

**Executive Summary – Enforcement Matter – Case No. 63940**  
**Westlake Longview Corporation**  
**RN105138721**  
**Docket No. 2023-0550-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

Westlake Longview, 2290 Callahan Road, Longview, Harrison 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:** June 28, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$9,375

**Amount Deferred for Expedited Settlement:** \$1,875

**Total Paid to General Revenue:** \$7,500

**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:** January 27, 2023 through April 13, 2023

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

**Executive Summary – Enforcement Matter – Case No. 63940**  
**Westlake Longview Corporation**  
**RN105138721**  
**Docket No. 2023-0550-AIR-E**

***Violation Information***

Failed to prevent unauthorized emissions. Specifically, the Respondent released 350.00 pounds of chloroform as fugitive emissions, during an emissions event (Incident No. 394018) that occurred on January 13, 2023 and lasted five minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 19959, Special Conditions No. 1, Federal Operating Permit No. 01967, General Terms and Conditions and Special Terms and Conditions No. 11, 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 designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 394018; 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:** Brandon Herber, Plant Manager, Westlake Longview Corporation, P.O. Box 8388, Longview, Texas 75607-8388

**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> | 24-Apr-2023 |   |
|              | <b>PCW</b>      | 27-Mar-2024 | <b>Screening</b> 25-Apr-2023 <b>EPA Due</b> |

## RESPONDENT/FACILITY INFORMATION

|                             |                               |                           |       |
|-----------------------------|-------------------------------|---------------------------|-------|
| <b>Respondent</b>           | Westlake Longview Corporation |                           |       |
| <b>Reg. Ent. Ref. No.</b>   | RN105138721                   |                           |       |
| <b>Facility/Site Region</b> | 5-Tyler                       | <b>Major/Minor Source</b> | Major |

## CASE INFORMATION

|  |                 |                              |                    |
|--|-----------------|------------------------------|--------------------|
| <b>Enf./Case ID No.</b>                | 63940           | <b>No. of Violations</b>     | 1                  |
| <b>Docket No.</b>                      | 2023-0550-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>      | Johnnie Wu         |
|  |                 | <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 |
|---|-------------------|---------|

## 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> | 25.0% | Adjustment | <b>Subtotals 2, 3, &amp; 7</b> | \$1,875 |
|---------------------------|-------|------------|--------------------------------|---------|

|              |   |  |  |  |
|--------------|---|--|--|--|
| <b>Notes</b> | Enhancement for one NOV with same or similar violations and one order containing a denial of liability. |  |  |  |
|--------------|---|--|--|--|

|                    |    |      |             |                   |     |
|--------------------|----|------|-------------|-------------------|-----|
| <b>Culpability</b> | No | 0.0% | Enhancement | <b>Subtotal 4</b> | \$0 |
|--------------------|----|------|-------------|-------------------|-----|

|              |  |  |  |  |
|--------------|--|--|--|--|
| <b>Notes</b> | The Respondent does not meet the culpability criteria. |  |  |  |
|--------------|--|--|--|--|

|  |                   |     |
|--|-------------------|-----|
| <b>Good Faith Effort to Comply Total Adjustments</b> | <b>Subtotal 5</b> | \$0 |
|--|-------------------|-----|

|                         |      |              |                   |     |
|-------------------------|------|--------------|-------------------|-----|
| <b>Economic Benefit</b> | 0.0% | Enhancement* | <b>Subtotal 6</b> | \$0 |
|-------------------------|------|--------------|-------------------|-----|

|                              |          |                                   |
|------------------------------|----------|-----------------------------------|
| Total EB Amounts             | \$985    | *Capped at the Total EB \$ Amount |
| Estimated Cost of Compliance | \$10,000 |                                   |

|                             |                       |         |
|-----------------------------|-----------------------|---------|
| <b>SUM OF SUBTOTALS 1-7</b> | <b>Final Subtotal</b> | \$9,375 |
|-----------------------------|-----------------------|---------|

|   |      |            |     |
|---|------|------------|-----|
| <b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b> | 0.0% | Adjustment | \$0 |
|---|------|------------|-----|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

|                             |         |
|-----------------------------|---------|
| <b>Final Penalty Amount</b> | \$9,375 |
|-----------------------------|---------|

|                                   |                               |         |
|-----------------------------------|-------------------------------|---------|
| <b>STATUTORY LIMIT ADJUSTMENT</b> | <b>Final Assessed Penalty</b> | \$9,375 |
|-----------------------------------|-------------------------------|---------|

|                 |       |           |            |          |
|-----------------|-------|-----------|------------|----------|
| <b>DEFERRAL</b> | 20.0% | Reduction | Adjustment | -\$1,875 |
|-----------------|-------|-----------|------------|----------|

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

|                        |         |
|------------------------|---------|
| <b>PAYABLE PENALTY</b> | \$7,500 |
|------------------------|---------|

Screening Date

25-Apr-2023

Docket No.

2023-0550-AIR-E

PCW

Respondent

Westlake Longview Corporation

Case ID No.

63940

Reg. Ent. Reference No.

RN105138721

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   | 0      | 0%      |
| 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)25%

>> Repeat Violator (Subtotal 3)

NoAdjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory PerformerAdjustment Percentage (Subtotal 7)0%

>> Compliance History Summary

Compliance History Notes

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

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)25%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%25%

|  |  |  |                                      |                                      |
|--|--|--|--------------------------------------|--------------------------------------|
| <b>Screening Date</b>                              | 25-Apr-2023  | <b>Docket No.</b>  | 2023-0550-AIR-E                      | <b>PCW</b>                           |
| <b>Respondent</b>                                  | Westlake Longview Corporation  |  |                                      | Policy Revision 5 (January 28, 2021) |
| <b>Case ID No.</b>                                 | 63940  |  |                                      | PCW Revision February 11, 2021       |
| <b>Reg. Ent. Reference No.</b>                     | RN105138721  |  |                                      |                                      |
| <b>Media</b>                                       | Air  |  |                                      |                                      |
| <b>Enf. Coordinator</b>                            | Johnnie Wu   |  |                                      |                                      |
| <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. 19959, Special Conditions No. 1, Federal Operating Permit No. O1967, General Terms and Conditions and Special Terms and Conditions No. 11, and Tex. Health & Safety Code § 382.085(b) |  |                                      |                                      |
| <b>Violation Description</b>                       | Failed to prevent unauthorized emissions. Specifically, the Respondent released 350.00 pounds of chloroform as fugitive emissions, during an emissions event (Incident No. 394018) that occurred on January 13, 2023 and lasted five minutes.                        |  |                                      |                                      |
|  |  | <b>Base Penalty</b>  | \$25,000                             |                                      |
| >> Environmental, Property and Human Health Matrix |  |  |                                      |                                      |
| OR   | <b>Release</b>   | <b>Harm</b>  |                                      |                                      |
|  |  | Major  | Moderate                             | Minor                                |
|  | Actual   |  |                                      | x                                    |
|  | Potential  |  |                                      |                                      |
|  |  |  |                                      | <b>Percent</b> 30.0%                 |
| >>Programmatic Matrix                              |  |  |                                      |                                      |
|  | Falsification  | Major  | Moderate                             | Minor                                |
|  |  |  |                                      |                                      |
|  |  |  |                                      | <b>Percent</b> 0.0%                  |
| Matrix Notes                                       | Human health or the environment has been exposed to insignificant amounts of pollutants that did not exceed levels that are protective of human health or environmental receptors as a result of the violation.  |  |                                      |                                      |
|  |  | <b>Adjustment</b>  | \$17,500                             |                                      |
|  |  |  | \$7,500                              |                                      |
| Violation Events                                   |  |  |                                      |                                      |
|  | Number of Violation Events   | 1  | 1                                    | Number of violation days             |
|  | daily  |  |                                      |                                      |
|  | weekly   |  |                                      |                                      |
|  | monthly  | x  |                                      |                                      |
|  | quarterly  |  |                                      |                                      |
|  | semiannual   |  |                                      |                                      |
|  | annual   |  |                                      |                                      |
|  | single event   |  |                                      |                                      |
|  |  |  | <b>Violation Base Penalty</b>        | \$7,500                              |
|  | One monthly event is recommended.  |  |                                      |                                      |
| <b>Good Faith Efforts to Comply</b>                |  | 0.0%   | <b>Reduction</b>                     | \$0                                  |
|  |  | Before NOE/NOV   | NOE/NOV to EDPRP/Settlement Offer    |                                      |
|  | Extraordinary  |  |                                      |                                      |
|  | Ordinary   |  |                                      |                                      |
|  | N/A  | x  |                                      |                                      |
|  | Notes  | The Respondent does not meet the good faith criteria for this violation. |                                      |                                      |
|  |  | <b>Violation Subtotal</b>  | \$7,500                              |                                      |
| <b>Economic Benefit (EB) for this violation</b>    |  | <b>Statutory Limit Test</b>  |                                      |                                      |
|  | <b>Estimated EB Amount</b>   | \$985  | <b>Violation Final Penalty Total</b> | \$9,375                              |
|  | <b>This violation Final Assessed Penalty (adjusted for limits)</b>   |  |                                      | \$9,375                              |

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Westlake Longview Corporation 63940 RN105138721 Air 1

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

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

Delayed Costs

|                          |  |             |            |      |       |     |       |
|--------------------------|--|-------------|------------|------|-------|-----|-------|
| Equipment                |  |             |            | 0.00 | \$0   | \$0 | \$0   |
| Buildings                |  |             |            | 0.00 | \$0   | \$0 | \$0   |
| Other (as needed)        |  |             |            | 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)        | \$10,000   | 13-Jan-2023 | 1-Jan-2025 | 1.97 | \$985 | n/a | \$985 |
| Notes for DELAYED costs  | Estimated cost to implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 394018. The Date Required is the date the emissions event occurred 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 | \$10,000 | TOTAL | \$985 |
|----------------------------|----------|-------|-------|



# Compliance History Report

Compliance History Report for CN603126459, RN105138721, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

|   |  |                         |              |                |      |
|---|--|-------------------------|--------------|----------------|------|
| <b>Customer, Respondent, or Owner/Operator:</b> | CN603126459, Westlake Longview Corporation           | <b>Classification:</b>  | SATISFACTORY | <b>Rating:</b> | 5.73 |
| <b>Regulated Entity:</b>                        | RN105138721, WESTLAKE LONGVIEW                       | <b>Classification:</b>  | SATISFACTORY | <b>Rating:</b> | 3.52 |
| <b>Complexity Points:</b>                       | 25   | <b>Repeat Violator:</b> | NO           |                |      |
| <b>CH Group:</b>                                | 05 - Chemical Manufacturing                          |                         |              |                |      |
| <b>Location:</b>                                | 2290 CALLAHAN ROAD, LONGVIEW, HARRISON COUNTY, TEXAS |                         |              |                |      |
| <b>TCEQ Region:</b>                             | REGION 05 - TYLER                                    |                         |              |                |      |

## ID Number(s):

**AIR OPERATING PERMITS** PERMIT 1983

**AIR OPERATING PERMITS** PERMIT 1969

**AIR OPERATING PERMITS** PERMIT 1967

**AIR OPERATING PERMITS** PERMIT 1983

**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER HHA004D

**AIR NEW SOURCE PERMITS** PERMIT 18104

**AIR NEW SOURCE PERMITS** PERMIT 8522

**AIR NEW SOURCE PERMITS** PERMIT 7695

**AIR NEW SOURCE PERMITS** PERMIT 47007

**AIR NEW SOURCE PERMITS** PERMIT 83756

**AIR NEW SOURCE PERMITS** REGISTRATION 134187

**AIR NEW SOURCE PERMITS** REGISTRATION 155042

**AIR NEW SOURCE PERMITS** REGISTRATION 166714

**AIR NEW SOURCE PERMITS** REGISTRATION 167697

**AIR NEW SOURCE PERMITS** REGISTRATION 167694

**AIR NEW SOURCE PERMITS** REGISTRATION 149857

**AIR NEW SOURCE PERMITS** REGISTRATION 157362

**AIR NEW SOURCE PERMITS** REGISTRATION 161839

**AIR NEW SOURCE PERMITS** REGISTRATION 160608

**AIR NEW SOURCE PERMITS** REGISTRATION 174348

**AIR NEW SOURCE PERMITS** REGISTRATION 171430

**STORMWATER** PERMIT TXR05V309

**POLLUTION PREVENTION PLANNING** ID NUMBER P07193

**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE REGISTRATION # (SWR) 88110

**TAX RELIEF** ID NUMBER 19895

**AIR OPERATING PERMITS** PERMIT 1967

**AIR OPERATING PERMITS** ACCOUNT NUMBER HHA004D

**AIR OPERATING PERMITS** PERMIT 1969

**AIR OPERATING PERMITS** PERMIT 4505

**AIR NEW SOURCE PERMITS** AFS NUM 4820300101

**AIR NEW SOURCE PERMITS** PERMIT 48592

**AIR NEW SOURCE PERMITS** REGISTRATION 74158

**AIR NEW SOURCE PERMITS** PERMIT 19959

**AIR NEW SOURCE PERMITS** PERMIT 6509

**AIR NEW SOURCE PERMITS** REGISTRATION 139063

**AIR NEW SOURCE PERMITS** REGISTRATION 112280

**AIR NEW SOURCE PERMITS** REGISTRATION 150426

**AIR NEW SOURCE PERMITS** REGISTRATION 165436

**AIR NEW SOURCE PERMITS** REGISTRATION 164966

**AIR NEW SOURCE PERMITS** REGISTRATION 165213

**AIR NEW SOURCE PERMITS** REGISTRATION 155767

**AIR NEW SOURCE PERMITS** REGISTRATION 156054

**AIR NEW SOURCE PERMITS** REGISTRATION 160607

**AIR NEW SOURCE PERMITS** REGISTRATION 171418

**AIR NEW SOURCE PERMITS** REGISTRATION 171586

**AIR NEW SOURCE PERMITS** REGISTRATION 174346

**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER HHA004D

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXR000077446

**TAX RELIEF** ID NUMBER 19894

**TAX RELIEF** ID NUMBER 19891

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

**Date Compliance History Report Prepared:** February 29, 2024

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 28, 2019 to February 28, 2024

**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: 11/29/2021 ADMINORDER 2020-1315-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 O1983 GTC and STC 12 OP  
Special Condition 1 PERMIT  
Special Terms and Conditions 8 OP
- Description: Failure to prevent the occurrence of unauthorized emissions.
- 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 O1967 GTC and STC 11 OP  
Special Condition 1 PERMIT  
Special Terms and Conditions 12 OP
- Description: Failure to prevent the occurrence of unauthorized emissions.

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

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

|         |                   |           |
|---------|-------------------|-----------|
| Item 1  | August 26, 2019   | (1544796) |
| Item 2  | December 06, 2019 | (1612847) |
| Item 3  | June 29, 2021     | (1678441) |
| Item 4  | June 30, 2021     | (1735248) |
| Item 5  | July 25, 2022     | (1824473) |
| Item 6  | March 24, 2023    | (1895108) |
| Item 7  | May 15, 2023      | (1889198) |
| Item 8  | June 09, 2023     | (1904379) |
| Item 9  | June 27, 2023     | (1910231) |
| Item 10 | July 06, 2023     | (271638)  |
| Item 11 | August 01, 2023   | (1916960) |

### **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: 07/14/2023 (252174)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
NSR 7695, SC 5 PERMIT
- Description: Failure to operate the catalytic oxidation unit at an outlet gas temperature no less than that demonstrated to provide 95% destruction efficiency.
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
NSR 7695, SC 3(E) PERMIT
- Description: Failure to prevent open-ended lines.



**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  
WESTLAKE LONGVIEW  
CORPORATION  
RN105138721

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

## AGREED ORDER DOCKET NO. 2023-0550-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 Westlake Longview Corporation (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 2290 Callahan Road in Longview, Harrison 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 \$9,375 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$7,500 of the penalty and \$1,875 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 from January 27, 2023 through April 13, 2023, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 19959, Special Conditions No. 1, Federal Operating Permit No. O1967, General Terms and Conditions and Special Terms and Conditions No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 350.00 pounds of chloroform as fugitive emissions, during an emissions event (Incident No. 394018) that occurred on January 13, 2023 and lasted five minutes.

## **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: Westlake Longview Corporation, Docket No. 2023-0550-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 at the Plant:
  - a. Within 30 days after the effective date of this Order, implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 394018.

- 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  
Tyler Regional Office  
Texas Commission on Environmental Quality  
2916 Teague Drive  
Tyler, Texas 75701-3734

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. Extension requests shall be sent to the Enforcement Division at the address listed above.
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.

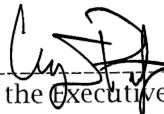
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

**SIGNATURE PAGE**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
For the Executive Director


7/9/2024  
\_\_\_\_\_  
Date

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

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

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

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

  
\_\_\_\_\_  
Signature

5-23-24  
\_\_\_\_\_  
Date

Brandon Herber  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Westlake Longview Corporation

Plant Manager  
\_\_\_\_\_  
Title

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

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