

Executive Summary – Enforcement Matter – Case No. 63499
Honeywell International Inc.
RN100217405
Docket No. 2023-0095-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Honeywell International Orange Plant, located approximately 1.50 miles east on Farm-to-Market Road 1006, Orange, Orange County

Type of Operation:

Chemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 28, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$33,337

Amount Deferred for Expedited Settlement: \$6,667

Total Paid to General Revenue: \$26,670

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 30, 2022

Date(s) of NOE(s): December 13, 2022

Executive Summary – Enforcement Matter – Case No. 63499
Honeywell International Inc.
RN100217405
Docket No. 2023-0095-AIR-E

Violation Information

Failed to operate the monitors and analyzers at least 95 percent ("%") of the time when the flare is operational, averaged over a rolling 12-month period. Specifically, the British thermal unit analyzer for Flare M-1, Emissions Point Number EP-10, had close to 100% of downtime from December 1, 2020 through August 31, 2022, resulting in the flare being monitored less than 95% of the time that the flare was operational for the 12-month periods ending from December 2020 through August 2022 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 1829, Special Conditions Nos. 14.D (effective December 20, 2017) and 19.D (effective April 27, 2021), Federal Operating Permit No. O1533, General Terms and Conditions and Special Terms and Conditions No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, implement measures and/or procedures designed to ensure the monitors and analyzers operate at least 95% of the time when the flare is operational; and
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Johnnie Wu, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2524; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Darrell Shockley, Director of Plant Operations, Honeywell International Inc., P.O. Box 640, Orange, Texas 77631

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	20-Dec-2022			
	PCW	15-Jan-2025	Screening	23-Dec-2022	EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent	Honeywell International Inc.				
Reg. Ent. Ref. No.	RN100217405				
Facility/Site Region	10-Beaumont		Major/Minor Source	Major	

CASE INFORMATION

Enf./Case ID No.	63499	No. of Violations	1
Docket No.	2023-0095-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Johnnie Wu
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$26,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	27.0%	Adjustment	Subtotals 2, 3, & 7	\$7,087
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Notes	Enhancement for one NOV with same or similar violations, one NOV with dissimilar violations, and one order containing a denial of liability.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.				
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,125	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$5,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$33,337
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$33,337
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$33,337
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DEFERRAL	20.0%	Reduction	Adjustment	-\$6,667
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$26,670
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Screening Date

23-Dec-2022

Docket No.

2023-0095-AIR-E

PCW

Respondent

Honeywell International Inc.

Case ID No.

63499

Reg. Ent. Reference No.

RN100217405

Media

Air

Enf. Coordinator

Johnnie Wu

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)

27%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3)

0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7)

0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same or similar violations, one NOV with dissimilar violations, and one order containing a denial of liability.

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

27%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

27%

Screening Date 23-Dec-2022		Docket No. 2023-0095-AIR-E		PCW	
Respondent Honeywell International Inc.		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 63499		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN100217405					
Media Air					
Enf. Coordinator Johnnie Wu					
Violation Number 1					
Rule Cite(s)		30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit No. 1829, Special Conditions Nos. 14.D (effective December 20, 2017) and 19.D (effective April 27, 2021), Federal Operating Permit No. O1533, General Terms and Conditions and Special Terms and Conditions No. 9, and Tex. Health & Safety Code § 382.085(b)			
Violation Description		Failed to operate the monitors and analyzers at least 95 percent ("%") of the time when the flare is operational, averaged over a rolling 12-month period. Specifically, the British thermal unit analyzer for Flare M-1, Emissions Point Number EP-10, had close to 100% of downtime from December 1, 2020 through August 31, 2022, resulting in the flare being monitored less than 95% of the time that the flare was operational for the 12-month periods ending from December 2020 through August 2022.			
		Base Penalty		\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Release		Harm		
	Major	Moderate	Minor		
	Actual				
	Potential		x		
		Percent		15.0%	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
		Percent		0.0%	
Matrix Notes		Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
		Adjustment		\$21,250	
				\$3,750	
Violation Events					
Number of Violation Events		7		638 Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				
		Violation Base Penalty \$26,250			
		Seven quarterly events are recommended for the period of noncompliance from December 1, 2020 through August 31, 2022.			
Good Faith Efforts to Comply		0.0%		Reduction \$0	
	Extraordinary	Before NOE/NOV		NOE/NOV to EDPRP/Settlement Offer	
	Ordinary				
	N/A	x			
Notes		The Respondent does not meet the good faith criteria for this violation.			
		Violation Subtotal		\$26,250	
Economic Benefit (EB) for this violation					
		Statutory Limit Test			
Estimated EB Amount		\$1,125		Violation Final Penalty Total \$33,338	
		This violation Final Assessed Penalty (adjusted for limits)		\$33,338	

Economic Benefit Worksheet

Respondent Honeywell International Inc.
Case ID No. 63499
Reg. Ent. Reference No. RN100217405
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)	\$5,000	1-Dec-2020	31-May-2025	4.50	\$1,125	n/a	\$1,125

Notes for DELAYED costs Estimated cost to implement measures and/or procedures designed to ensure the monitors and analyzers operate at least 95% of the time when the flare is operational. The Date Required is the initial date of non-compliance and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$5,000	TOTAL	\$1,125
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Compliance History Report

Compliance History Report for CN600129159, RN100217405, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator:	CN600129159, Honeywell International Inc.	Classification: SATISFACTORY	Rating: 1.80
Regulated Entity:	RN100217405, HONEYWELL INTERNATIONAL ORANGE PLANT	Classification: SATISFACTORY	Rating: 3.08
Complexity Points:	17	Repeat Violator:	NO
CH Group:	05 - Chemical Manufacturing		
Location:	1.5 MI E ON FM 1006 ORANGE, TX, ORANGE COUNTY		
TCEQ Region:	REGION 10 - BEAUMONT		

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER OC0001V
AIR NEW SOURCE PERMITS PERMIT 1829
AIR NEW SOURCE PERMITS PERMIT 1736

AIR NEW SOURCE PERMITS REGISTRATION 169894
AIR NEW SOURCE PERMITS REGISTRATION 76825
AIR NEW SOURCE PERMITS REGISTRATION 123936
AIR NEW SOURCE PERMITS REGISTRATION 163002
AIR NEW SOURCE PERMITS REGISTRATION 159776
AIR NEW SOURCE PERMITS REGISTRATION 173795
AIR NEW SOURCE PERMITS REGISTRATION 167923
WASTEWATER EPA ID TX0007897

POLLUTION PREVENTION PLANNING ID NUMBER P00017
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008080004
TAX RELIEF ID NUMBER 27117

AIR OPERATING PERMITS PERMIT 1533
AIR NEW SOURCE PERMITS PERMIT 1727
AIR NEW SOURCE PERMITS ACCOUNT NUMBER OC0001V
AIR NEW SOURCE PERMITS AFS NUM 4836100017
AIR NEW SOURCE PERMITS REGISTRATION 138665
AIR NEW SOURCE PERMITS REGISTRATION 132055
AIR NEW SOURCE PERMITS REGISTRATION 168616
AIR NEW SOURCE PERMITS REGISTRATION 152717
AIR NEW SOURCE PERMITS REGISTRATION 173794
WASTEWATER PERMIT WQ0000670000
AIR EMISSIONS INVENTORY ACCOUNT NUMBER OC0001V
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30009
TAX RELIEF ID NUMBER 19712

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

Date Compliance History Report Prepared: January 15, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 15, 2020 to January 15, 2025

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

Name: Johnnie Wu

Phone: (512) 239-2524

Site and Owner/Operator History:

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

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

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

- | | | |
|---|---|--|
| 1 | Effective Date: 08/16/2020 | ADMINORDER 2019-0728-AIR-E (1660 Order-Agreed Order With Denial) |
| | Classification: Moderate | |
| | Citation: 30 TAC Chapter 122, SubChapter B 122.143(4) | |
| | 30 TAC Chapter 122, SubChapter B 122.146(1) | |
| | 30 TAC Chapter 122, SubChapter B 122.146(2) | |

5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Special Condition 13 OP

Description: Failure to submit the Annual Certification of Compliance (ACC) for the compliance period of October 2, 2017 - October 1, 2018.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.122(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
Special Condition 9 OP

Description: Failure to maintain pressure on the nitrogen pad system for tank U33.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 10 OP

Description: Failure to maintain the allowable emission rates from January 1, 2013 through December 31, 2013, as reported in the SDRs for FOP-O1533 covering the compliance period of October 2, 2017, through October 1, 2018.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10(e)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
Special Condition 2(E) OP

Description: Failure to submit an accurate Annual Emissions Inventory (AEI), as reported in the SDRs for FOP-O1533 covering the compliance period of October 2, 2017, through October 1, 2018.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	February 13, 2020	(1640704)
Item 2	March 11, 2020	(1647224)
Item 3	April 13, 2020	(1653560)
Item 4	May 18, 2020	(1660147)
Item 5	June 16, 2020	(1666651)
Item 6	July 16, 2020	(1673608)
Item 7	August 18, 2020	(1666490)
Item 8	August 20, 2020	(1680384)
Item 9	September 18, 2020	(1686952)
Item 10	October 19, 2020	(1693299)
Item 11	November 19, 2020	(1712587)
Item 12	December 15, 2020	(1712588)
Item 13	February 05, 2021	(1725642)
Item 14	March 19, 2021	(1725643)
Item 15	April 14, 2021	(1725644)
Item 16	May 16, 2021	(1740123)
Item 17	June 08, 2021	(1740124)
Item 18	August 09, 2021	(1757212)
Item 19	August 11, 2021	(1749654)
Item 20	September 18, 2021	(1766292)
Item 21	October 14, 2021	(1776815)
Item 22	November 05, 2021	(1783665)
Item 23	December 09, 2021	(1790691)
Item 24	February 07, 2022	(1806359)
Item 25	March 08, 2022	(1813426)

Item 26	April 14, 2022	(1819997)
Item 27	May 12, 2022	(1828836)
Item 28	June 10, 2022	(1835129)
Item 29	June 17, 2022	(1819625)
Item 30	August 18, 2022	(1848466)
Item 31	September 20, 2022	(1856264)
Item 32	October 11, 2022	(1862621)
Item 33	November 10, 2022	(1869535)
Item 34	December 12, 2022	(1875384)
Item 35	January 11, 2023	(1882205)
Item 36	February 20, 2023	(1890021)
Item 37	March 20, 2023	(1898580)
Item 38	April 20, 2023	(1905368)
Item 39	May 20, 2023	(1912552)
Item 40	June 02, 2023	(1919154)
Item 41	July 18, 2023	(1926119)
Item 42	August 16, 2023	(1933082)
Item 43	September 19, 2023	(1939219)
Item 44	October 13, 2023	(1946069)
Item 45	November 20, 2023	(1951761)
Item 46	December 19, 2023	(1961523)
Item 47	February 13, 2024	(1977182)
Item 48	March 13, 2024	(1983747)
Item 49	May 15, 2024	(1996734)
Item 50	June 15, 2024	(2003685)
Item 51	August 15, 2024	(2016842)
Item 52	September 19, 2024	(2023859)
Item 53	October 10, 2024	(2029983)

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:	02/26/2024	(1960935)	
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A) 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 A 60.18(c)(1) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 19 PERMIT Special Condition 3 PERMIT Special Term and Condition 3 OP Special Term and Condition 9 OP		
	Description:	Failure to prevent flare visible emissions for greater than five minutes within a two-hour period.		
	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) General Terms and Conditions OP Special Condition 5A PERMIT Special Term and Condition 9 OP		
	Description:	Failure to sample fuel content every 6 months.		
	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) General Terms and Conditions OP Special Condition 3 PERMIT Special Term and Condition 9 OP		
	Description:	Failure to conduct a Continuous Emissions Monitoring System (CEMS) Cylinder Gas Audit (CGA).		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 116, SubChapter F 116.615(4)		

	30 TAC Chapter 122, SubChapter B 122.143(4)	
	40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(1)	
	5C THSC Chapter 382 382.085(b)	
	General Terms and Conditions OP	
	Special Condition 3 PERMIT	
	Special Term and Condition 9 OP	
Description:	Failure to notify TCEQ within 30 days of the start of construction of a boiler.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
	30 TAC Chapter 116, SubChapter F 116.615(5)	
	30 TAC Chapter 122, SubChapter B 122.143(4)	
	40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(3)	
	5C THSC Chapter 382 382.085(b)	
	General Terms and Conditions OP	
	Special Condition 3 PERMIT	
	Special Term and Condition 9 OP	
Description:	Failure to notify TCEQ within 15 days of startup.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)	
	30 TAC Chapter 116, SubChapter F 116.615(6)	
	30 TAC Chapter 122, SubChapter B 122.143(4)	
	40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8	
	40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.46b	
	5C THSC Chapter 382 382.085(b)	
	General Terms and Conditions OP	
	Special Condition 3 PERMIT	
	Special Term and Condition 9 OP	
Description:	Failure to conduct initial stack test and CEMS certification within 90 days of startup.	
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 D 60.46(b)(1)	
	5C THSC Chapter 382 382.085(b)	
	General Terms and Conditions OP	
	Special Condition 3 PERMIT	
	Special Term and Condition 9 OP	
Description:	Failure to maintain CEMS for measuring NOx emissions.	
2	Date: 03/31/2024 (1990277)	
	Self Report? YES	Classification: Moderate
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)	
	30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description: Failure to meet the limit for one or more permit parameter	

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
HONEYWELL INTERNATIONAL INC.
RN100217405

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

AGREED ORDER DOCKET NO. 2023-0095-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 Honeywell International Inc. (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 plant located approximately 1.50 miles east on Farm-to-Market Road 1006 in Orange, Orange 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 \$33,337 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$26,670 of the penalty and \$6,667 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During a record review for the Plant conducted on November 30, 2022, an investigator documented that the Respondent failed to operate the monitors and analyzers at least 95 percent ("%") of the time when the flare is operational, averaged over a rolling 12-month period, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 1829, Special Conditions Nos. 14.D (effective December 20, 2017) and 19.D (effective April 27, 2021), Federal Operating Permit No. O1533, General Terms and Conditions and Special Terms and Conditions No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the British thermal unit analyzer for Flare M-1, Emissions Point Number EP-10, had close to 100% of downtime from December 1, 2020 through August 31, 2022, resulting in the flare being monitored less than 95% of the time that the flare was operational for the 12-month periods ending from December 2020 through August 2022.

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: Honeywell International Inc., Docket No. 2023-0095-AIR-E" to:

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

2. The Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Order, implement measures and/or procedures designed to ensure the monitors and analyzers operate at least 95% of the time when the flare is operational.
- b. Within 45 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:

Air Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1830

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the

Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.

7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

4/25/2025

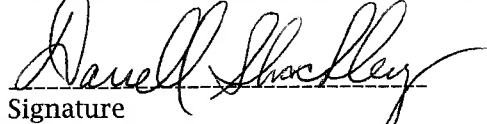
Date

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

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

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

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



Signature

2/18/2025

Date

Darrell Shockley

Name (Printed or typed)
Authorized Representative of
Honeywell International Inc.

Director of Plant Operations

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.