efficiency upgrades are necessary and appropriate for the home and write a work plan. This contractor shall also conduct the final inspection of the home after the work is completed.

The Third-Party Administrator will conduct eligibility determinations to verify that participants own their homes and qualify as low-income. The Third-Party Administrator will also prepare all contracts with contractors and homeowners, coordinate between the contractors and the homeowners to answer questions, ensure that work is done timely and properly, and arrange for any necessary repairs to new equipment under the 12-month warranty period after work is completed. The Project will be done in accordance with all federal, state, and local environmental laws and regulations. The contribution will be used in accordance with the SEP agreement between the Third-Party Administrator and the TCEQ.

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

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

**B. Environmental Benefit**

Implementation of this Project will benefit air by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and the nitrogen oxides associated with the combustion of fuel and the generation of electricity. Past energy audits have shown a 12-30% reduction in energy usages after completion of the weatherization and energy upgrades.

**C. Minimum Expenditure**

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission  
Attention: Pamela Lewis, Program Manager  
2210 Eastex Freeway  
Beaumont, Texas 77703

**3. Records and Reporting**

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

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

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

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

Motiva Enterprises LLC f/k/a Motiva Chemicals LLC  
Docket No. 2022-1680-AIR-E  
Agreed Order - Attachment A

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

#### 5. **Publicity**

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

#### 6. **Recognition**

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

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

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