

**Executive Summary – Enforcement Matter – Case No. 63763**

**Gemini HDPE LLC**

**RN100229905**

**Docket No. 2023-0375-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

Ineos Polyethylene North America La Porte Plant, 1230 Independence Parkway South,  
La Porte, Harris County

**Type of Operation:**

Chemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 2, 2025

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$13,125

**Amount Deferred for Expedited Settlement:** \$2,625

**Total Paid to General Revenue:** \$10,500

**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:** September 2, 2022 through December 14, 2022

**Date(s) of NOE(s):** February 21, 2023

**Executive Summary – Enforcement Matter – Case No. 63763**

**Gemini HDPE LLC**

**RN100229905**

**Docket No. 2023-0375-AIR-E**

***Violation Information***

Failed to comply with the emissions limit. Specifically, the Respondent exceeded the emissions limit of 80 pounds ("lbs") of volatile organic compounds ("VOC") per million lbs of high density polyethylene pellets ("VOC/MM lbs") after the extruder through product loadout based on a 24-hour rolling average by 31.0 lbs of VOC/MM lbs for the 24-hour period ending on May 10, 2021 and by 1.4 lbs of VOC/MM lbs for the 24-hour period ending on May 21, 2021 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 106824, Special Conditions No. 6.B, Federal Operating Permit No. O3758, 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:**

By May 24, 2021, the Respondent implemented an automatic re-sampling notification in the laboratory sample management software system to ensure the required additional samples after an exceedance are collected timely and collected additional samples that demonstrated compliance with the emissions limit of 80 lbs of VOC/MM lbs after the extruder through product loadout.

**Technical Requirements:**

N/A

***Contact Information***

**TCEQ Attorney:** N/A

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

**Respondent:** William Sloane, Site Manager, Gemini HDPE LLC, 1230 Independence Parkway South, La Porte, Texas 77571

**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>	27-Feb-2023	<b>Screening</b>	13-Mar-2023	<b>EPA Due</b>	
	<b>PCW</b>	27-Feb-2025				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Gemini HDPE LLC
<b>Reg. Ent. Ref. No.</b>	RN100229905
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	63763	<b>No. of Violations</b>	1
<b>Docket No.</b>	2023-0375-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>	Yuliya Dunaway
		<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>	\$7,500
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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>	<b>100.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$7,500
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Notes: Enhancement for three NOV's with same/similar violations, one NOV with dissimilar violation, and five orders containing a denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$1,875
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<b>Economic Benefit</b>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$3  
Estimated Cost of Compliance \$1,550  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$13,125
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$13,125
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$13,125
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<b>DEFERRAL</b>	<b>20.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	-\$2,625
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$10,500
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<b>Screening Date</b>	13-Mar-2023	<b>Docket No.</b>	2023-0375-AIR-E	<b>PCW</b>
<b>Respondent</b>	Gemini HDPE LLC			
<b>Case ID No.</b>	63763			
<b>Reg. Ent. Reference No.</b>	RN100229905			
<b>Media</b>	Air			
<b>Enf. Coordinator</b>	Yuliya Dunaway			

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> )	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	5	100%
	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)** 117%

### >> 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 three NOVs with same/similar violations, one NOV with dissimilar violation, and five orders containing a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 117%

### >> Final Compliance History Adjustment

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

<b>Screening Date</b> 13-Mar-2023 <b>Respondent</b> Gemini HDPE LLC <b>Case ID No.</b> 63763 <b>Reg. Ent. Reference No.</b> RN100229905 <b>Media</b> Air <b>Enf. Coordinator</b> Yuliya Dunaway	<b>Docket No.</b> 2023-0375-AIR-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	1		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit No. 106824, Special Conditions No. 6.B, Federal Operating Permit No. O3758, General Terms and Conditions and Special Terms and Conditions No. 9, and Tex. Health & Safety Code § 382.085(b)		
<b>Violation Description</b>	Failed to comply with the emissions limit. Specifically, the Respondent exceeded the emissions limit of 80 pounds ("lbs") of volatile organic compounds ("VOC") per million pounds of high density polyethylene pellets ("VOC/MM lbs") after the extruder through product loadout based on a 24-hour rolling average by 31.0 lbs of VOC/MM lbs for the 24-hour period ending on May 10, 2021 and by 1.4 lbs of VOC/MM lbs for the 24-hour period ending on May 21, 2021.		

<b>Base Penalty</b>	\$25,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual			x	
	Potential				
					<b>Percent</b> 30.0%

**>> Programmatic Matrix**

<b>Matrix Notes</b>		Falsification	Major	Moderate	Minor	
						<b>Percent</b> 0.0%

	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.	
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<b>Adjustment</b>	\$17,500
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	\$7,500
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**Violation Events**

Number of Violation Events	1		2	Number of violation days
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	daily				
	weekly				
	monthly		x		
	quarterly				
	semiannual				
	annual				
	single event				

<b>Violation Base Penalty</b>	\$7,500
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One monthly event is recommended for the instances of non-compliance that occurred on May 10, 2021 and May 21, 2021.	
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**Good Faith Efforts to Comply**

	<b>25.0%</b>	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		
Notes	The Respondent completed the corrective measures by May 24, 2021, prior to the Notice of Enforcement dated February 21, 2023.	

<b>Violation Subtotal</b>	\$5,625
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$3	
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**Statutory Limit Test**

<b>Violation Final Penalty Total</b>	\$13,125
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<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$13,125
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# Economic Benefit Worksheet

**Respondent** Gemini HDPE LLC  
**Case ID No.** 63763  
**Reg. Ent. Reference No.** RN100229905  
**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	\$1,500	10-May-2021	24-May-2021	0.04	\$3	n/a	\$3
Training/Sampling	\$50	13-May-2021	24-May-2021	0.03	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

### Notes for DELAYED costs

Estimated cost to implement an automatic re-sampling notification in the laboratory sample management software system to ensure the required additional samples after an exceedance are collected timely (\$1,500) and to collect additional samples that demonstrated compliance with the emissions limit of 80 lbs of VOC/MM lbs after the extruder through product loadout (\$50). The Dates Required are the initial date of non-compliance and the date additional sampling was required and the Final Dates are the dates of compliance.

## Avoided Costs

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

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

### Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,550

**TOTAL**

\$3



# Compliance History Report

Compliance History Report for CN604683599, RN100229905, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

<b>Customer, Respondent, or Owner/Operator:</b>	CN604683599, Gemini HDPE LLC	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	11.23
<b>Regulated Entity:</b>	RN100229905, INEOS POLYETHYLENE NORTH AMERICA LA PORTE PLANT	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	14.16
<b>Complexity Points:</b>	23	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	05 - Chemical Manufacturing				
<b>Location:</b>	1230 INDEPENDENCE PKWY S LA PORTE, TX 77571-9811, HARRIS COUNTY				
<b>TCEQ Region:</b>	REGION 12 - HOUSTON				

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER HG0665E  
**AIR OPERATING PERMITS** PERMIT 3758

**AIR NEW SOURCE PERMITS** PERMIT 49823  
**AIR NEW SOURCE PERMITS** REGISTRATION 33637  
**AIR NEW SOURCE PERMITS** REGISTRATION 42369

**AIR NEW SOURCE PERMITS** AFS NUM 4820100004  
**AIR NEW SOURCE PERMITS** REGISTRATION 110990  
**AIR NEW SOURCE PERMITS** REGISTRATION 111012  
**AIR NEW SOURCE PERMITS** REGISTRATION 110997  
**AIR NEW SOURCE PERMITS** REGISTRATION 166822  
**AIR NEW SOURCE PERMITS** REGISTRATION 167326  
**AIR NEW SOURCE PERMITS** REGISTRATION 153914  
**AIR NEW SOURCE PERMITS** REGISTRATION 156179  
**AIR NEW SOURCE PERMITS** REGISTRATION 175909  
**AIR NEW SOURCE PERMITS** REGISTRATION 170967

**WASTEWATER** PERMIT WQ0000544000  
**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER HG0665E  
**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE REGISTRATION # (SWR) 30704  
**TAX RELIEF** ID NUMBER 20448  
**TAX RELIEF** ID NUMBER 20438

**AIR OPERATING PERMITS** PERMIT 1439  
**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 1011097  
**AIR NEW SOURCE PERMITS** REGISTRATION 28146  
**AIR NEW SOURCE PERMITS** REGISTRATION 41293  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER HG0665E  
**AIR NEW SOURCE PERMITS** PERMIT 106824  
**AIR NEW SOURCE PERMITS** REGISTRATION 111004  
**AIR NEW SOURCE PERMITS** REGISTRATION 110971  
**AIR NEW SOURCE PERMITS** REGISTRATION 164349  
**AIR NEW SOURCE PERMITS** REGISTRATION 168529  
**AIR NEW SOURCE PERMITS** REGISTRATION 164778  
**AIR NEW SOURCE PERMITS** REGISTRATION 160743  
**AIR NEW SOURCE PERMITS** REGISTRATION 172271  
**AIR NEW SOURCE PERMITS** REGISTRATION 175907  
**PETROLEUM STORAGE TANK** REGISTRATION REGISTRATION 57482  
**WASTEWATER** EPA ID TX0006033  
**POLLUTION PREVENTION PLANNING** ID NUMBER P00633  
**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXD980625958  
**TAX RELIEF** ID NUMBER 20444

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

**Date Compliance History Report Prepared:** February 27, 2025

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 27, 2020 to February 27, 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: 05/12/2020 ADMINORDER 2019-0975-AIR-E (1660 Order-Agreed Order With Denial)  
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: FOP, Special Term & Condition 13 OP  
NSR, Special Condition 2 PERMIT  
Description: Failure to maintain vents (EPNs: PE-FCM2DRY and PE-FCM2STG) VOC emissions within Maximum Allowable Emission Rates (MAERT) limit. [Category A8, GC 2]  
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: FOP, Special Term & Condition 13 OP  
NSR, Special Condition 2 PERMIT  
Description: Failure to maintain process vents (EPNs: PE-FCM3DRY and PE-FCM3STG) VOC emissions within Maximum Allowable Emission Rates (MAERT) limit. [Category A8, GC 2]
- 2 Effective Date: 08/25/2021 ADMINORDER 2020-1179-AIR-E (1660 Order-Agreed Order With Denial)  
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 Term and Condition 9 PERMIT  
Description: Failed to comply with the MAERs. Specifically, the Respondent exceeded the NOx MAER of 12.66 tons per year ("tpy"), the CO MAER of 65.21 tpy, and the VOC MAER of 71.10 tpy, each based on a 12-month rolling period, for the 12-month periods ending from July 2018 through April 2019 for the Polyethylene Flare (Routine Operation), EPN PE-FLARE2, resulting in the unauthorized release of 3.73 tons of NOx emissions, 19.65 tons of CO emissions, and 18.17 tons of VOC emissions.
- 3 Effective Date: 12/20/2022 ADMINORDER 2021-0298-AIR-E (1660 Order-Agreed Order With Denial)  
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 2 PERMIT  
Special Term & Condition 13 OP  
Description: Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the volatile organic compounds ("VOC") MAER of 1.76 pounds per hour ("lbs/hr") for 168 hours on eight days from February 15, 2019 through February 28, 2019 for the FCM2 Dryer Vent and Storage Vent, Emissions Point Number ("EPN") PE-FCM2DRY, PE-FCM2STG, resulting in 18.59 lbs of unauthorized VOC emissions.  
Classification: Major  
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 2 PERMIT  
Special Term & Condition 13 OP  
Description: Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 1.76 lbs/hr for 336 hours on 14 days from February 15, 2019 through February 28, 2019 for the FCM3 Dryer Vent and Storage Vent, EPN PE-FCM3DRY, PE-FCM3STG, resulting in 114.24 lbs of unauthorized VOC emissions.  
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)

Rqmt Prov: General Terms & Conditions OP

Description: Failed to report all instances of deviations. Specifically, the deviation report for the February 11, 2019 through August 10, 2019 reporting period did not include the deviations for failing to: comply with the 100 hours per year limit based on a rolling 12-month average for Diesel Engine PE-FP706X, maintain the monthly fuel flow usage records for the portable diesel engines, conduct the Total Dissolved Solids ("TDS") sampling for the Cooling Towers, and report 42 non-reportable emissions events

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)

Rqmt Prov: General Terms & Conditions OP

Description: Failed to report all instances of deviations. Specifically, the deviation report for the August 11, 2019 through February 10, 2020 reporting period did not include the deviations for failing to comply with the 100 hours per year limit based on a rolling 12-month average for Diesel Engine PE-FP2802X and failing to report 35 non-reportable emissions events.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.121

30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter C 122.210(a)

5C THSC Chapter 382 382.054

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Term & Condition 17 OP

Description: Failed to submit an application to revise an FOP to change, add, or remove one or more permit terms or conditions. Specifically, the Respondent did not submit an application to revise FOP No. 01439 within 30 days to incorporate the process vents authorized by the amendment for NSR Permit No. 49823 that was obtained on April 30, 2019

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 115, SubChapter D 115.352(2)(A)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Term & Condition 1A OP

Description: Failed to repair leaking equipment that were identified as delay of repair before the end of the next process unit shutdown. Specifically, the Respondent placed the leaking components with Tag Nos. 128599.3, 124770, and 114578.2 on delay of repair and attempted to repair these leaking components before the turnaround ended on November 4, 2019, but the newly replaced flange gasket on Tag No. 114578.2 was discovered to be leaking after the turnaround ended on November 4, 2019 and Tag Nos. 128599.3

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 2 PERMIT

Special Term & Condition 13 OP

Description: Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 1.26 lbs/hr for 453 hours on 24 days from November 12, 2019 through December 19, 2019 for Cooling Tower CT1, EPN PE-CT1, resulting in 511.89 lbs of unauthorized VOC emissions.

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 2 PERMIT

Special Term & Condition 13 OP

Description: Failure to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 4.17 lbs/hr for 313 hours on 15 days from February 3, 2020 through February 17, 2020 for the CM7 Dryer Vent and Storage Vent, EPN PE-CM7DRY, PE-CM7STG, resulting in 81.38 lbs of unauthorized VOC emissions.

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 2 PERMIT  
Special Term & Condition 13 OP

Description: Failed to comply with the MAERs. Specifically, the Respondent exceeded the CO MAER of 15.76 lbs/hr for two hours on August 28, 2020 and the NOx MAER of 25.03 tons per year based on a 12-month rolling period for the 12-month periods ending from November 2019 through May 2020 for Cogen Unit 1, EPN PE-HRSG21, resulting in 49.44 lbs of unauthorized CO emissions and 0.79 ton of unauthorized NOx emissions.

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 Term & Condition 13 OP  
Special Term & Condition 2 PERMIT

Description: Failed to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 1.26 lbs/hr for a total of 1,584 hours on 69 days from November 1, 2020 to January 25, 2021 for Cooling Tower CT1, EPN PE-CT1, resulting in 27,669.70 lbs of unauthorized VOC emissions.

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 2 PERMIT  
Special Term & Condition 13 OP

Description: Failure to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 0.63 lb/hr for a total of 2,182 hours on 93 days from November 1, 2020 to February 1, 2021 for Cooling Tower CT2A, EPN PE-CT2A, resulting in 144,641.77 lbs of unauthorized VOC emissions.

Classification: Minor

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 2 PERMIT  
Special Term & Condition 13 OP

Description: Failure to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 0.67 lb/hr for a total of 1,138 hours on 52 days from November 18, 2020 to January 22, 2021 for Cooling Tower CT2B, EPN PE-CT2B, resulting in 6,767.92 lbs of unauthorized VOC emissions.

4 Effective Date: 01/30/2023 ADMINORDER 2020-1257-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter H 115.722(d)  
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)(2)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC and STC Nos. 1.A and 13 OP  
Special Condition Nos. 2 & 3.B PERMIT

Description: Failed to operate the flare with a flame present at all times and failed to prevent unauthorized emissions. Specifically, the Respondent released 3,018.6 lbs of VOC & 432.5 lbs of ethylene from the Polyethylene Flare, EPN PE-FLARE, during an emissions event (Incident No. 285530) that occurred on June 2, 2018 and lasted one

hour and 23 minutes. The emissions event occurred when a nitrogen-rich stream was inadvertently introduced into the pilot gas stream that caused the loss of the flare pilot.

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: Special Condition 2 PERMIT  
Special Term & Condition 13 OP

Description: Failure to comply with the MAER. Specifically, the Respondent exceeded the VOC MAER of 0.63 pound per hour from April 19, 2018 through October 31, 2019 for Cooling Tower CT2A, EPN PE-CT2A, resulting in approximately 49,728.94 pounds ("lbs") of unauthorized VOC emissions.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.0518(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms & Conditions OP

Description: Failed to obtain authorization prior to constructing or modifying a source of air contaminants. Specifically, the Respondent constructed and operated process vents for Vessels H-11, H-16, H-19, H-21, F-560, V-2036, V-2037, and V-5027 prior to obtaining the proper authorization.

5 Effective Date: 07/27/2023 ADMINORDER 2021-0589-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: FOP O3758, STC No. 9 OP  
Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 31,143 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 278913) that began on February 18, 2018 and lasted 15 hours and 50 minutes. The emissions event occurred due to a leak from a flange protector that was improperly installed instead of the spiral-wound gasket required by the pipe specifications for a valve assembly in the High Density Polyethylene Unit.

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: FOP, ST&C 9 OP  
NSR SC 5B PERMIT  
NSR, SC 6B PERMIT

Description: Failure to comply within the permitted limit of 80 pounds of VOC/million (MM) pounds of high density polyethylene pellets on a 24-hour rolling average and to comply with the MAERT. (Category A8, HPV GC 2, violation)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP, ST&C 9 PERMIT  
NSR, SC 1 PERMIT

Description: Failure to comply with the representations with regard to construction plans and operation procedures in a permit application. Specifically, Permit No. 106824 that the composition of the overhead vent for Vessel V6001 was expected to be primarily nitrogen, but it was discovered that the overhead vent was emitting VOC, resulting in approximately 303.29 tons of unauthorized VOC emissions from October 1, 2017 through October 21, 2019.

## B. Criminal convictions:

N/A

## C. Chronic excessive emissions events:

N/A

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

Item 1	March 19, 2020	(1647180)
Item 2	April 16, 2020	(1653516)
Item 3	May 13, 2020	(1660103)
Item 4	June 18, 2020	(1666607)
Item 5	July 16, 2020	(1673564)
Item 6	August 20, 2020	(1680339)
Item 7	August 27, 2020	(1633655)

Item 8	October 15, 2020	(1693255)
Item 9	November 19, 2020	(1712455)
Item 10	December 17, 2020	(1712456)
Item 11	January 18, 2021	(1712457)
Item 12	February 22, 2021	(1725510)
Item 13	March 15, 2021	(1725511)
Item 14	April 16, 2021	(1725512)
Item 15	July 20, 2021	(1751704)
Item 16	August 20, 2021	(1757168)
Item 17	August 24, 2021	(1751418)
Item 18	September 20, 2021	(1766248)
Item 19	October 18, 2021	(1776711)
Item 20	November 29, 2021	(1783620)
Item 21	December 14, 2021	(1790646)
Item 22	January 17, 2022	(1798440)
Item 23	February 17, 2022	(1806314)
Item 24	April 19, 2022	(1819952)
Item 25	May 17, 2022	(1828791)
Item 26	July 20, 2022	(1842288)
Item 27	August 16, 2022	(1848421)
Item 28	August 25, 2022	(1811821)
Item 29	September 14, 2022	(1856219)
Item 30	December 14, 2022	(1875339)
Item 31	December 22, 2022	(1860841)
Item 32	January 18, 2023	(1882160)
Item 33	January 19, 2023	(1872856)
Item 34	March 14, 2023	(1886227)
Item 35	May 09, 2023	(1912507)
Item 36	June 16, 2023	(1919109)
Item 37	July 12, 2023	(1926073)
Item 38	August 17, 2023	(1933037)
Item 39	August 29, 2023	(1924363)
Item 40	September 13, 2023	(1939173)
Item 41	September 19, 2023	(1879885)
Item 42	September 22, 2023	(1879878)
Item 43	September 26, 2023	(1880880)
Item 44	October 19, 2023	(1946024)
Item 45	November 16, 2023	(1951716)
Item 46	December 14, 2023	(1961478)
Item 47	January 16, 2024	(1968073)
Item 48	March 20, 2024	(1983702)
Item 49	April 16, 2024	(1990232)
Item 50	May 20, 2024	(1996689)
Item 51	July 17, 2024	(2011193)
Item 52	August 08, 2024	(2016797)
Item 53	September 18, 2024	(2023814)
Item 54	October 17, 2024	(2029938)
Item 55	November 14, 2024	(2036258)
Item 56	December 09, 2024	(2042369)

**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: 05/31/2024 (2003640)		
	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		
2	Date: 06/04/2024 (1924943)		
	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)  
 Special Condition 10.E. PERMIT  
 Special Term and Condition 9 OP  
 Description: Failure to prevent the exceedance of Total Dissolved Solids (TDS) concentration on Cooling Tower (Unit ID: PE-CT102) (CATEGORY B12 Violation).

3

Date: 11/25/2024 (2009553)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)  
 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)(3)(ii)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 3A PERMIT  
 Special Term and Condition 13 OP  
 Special Term and Condition 1A OP

Description: Failure to maintain the minimum net heating value for the Polyethylene Flare (EPN: PE-FLARE) (Category C4).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 2 PERMIT  
 Special Term and Condition 13 OP  
 Special Term and Condition 1A OP

Description: Failure to prevent the exceedance of the pounds per hour (lbs./hr.) Maximum Allowable Emissions Rate (MAER) limit for the Cogen Unit 1 (EPN: PE-HRSG21). (Category B13)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 2 PERMIT  
 Special Term and Condition 13 OP  
 Special Term and Condition 1A OP

Description: Failure to prevent the exceedance of the pounds per hour (lbs./hr.) Maximum Allowable Emissions Rate (MAER) limit for the Cogen Unit 3 (EPN: PE-HRSG23). (Category B13)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 2 PERMIT  
 Special Term and Condition 13 OP  
 Special Term and Condition 1A OP

Description: Failure to prevent the exceedance of the permitted CO Combustion Cap rate limit for the Cogen Units (EPN: COGACTCAP). (Category B13)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 10 (C) PERMIT  
 Special Term and Condition 13 OP  
 Special Term and Condition 1A OP

Description: Failure to maintain the minimum six-minute average oxygen concentration for the Thermal Oxidizer (EPN: PE-RTO). (Category B18.g.1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 1A OP

Description: Failure to perform a first attempt repair on a pressure relief valve (TAG: 141765) for Area 130A Fugitives (EPN: PE-A130A). (Category B1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 115, SubChapter H 115.783(5)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 11(E) PERMIT  
 Special Term and Condition 13 OP  
 Special Term and Condition 1A OP  
 Description: Failure to prevent open ended lines (OELs) (Category C10).  
 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)  
 Special Condition 10 (C) PERMIT  
 Special Term and Condition 13 OP  
 Special Term and Condition 1A OP  
 Description: Failure to maintain the minimum average temperature for the Thermal Oxidizer (EPN: PE-RTO). (Category B18.g.1)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 2 PERMIT  
 Special Term and Condition 13 OP  
 Special Term and Condition 1A OP  
 Description: Failure to prevent exceedance of the hourly VOC and ethylene MAER limit for the Cooling Tower (EPN:PE-CT1). (Category B13).  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 1A OP  
 Description: Failure to conduct highly reactive volatile organic compound (HRVOC) sampling during HRVOC analyzer downtime for the Flare (EPN: PE-FLARE). (Category B1)

4 Date: 01/13/2025 (2028652)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)  
 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)(3)(ii)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 8A PERMIT  
 Special Term and Condition 1A OP  
 Special Term and Condition 9 OP  
 Description: Failure to maintain the minimum net heating value (NHV) for the Polyethylene Flare (EPN: PE-FLARE2). (Category C4)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 115, SubChapter H 115.783(5)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 10E PERMIT  
 Special Term and Condition 1A OP  
 Special Term and Condition 9 OP  
 Description: Failure to prevent open ended lines (OELs). (Category C10)

**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:**

**J. Early compliance:**  
N/A

**Sites Outside of Texas:**  
N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
GEMINI HDPE LLC  
RN100229905

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

## AGREED ORDER DOCKET NO. 2023-0375-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 Gemini HDPE 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 1230 Independence Parkway South in La Porte, Harris 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 \$13,125 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$10,500 of the penalty and \$2,625 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.



6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that by May 24, 2021, the Respondent implemented an automatic re-sampling notification in the laboratory sample management software system to ensure the required additional samples after an exceedance are collected timely and collected additional samples that demonstrated compliance with the emissions limit of 80 pounds ("lbs") of volatile organic compounds ("VOC") per million pounds of high density polyethylene pellets ("VOC/MM lbs") after the extruder through product loadout at the Plant.

## **II. ALLEGATIONS**

During a record review for the Plant conducted from September 2, 2022 through December 14, 2022, an investigator documented that the Respondent failed to comply with the emissions limit, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 106824, Special Conditions No. 6.B, Federal Operating Permit No. 03758, General Terms and Conditions and Special Terms and Conditions No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the emissions limit of 80 lbs of VOC/MM lbs after the extruder through product loadout based on a 24-hour rolling average by 31.0 lbs of VOC/MM lbs for the 24-hour period ending on May 10, 2021 and by 1.4 lbs of VOC/MM lbs for the 24-hour period ending on May 21, 2021.

## **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: Gemini HDPE LLC, Docket No. 2023-0375-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

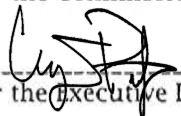
2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in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

6/3/2025


-----  
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.

  
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Signature

3/21/25  
-----  
Date

WILLIAM SLOANE

-----  
Name (Printed or typed)  
Authorized Representative of  
Gemini HDPE LLC

SITE MANAGER  
-----  
Title

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

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