

Executive Summary – Enforcement Matter – Case No. 63969
Lyondell Chemical Company
RN100633650
Docket No. 2023-0596-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Lyondell Chemical Channelview, 2502 Sheldon Road, Channelview, Harris County

Type of Operation:

Petrochemical 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: September 29, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$32,525

Amount Deferred for Expedited Settlement: \$6,505

Total Paid to General Revenue: \$13,010

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$13,010

Name of SEP: Houston Regional Monitoring Corporation (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 6, 2022 through April 13, 2023 and October 14, 2022 through November 11, 2022

Date(s) of NOE(s): May 19, 2023 and April 28, 2023

**Executive Summary – Enforcement Matter – Case No. 63969
Lyondell Chemical Company
RN100633650
Docket No. 2023-0596-AIR-E**

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 281.77 pounds ("lbs") of volatile organic compounds ("VOC"), 214.42 lbs of carbon monoxide, and 29.95 lbs of nitrogen oxides from the Emergency Flare, Emissions Point Number EFL60730, during an emissions event (Incident No. 387852) that occurred on September 22, 2022 and lasted two hours and 31 minutes. The emissions event occurred due to a reduction of heat input to the Low Pressure Depropanizer Tower T-380 that caused a high liquid level in Drum D-381 and Compressor C-380 to shut down, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit Nos. 4121 and N282, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1387, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 28, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,249.80 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 388403) that occurred on September 29, 2022 and lasted 22 minutes. The emissions event occurred when the nitrogen purge was not isolated from the drum prior to the catalyst injection during a catalyst batch process in the Propylene Oxide and Styrene Monomer II Unit that caused higher than normal pressure on the drum during the catalyst injection step, resulting in the drum seal to break and in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 19613, SC No. 1, FOP No. O1387, GTC and STC No. 28, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By March 16, 2023, the Respondent installed a low overhead temperature alarm on the Low Pressure Depropanizer Tower T-380, updated the procedures to incorporate the alarm, and conducted training for the operators on the updates to the procedures in order to prevent the recurrence of emissions events due to same or similar causes as Incident No. 387852.

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Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Within 30 days, implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 388403; 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

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

SEP Third-Party Administrator: Houston Regional Monitoring Corporation, Amandes PLLC, 1800 Post Oak Boulevard, Suite 400, Houston, Texas 77056

Respondent: Anthony Wood, Plant Manager, Lyondell Chemical Company, 2502 Sheldon Road, Channelview, Texas 77530

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	2-May-2023	Screening	4-May-2023	EPA Due	
	PCW	2-Aug-2023				

RESPONDENT/FACILITY INFORMATION	
Respondent	Lyondell Chemical Company
Reg. Ent. Ref. No.	RN100633650
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	63969	No. of Violations	2
Docket No.	2023-0596-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	\$20,000
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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	72.0% Adjustment	Subtotals 2, 3, & 7	\$14,400
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Notes: Enhancement for one NOV with same/similar violations and four orders containing a denial of liability. Reduction for seven notices of intent to conduct an audit and three disclosures of violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,875
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$861
 Estimated Cost of Compliance: \$14,500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$32,525
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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: [Empty box]

Final Penalty Amount	\$32,525
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$32,525
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DEFERRAL	20.0%	Reduction	Adjustment	-\$6,505
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$26,020
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Screening Date 4-May-2023

Docket No. 2023-0596-AIR-E

PCW

Respondent Lyondell Chemical Company

Policy Revision 5 (January 28, 2021)

Case ID No. 63969

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100633650

Media Air

Enf. Coordinator Johnnie Wu

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>)	4	80%
	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>)	7	-7%
	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>)	3	-6%
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) 72%

>> 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/similar violations and four orders containing a denial of liability. Reduction for seven notices of intent to conduct an audit and three disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 72%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 72%

Screening Date 4-May-2023
Respondent Lyondell Chemical Company
Case ID No. 63969
Reg. Ent. Reference No. RN100633650
Media Air
Enf. Coordinator Johnnie Wu

Docket No. 2023-0596-AIR-E

PCW

*Policy Revision 5 (January 28, 2021)
 PCW Revision February 11, 2021*

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review ("NSR") Permit Nos. 4121 and N282, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1387, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 28, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 281.77 pounds ("lbs") of volatile organic compounds ("VOC"), 214.42 lbs of carbon monoxide, and 29.95 lbs of nitrogen oxides from the Emergency Flare, Emissions Point Number EFL60730, during an emissions event (Incident No. 387852) that occurred on September 22, 2022 and lasted two hours and 31 minutes. The emissions event occurred due to a reduction of heat input to the Low Pressure Depropanizer Tower T-380 that caused a high liquid level in Drum D-381 and Compressor C-380 to shut down, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		

Notes The Respondent completed the corrective measures by March 16, 2023, prior to the Notice of Enforcement dated May 19, 2023.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$108

Violation Final Penalty Total \$11,025

This violation Final Assessed Penalty (adjusted for limits) \$11,025

Economic Benefit Worksheet

Respondent Lyondell Chemical Company
Case ID No. 63969
Reg. Ent. Reference No. RN100633650
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)	\$4,500	22-Sep-2022	16-Mar-2023	0.48	\$108	n/a	\$108

Notes for DELAYED costs

Estimated cost to install a low overhead temperature alarm on the Low Pressure Depropanizer Tower T-380, update the procedures to incorporate the alarm, and conduct training for the operators on the updates to the procedures in order to prevent the recurrence of emissions events due to same or similar causes as Incident No. 387852. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$4,500

TOTAL \$108

Screening Date 4-May-2023
Respondent Lyondell Chemical Company
Case ID No. 63969
Reg. Ent. Reference No. RN100633650
Media Air
Enf. Coordinator Johnnie Wu

Docket No. 2023-0596-AIR-E

PCW

Policy Revision 5 (January 28, 2021)
PCW Revision February 11, 2021

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 19613, SC No. 1, FOP No. O1387, GTC and STC No. 28, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,249.80 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 388403) that occurred on September 29, 2022 and lasted 22 minutes. The emissions event occurred when the nitrogen purge was not isolated from the drum prior to the catalyst injection during a catalyst batch process in the Propylene Oxide and Styrene Monomer II Unit that caused higher than normal pressure on the drum during the catalyst injection step, resulting in the drum seal to break and in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text" value="50.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Lyondell Chemical Company
Case ID No. 63969
Reg. Ent. Reference No. RN100633650
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	29-Sep-2022	1-Apr-2024	1.51	\$753	n/a	\$753

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 388403. 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 \$753



Compliance History Report

Compliance History Report for CN600344402, RN100633650, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator:	CN600344402, Lyondell Chemical Company	Classification:	SATISFACTORY	Rating:	4.64
Regulated Entity:	RN100633650, LYONDELL CHEMICAL CHANNELVIEW	Classification:	SATISFACTORY	Rating:	2.89
Complexity Points:	44	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	2502 SHELDON ROAD, CHANNELVIEW, HARRIS COUNTY, TEXAS				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG1575W
AIR NEW SOURCE PERMITS AFS NUM 4820100417
AIR NEW SOURCE PERMITS REGISTRATION 48597
AIR NEW SOURCE PERMITS REGISTRATION 40092
AIR NEW SOURCE PERMITS REGISTRATION 40093
AIR NEW SOURCE PERMITS REGISTRATION 37654
AIR NEW SOURCE PERMITS REGISTRATION 35477
AIR NEW SOURCE PERMITS REGISTRATION 32435
AIR NEW SOURCE PERMITS PERMIT 19613
AIR NEW SOURCE PERMITS PERMIT 18103
AIR NEW SOURCE PERMITS PERMIT 3346
AIR NEW SOURCE PERMITS PERMIT 2993
AIR NEW SOURCE PERMITS REGISTRATION 73851
AIR NEW SOURCE PERMITS REGISTRATION 77723
AIR NEW SOURCE PERMITS REGISTRATION 79199
AIR NEW SOURCE PERMITS REGISTRATION 79542
AIR NEW SOURCE PERMITS REGISTRATION 81465
AIR NEW SOURCE PERMITS REGISTRATION 81958
AIR NEW SOURCE PERMITS REGISTRATION 84090
AIR NEW SOURCE PERMITS REGISTRATION 96529
AIR NEW SOURCE PERMITS REGISTRATION 110744
AIR NEW SOURCE PERMITS REGISTRATION 110759
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1480
AIR NEW SOURCE PERMITS REGISTRATION 110749
AIR NEW SOURCE PERMITS REGISTRATION 108390
AIR NEW SOURCE PERMITS REGISTRATION 110748
AIR NEW SOURCE PERMITS EPA PERMIT N234
AIR NEW SOURCE PERMITS REGISTRATION 110745
AIR NEW SOURCE PERMITS REGISTRATION 154483
AIR NEW SOURCE PERMITS REGISTRATION 151560
AIR NEW SOURCE PERMITS PERMIT AMOC86
AIR NEW SOURCE PERMITS REGISTRATION 167049
AIR NEW SOURCE PERMITS REGISTRATION 169047
AIR NEW SOURCE PERMITS REGISTRATION 165455
AIR NEW SOURCE PERMITS REGISTRATION 167653
AIR NEW SOURCE PERMITS REGISTRATION 163982
AIR NEW SOURCE PERMITS REGISTRATION 169258
AIR NEW SOURCE PERMITS REGISTRATION 166665
AIR NEW SOURCE PERMITS REGISTRATION 167648
AIR NEW SOURCE PERMITS REGISTRATION 146922
AIR NEW SOURCE PERMITS REGISTRATION 146914

AIR OPERATING PERMITS PERMIT 1387
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG1575W
AIR NEW SOURCE PERMITS REGISTRATION 42082
AIR NEW SOURCE PERMITS REGISTRATION 40094
AIR NEW SOURCE PERMITS REGISTRATION 38432
AIR NEW SOURCE PERMITS REGISTRATION 36353
AIR NEW SOURCE PERMITS REGISTRATION 34833
AIR NEW SOURCE PERMITS PERMIT 20416
AIR NEW SOURCE PERMITS PERMIT 19155
AIR NEW SOURCE PERMITS PERMIT 4121
AIR NEW SOURCE PERMITS PERMIT 3286A
AIR NEW SOURCE PERMITS REGISTRATION 75719
AIR NEW SOURCE PERMITS REGISTRATION 74852
AIR NEW SOURCE PERMITS REGISTRATION 78756
AIR NEW SOURCE PERMITS REGISTRATION 79945
AIR NEW SOURCE PERMITS REGISTRATION 80344
AIR NEW SOURCE PERMITS REGISTRATION 35412
AIR NEW SOURCE PERMITS PERMIT 83817
AIR NEW SOURCE PERMITS REGISTRATION 98198
AIR NEW SOURCE PERMITS REGISTRATION 100257
AIR NEW SOURCE PERMITS PERMIT 137856
AIR NEW SOURCE PERMITS REGISTRATION 108363
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX149
AIR NEW SOURCE PERMITS REGISTRATION 110753
AIR NEW SOURCE PERMITS REGISTRATION 110747
AIR NEW SOURCE PERMITS REGISTRATION 131147
AIR NEW SOURCE PERMITS REGISTRATION 107594
AIR NEW SOURCE PERMITS REGISTRATION 150982
AIR NEW SOURCE PERMITS REGISTRATION 154043
AIR NEW SOURCE PERMITS REGISTRATION 153364
AIR NEW SOURCE PERMITS REGISTRATION 154220
AIR NEW SOURCE PERMITS REGISTRATION 169166
AIR NEW SOURCE PERMITS REGISTRATION 167651
AIR NEW SOURCE PERMITS REGISTRATION 164468
AIR NEW SOURCE PERMITS REGISTRATION 166559
AIR NEW SOURCE PERMITS REGISTRATION 163984
AIR NEW SOURCE PERMITS REGISTRATION 167333
AIR NEW SOURCE PERMITS REGISTRATION 166560
AIR NEW SOURCE PERMITS REGISTRATION 166338
AIR NEW SOURCE PERMITS REGISTRATION 146998
AIR NEW SOURCE PERMITS PERMIT AMOC1

AIR NEW SOURCE PERMITS REGISTRATION 159522
AIR NEW SOURCE PERMITS REGISTRATION 156080
AIR NEW SOURCE PERMITS REGISTRATION 157435
AIR NEW SOURCE PERMITS REGISTRATION 161551
AIR NEW SOURCE PERMITS REGISTRATION 159528
AIR NEW SOURCE PERMITS REGISTRATION 160679
AIR NEW SOURCE PERMITS REGISTRATION 171830
AIR NEW SOURCE PERMITS REGISTRATION 169041

UNDERGROUND INJECTION CONTROL PERMIT WDW162
UNDERGROUND INJECTION CONTROL PERMIT WDW438
WASTEWATER PERMIT WQ0002927000

POLLUTION PREVENTION PLANNING ID NUMBER
P00038
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30676
TAX RELIEF ID NUMBER 24634
TAX RELIEF ID NUMBER 24635
TAX RELIEF ID NUMBER 24639
TAX RELIEF ID NUMBER 25127

AIR NEW SOURCE PERMITS PERMIT AMOC158
AIR NEW SOURCE PERMITS EPA PERMIT N282
AIR NEW SOURCE PERMITS REGISTRATION 159150
AIR NEW SOURCE PERMITS REGISTRATION 158060
AIR NEW SOURCE PERMITS REGISTRATION 162741
AIR NEW SOURCE PERMITS REGISTRATION 171842
AIR NEW SOURCE PERMITS REGISTRATION 167649
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 30676
UNDERGROUND INJECTION CONTROL PERMIT WDW148
STORMWATER PERMIT TXR151270
AIR EMISSIONS INVENTORY ACCOUNT NUMBER
HG1575W
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD083472266
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50288

TAX RELIEF ID NUMBER 24638
TAX RELIEF ID NUMBER 24636
TAX RELIEF ID NUMBER 24637

Compliance History Period: September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

Date Compliance History Report Prepared: May 04, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 04, 2018 to May 04, 2023

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: 07/10/2018 ADMINORDER 2017-1634-AIR-E (1660 Order-Agreed Order With Denial)
 Classification: Major
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: Special Condition 1 PERMIT
 Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. [Category A (12)(i)(6)]

- 2 Effective Date: 09/03/2019 ADMINORDER 2018-1321-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: NSR, SC 1 PERMIT
 O1387 OP
 Description: Failed to prevent unauthorized emissions.

- 3 Effective Date: 08/24/2021 ADMINORDER 2020-1432-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 O1387 GTC and STC No. 25 OP

NSR Permit 3346, Special Conditions 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on November 5, 2017, TCEQ/STEERS Incident No. 271858. [Category A12.i.(6)]

See addendum for information regarding federal actions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 17, 2018	(1501469)
Item 2	May 30, 2018	(1485370)
Item 3	June 19, 2018	(1508559)
Item 4	July 16, 2018	(1490301)
Item 5	July 17, 2018	(1496723)
Item 6	July 25, 2018	(1496730)
Item 7	August 06, 2018	(1505241)
Item 8	August 09, 2018	(1506015)
Item 9	August 17, 2018	(1520944)
Item 10	August 27, 2018	(1512268)
Item 11	September 19, 2018	(1528124)
Item 12	September 21, 2018	(1500062)
Item 13	October 17, 2018	(1523377)
Item 14	October 18, 2018	(1534467)
Item 15	November 20, 2018	(1542301)
Item 16	December 20, 2018	(1546069)
Item 17	January 17, 2019	(1531809)
Item 18	January 18, 2019	(1562244)
Item 19	February 20, 2019	(1562242)
Item 20	March 07, 2019	(1550941)
Item 21	March 19, 2019	(1562243)
Item 22	April 09, 2019	(1554130)
Item 23	April 18, 2019	(1572667)
Item 24	May 20, 2019	(1569397)
Item 25	June 20, 2019	(1584944)
Item 26	July 18, 2019	(1594017)
Item 27	July 31, 2019	(1570312)
Item 28	August 13, 2019	(1580650)
Item 29	August 16, 2019	(1600338)
Item 30	September 20, 2019	(1607230)
Item 31	October 17, 2019	(1614082)
Item 32	October 21, 2019	(1603900)
Item 33	October 30, 2019	(1604267)
Item 34	November 20, 2019	(1619893)
Item 35	December 20, 2019	(1627254)
Item 36	January 06, 2020	(1617209)
Item 37	January 08, 2020	(1617997)
Item 38	January 10, 2020	(1617228)
Item 39	January 20, 2020	(1634889)
Item 40	February 20, 2020	(1641506)
Item 41	February 26, 2020	(1631413)
Item 42	March 19, 2020	(1648015)
Item 43	April 20, 2020	(1654366)
Item 44	May 08, 2020	(1645534)
Item 45	May 13, 2020	(1597711)
Item 46	May 19, 2020	(1660931)
Item 47	June 19, 2020	(1667464)
Item 48	July 17, 2020	(1674413)

Item 49	August 11, 2020	(1666079)
Item 50	August 18, 2020	(1681188)
Item 51	September 17, 2020	(1687757)
Item 52	October 16, 2020	(1678773)
Item 53	October 19, 2020	(1694103)
Item 54	October 28, 2020	(1684474)
Item 55	December 15, 2020	(1696925)
Item 56	December 17, 2020	(1714967)
Item 57	January 29, 2021	(1700621)
Item 58	February 18, 2021	(1728031)
Item 59	February 23, 2021	(1702497)
Item 60	March 16, 2021	(1728032)
Item 61	April 19, 2021	(1728033)
Item 62	May 05, 2021	(1710495)
Item 63	May 19, 2021	(1722072)
Item 64	May 20, 2021	(1741309)
Item 65	June 11, 2021	(1722073)
Item 66	June 18, 2021	(1748026)
Item 67	July 20, 2021	(1739844)
Item 68	July 30, 2021	(1723569)
Item 69	August 20, 2021	(1757961)
Item 70	September 17, 2021	(1767196)
Item 71	October 11, 2021	(1765034)
Item 72	October 18, 2021	(1765269)
Item 73	October 20, 2021	(1777665)
Item 74	October 29, 2021	(1771124)
Item 75	November 05, 2021	(1690263)
Item 76	November 15, 2021	(1771845)
Item 77	November 19, 2021	(1784464)
Item 78	December 20, 2021	(1791494)
Item 79	January 20, 2022	(1799336)
Item 80	January 28, 2022	(1788058)
Item 81	February 16, 2022	(1807154)
Item 82	March 17, 2022	(1814220)
Item 83	April 19, 2022	(1820793)
Item 84	April 26, 2022	(1810549)
Item 85	May 20, 2022	(1829625)
Item 86	June 20, 2022	(1835921)
Item 87	July 19, 2022	(1843122)
Item 88	August 04, 2022	(1773247)
Item 89	August 18, 2022	(1813116)
Item 90	August 19, 2022	(1849290)
Item 91	September 19, 2022	(1857052)
Item 92	October 20, 2022	(1863409)
Item 93	November 01, 2022	(1852698)
Item 94	November 10, 2022	(1854795)
Item 95	November 18, 2022	(1870321)
Item 96	December 06, 2022	(1840374)
Item 97	December 20, 2022	(1876170)
Item 98	January 20, 2023	(1882989)
Item 99	January 30, 2023	(1873511)
Item 100	February 14, 2023	(1875122)
Item 101	February 20, 2023	(1890798)
Item 102	May 02, 2023	(1896280)

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: 11/23/2022 (1840996)
- Self Report? NO Classification: Minor
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 1(A) OP
- Description: Failure to conduct flare sampling that was representative of all major constituents for the POSM I Process Flare (EPN: FL60731) (Category C1).
- Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.662(a)
5C THSC Chapter 382 382.085(b)
Special Condition, 4(E) PERMIT
Special Term and Condition, 1(A) OP
- Description: Failure to maintain the minimum temperature of the EB2 Reactor Heater (EPN: F96800) (Category C4).
- 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, 14(B) PERMIT
Special Term and Condition, 28 OP
Special Term and Condition, 1(A) OP
- Description: Failure to maintain the temperature of the POSM2 Catalytic Incinerator (EPN: F97950) (Category C4).
- 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)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)
Special Condition, 2 PERMIT
Special Condition, 8(C) PERMIT
Special Term and Condition, 1(A) OP
Special Term and Condition, 28 OP
Special Term and Condition, 3 OP
- Description: Failure to prevent operation of the POSM I Process Flare (EPN: FL60731) without visible emissions (Category B13).
- 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)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)
Special Condition, 8(C) PERMIT
Special Term and Condition, 1(A) OP
Special Term and Condition, 28 OP
Special Term and Condition, 3 OP
- Description: Failure to prevent operation of the MTBE Emergency Flare (EPN: FL6103) with visible emissions (Category B13).

F. Environmental audits:

Notice of Intent Date: 06/20/2018 (1498543)

Disclosure Date: 04/24/2019

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110

Description: Documentation of NSR Authorization for one storage tote was not available.

Notice of Intent Date: 03/29/2019 (1576010)

Disclosure Date: 07/10/2019

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(3)

Description: Failed to conduct quarterly inspections on some PSV monitoring systems as required by the HRVOC Vent Gas Monitoring Plan.

Viol. Classification: Minor

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: PERMIT SC 14.E.

PERMIT SC 15.E.

Description: Failed to properly secure three open-ended lines with a second closed valve, blind flange, cap, or plug.

Viol. Classification: Minor

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)(1)

Description: Failed to properly fill out manifests Additional information was recorded in Section 9b instead of Section 11.

Notice of Intent Date: 04/12/2019 (1555816)

No DOV Associated

Notice of Intent Date: 08/10/2020 (1670979)

No DOV Associated

Notice of Intent Date: 05/19/2021 (1723232)

No DOV Associated

Notice of Intent Date: 09/12/2022 (1852475)

No DOV Associated

Notice of Intent Date: 09/12/2022 (1853071)

Disclosure Date: 01/23/2023

Viol. Classification: Minor

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(i)

Description: Failed to monitor container.

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

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: LYONDELL CHEMICAL CHANNELVIEW

Reg Entity Add: 2502 SHELDON RD

Reg Entity City: CHANNELVIEW

Reg Entity No: RN100633650

EPA Case No: 07-2022-3395

Order Issue Date (yyyymmdd): 20211013

Case Result:

Statute: CAA **Sect of Statute:** 110

Classification: Major

Program: Federal Implementation **Citation:**

Violation Type: National Emission Standard
For Hazardous Air Pollutant

Cite Sect: **Cite Part:**

Enforcement Action: Consent Decree or Court Order Resolving a Civil

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
LYONDELL CHEMICAL COMPANY
RN100633650

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2023-0596-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 Lyondell Chemical Company (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 petrochemical manufacturing plant located at 2502 Sheldon Road in Channelview, 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 \$32,525 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$13,010 of the penalty and \$6,505 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$13,010 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms

and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that by March 16, 2023, the Respondent installed a low overhead temperature alarm on the Low Pressure Depropanizer Tower T-380, updated the procedures to incorporate the alarm, and conducted training for the operators on the updates to the procedures in order to prevent the recurrence of emissions events due to same or similar causes as Incident No. 387852.

II. ALLEGATIONS

1. During a record review for the Plant conducted from October 6, 2022 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 ("NSR") Permit Nos. 4121 and N282, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1387, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 28, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 281.77 pounds ("lbs") of volatile organic compounds ("VOC"), 214.42 lbs of carbon monoxide, and 29.95 lbs of nitrogen oxides from the Emergency Flare, Emissions Point Number EFL60730, during an emissions event (Incident No. 387852) that occurred on September 22, 2022 and lasted two hours and 31 minutes. The emissions event occurred due to a reduction of heat input to the Low Pressure Depropanizer Tower T-380 that caused a high liquid level in Drum D-381 and Compressor C-380 to shut down, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. During a record review for the Plant conducted from October 14, 2022 through November 11, 2022, 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), NSR Permit No. 19613, SC No. 1, FOP No. O1387, GTC and STC No. 28, and

TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 1,249.80 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 388403) that occurred on September 29, 2022 and lasted 22 minutes. The emissions event occurred when the nitrogen purge was not isolated from the drum prior to the catalyst injection during a catalyst batch process in the Propylene Oxide and Styrene Monomer II Unit that caused higher than normal pressure on the drum during the catalyst injection step, resulting in the drum seal to break and in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

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: Lyondell Chemical Company, Docket No. 2023-0596-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$13,010 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements at the Plant:
 - a. Within 30 days after the effective date of this Order, implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 388403.
 - 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. 3.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
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

4. All relief not expressly granted in this Order is denied.
5. 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.
6. 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.
7. 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.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



11/9/2023

For the Executive Director

Date

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

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

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

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

Signature

Date

ANTHONY KLOPP

10-13-2023

Plant Manager

Name (Printed or typed)
Authorized Representative of
Lyondell Chemical Company

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.

Attachment A
Docket Number: 2023-0596-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Lyondell Chemical Company
Payable Penalty Amount:	\$26,020
SEP Offset Amount:	\$13,010
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston Regional Monitoring Corporation
Project Name:	<i>Houston Area Air Monitoring Project</i>
Location of SEP:	Harris County

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston Regional Monitoring Corporation** for the *Houston Area Air Monitoring Project* SEP. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to operate a network of ambient air monitoring stations that continuously measure and record concentrations of ambient air pollutants. This network includes the Houston Regional Monitor (“HRM”) 617 Wallisville Road site, the HRM 615 Lynchburg Ferry site, and the HRM 3 Haden Road site. The Third-Party Administrator shall use the SEP Offset Amount to report data from these three existing sites in the Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston-Galveston Air Quality Control Region No. 216. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

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

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

b. Environmental Benefit

This SEP will provide TCEQ with near real-time access to high quality, short time resolution volatile organic compound, nitrogen oxide, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, conduct source attribution studies, and to assess potential ambient community exposure to a limited number

of hazardous air pollutants. Data from the monitors can be used with data from other monitors to provide critical information that can be used to evaluate the effectiveness of current and proposed emission control strategies aimed at achieving compliance with the 8-hour ozone National Ambient Air Quality Standards. It also provides a key source of information that is essential to furthering our overall understanding of those emission sources that contribute to ambient community exposure to toxic air contaminants. Because the information is available in near real-time, it can be used to provide both agency staff and industry personnel with time critical information to investigate emission events in a timely fashion. Another key benefit is the ability to measure the change in the ambient air concentration of the individual target species and quantify control measure effectiveness. Data from these monitors will be publicly accessible through the TCEQ's website and will be used in evaluating air quality in the area, in ozone forecasts, and ozone warnings. Thus, the public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness.

c. Minimum Expenditure

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

2. Performance Schedule

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

Houston Regional Monitoring Corporation
c/o Christopher B. Amandes
Amandes PLLC
1800 Post Oak Boulevard, Suite 400
Houston, Texas 77056

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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