

**Executive Summary – Enforcement Matter – Case No. 64053**  
**Occidental Chemical Corporation**  
**RN100211176**  
**Docket No. 2023-0684-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

Oxychem Ingleside Plant, 4133 Texas Highway 361, Gregory, San Patricio County

**Type of Operation:**

Chemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 24, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$52,475

**Amount Deferred for Expedited Settlement:** \$10,495

**Total Paid to General Revenue:** \$20,990

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$20,990

Name of SEP: Texas Congress of Parents and Teachers dba Texas PTA (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:** February 22, 2022 through May 5, 2023, July 27, 2022 through September 2, 2022, and February 21, 2023 through March 7, 2023

**Date(s) of NOE(s):** May 4, 2023, May 10, 2023, and July 7, 2023

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**Docket No. 2023-0684-AIR-E**

***Violation Information***

1. Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 100 percent opacity and released 796.00 pounds ("lbs") of carbon monoxide ("CO"), 3,364.00 lbs of chlorine ("Cl<sub>2</sub>"), 888.00 lbs of hydrogen chloride, 394.00 lbs of particulate matter ("PM"), and 2,613.00 lbs of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 373497) that occurred on January 27, 2022 and lasted one hour and six minutes [30 TEX. ADMIN. CODE §§ 111.111(a)(1)(B), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit No. 19169, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1240, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,957.94 lbs of Cl<sub>2</sub> from the Cl<sub>2</sub> Sniff Scrubber, Emissions Point Number ("EPN") 135, during an emissions event (Incident No. 383129) that occurred on July 12, 2022 and lasted one hour and 54 minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 2339A, SC No. 1, FOP No. O1240, GTC and STC No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to prevent unauthorized emissions and failed to comply with the emissions limits. Specifically, the Respondent released 23.00 lbs of CO from Ethane Cracking Furnace No. 3, EPN CR-3, 0.90 lb of CO from Ethane Cracking Furnace No. 4, EPN CR-4, and 29.10 lbs of CO from Ethane Cracking Furnace No. 5, EPN CR-5, during a non-reportable emissions event that occurred on April 26, 2021 and lasted one hour. Additionally, during the non-reportable emissions event that occurred on April 26, 2021, the Respondent exceeded the CO emissions limit of 50 parts per million by volume dry ("ppmvd") corrected to 3.0 percent ("%") oxygen on an annual average by 139.4 ppmvd for one hour for Cracking Furnace No. 3, EPN CR-3, by a range from 23.9 ppmvd to 28.9 ppmvd for two hours for Cracking Furnace No. 4, EPN CR-4, and by 176.1 ppmvd for one hour for Cracking Furnace No. 5, EPN CR-5 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 107530 and PSDTX1338, SC Nos. 1 and 7.C., FOP No. O3806, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to prevent unauthorized emissions and failed to comply with the emissions limits. Specifically, the Respondent released 38.30 lbs of CO from Ethane Cracking Furnace No. 2, EPN CR-2, 75.00 lbs of CO from Ethane Cracking Furnace No. 3, EPN CR-3, and 98.20 lbs of CO from Ethane Cracking Furnace No. 4, EPN CR-4, during a non-reportable emissions event that occurred on June 23, 2021 and lasted one hour. Additionally, during the non-reportable emissions event that occurred on June 23, 2021, the Respondent exceeded the CO emissions limit of 50 ppmvd corrected to 3.0% oxygen on an annual average by 181.3 ppmvd for one hour for Cracking Furnace No. 2, EPN CR-2, by 354.1 ppmvd for one hour for Cracking Furnace No. 3, EPN CR-3, and by 464.7 ppmvd for one hour for Cracking Furnace No. 4, EPN CR-4 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 107530 and PSDTX1338, SC

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Nos. 1 and 7.C., FOP No. O3806, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5. Failed to comply with the emissions limit. Specifically, during a reportable emissions event (Incident No. 352301), the Respondent exceeded the CO emissions limit of 50 ppmvd corrected to 3.0% oxygen on an annual average by a range from 594.00 ppmvd to 753.6 ppmvd for two hours on March 8, 2021 for Cracking Furnace No. 1, EPN CR-1, by a range from 25.8 ppmvd to 985.0 ppmvd for four hours from March 8, 2021 to March 9, 2021 for Cracking Furnace No. 2, EPN CR-2, and by 29.2 ppmvd for one hour on March 8, 2021 for Cracking Furnace No. 5, EPN CR-5 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 107530 and PSDTX1338, SC No. 7.C., FOP No. O3806, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to prevent unauthorized emissions. Specifically, the Respondent released 4.72 lbs of CO from Cracking Thermal Oxidizer No. 1, EPN CR-6, and 3.82 lbs of CO from Cracking Thermal Oxidizer No. 2, EPN CR-7, during a non-reportable emissions event that occurred on July 30, 2021 and lasted two hours [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 107530 and PSDTX1338, SC No. 1, FOP No. O3806, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

- a. By October 25, 2023, revised the operating procedures, conducted an analysis on the chlorine system and C-250 Reactors, and installed a knock-out pot in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 373497;
- b. By July 12, 2022, implemented a procedure that establishes the proper sniff hose operation and installed an administrative control (lock) at the tie-in point used by the third-party company to the Chlorine Sniff Scrubber, EPN 135, in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 383129;
- c. By June 23, 2021, conducted a safety stand-down meeting in order to prevent the recurrence of emissions events due to the same or similar causes as the non-reportable emissions event that occurred on June 23, 2021;
- d. By July 26, 2021, evaluated the manual operated valves in the Cogen area to verify that the applicable interlocks are listed in the operating procedures and

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**Docket No. 2023-0684-AIR-E**

confirmed that all current interlocks on Manual Operated Valves 0262 and 0272 still meet the original design intent in order to prevent the recurrence of emissions events due to the same or similar causes as the non-reportable emissions event that occurred on April 26, 2021;

e. By July 26, 2021, implemented an operating checklist into the startup procedure in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 352301; and

f. By January 26, 2022, immediately adjusted the offloading valve to reduce the pressure of the vent line and implemented procedures to decommission equipment slowly in order to prevent the recurrence of emissions events due to the same or similar causes as the non-reportable emissions event that occurred on July 30, 2021.

**Technical Requirements:**

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

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077; 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:** Texas PTA, 408 West 11th Street, Austin, Texas 78701

**Respondent:** Todd Behne, Plant Manager, Occidental Chemical Corporation, P.O. Drawer CC, Ingleside, Texas 78362-0710

**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> | 15-May-2023 |                  |             |                |
|              | <b>PCW</b>      | 12-Apr-2024 | <b>Screening</b> | 18-May-2023 | <b>EPA Due</b> |

|  |                                 |
|--|---------------------------------|
| <b>RESPONDENT/FACILITY INFORMATION</b> |                                 |
| <b>Respondent</b>                      | Occidental Chemical Corporation |
| <b>Reg. Ent. Ref. No.</b>              | RN100211176                     |
| <b>Facility/Site Region</b>            | 14-Corpus Christi               |
| <b>Major/Minor Source</b>              | Major                           |

|  |                 |                              |                    |
|--|-----------------|------------------------------|--------------------|
| <b>CASE INFORMATION</b>                |                 |                              |                    |
| <b>Enf./Case ID No.</b>                | 64053           | <b>No. of Violations</b>     | 6                  |
| <b>Docket No.</b>                      | 2023-0684-AIR-E | <b>Order Type</b>            | 1660               |
| <b>Media Program(s)</b>                | Air             | <b>Government/Non-Profit</b> | No                 |
| <b>Multi-Media</b>                     |                 | <b>Enf. Coordinator</b>      | Yuliya Dunaway     |
|  |                 | <b>EC's Team</b>             | Enforcement Team 2 |
| <b>Admin. Penalty \$ Limit Minimum</b> | \$0             | <b>Maximum</b>               | \$25,000           |

## Penalty Calculation Section

|   |                   |                 |
|---|-------------------|-----------------|
| <b>TOTAL BASE PENALTY (Sum of violation base penalties)</b> | <b>Subtotal 1</b> | <b>\$55,000</b> |
|---|-------------------|-----------------|

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

|                           |                         |                                |                |
|---------------------------|-------------------------|--------------------------------|----------------|
| <b>Compliance History</b> | <b>17.0%</b> Adjustment | <b>Subtotals 2, 3, &amp; 7</b> | <b>\$9,350</b> |
|---------------------------|-------------------------|--------------------------------|----------------|

Notes: Enhancement for one NOV with dissimilar violations and one order containing a denial of liability. Reduction for three Notices of Intent to conduct an audit and one Disclosure of Violations.

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

Notes: The Respondent does not meet the culpability criteria.

|  |                   |                  |
|--|-------------------|------------------|
| <b>Good Faith Effort to Comply Total Adjustments</b> | <b>Subtotal 5</b> | <b>-\$11,875</b> |
|--|-------------------|------------------|

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

Total EB Amounts: \$2,263  
 Estimated Cost of Compliance: \$34,000  
 \*Capped at the Total EB \$ Amount

|                             |                       |                 |
|-----------------------------|-----------------------|-----------------|
| <b>SUM OF SUBTOTALS 1-7</b> | <b>Final Subtotal</b> | <b>\$52,475</b> |
|-----------------------------|-----------------------|-----------------|

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

|                             |                 |
|-----------------------------|-----------------|
| <b>Final Penalty Amount</b> | <b>\$52,475</b> |
|-----------------------------|-----------------|

|                                   |                               |                 |
|-----------------------------------|-------------------------------|-----------------|
| <b>STATUTORY LIMIT ADJUSTMENT</b> | <b>Final Assessed Penalty</b> | <b>\$52,475</b> |
|-----------------------------------|-------------------------------|-----------------|

|                 |                        |                   |                  |
|-----------------|------------------------|-------------------|------------------|
| <b>DEFERRAL</b> | <b>20.0%</b> Reduction | <b>Adjustment</b> | <b>-\$10,495</b> |
|-----------------|------------------------|-------------------|------------------|

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

|                        |                 |
|------------------------|-----------------|
| <b>PAYABLE PENALTY</b> | <b>\$41,980</b> |
|------------------------|-----------------|

**Screening Date** 18-May-2023

**Docket No.** 2023-0684-AIR-E

**PCW**

**Respondent** Occidental Chemical Corporation

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 64053

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN100211176

**Media** Air

**Enf. Coordinator** Yuliya Dunaway

### 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> )  | 0      | 0%      |
|                               | Other written NOVs   | 1      | 2%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )  | 1      | 20%     |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0      | 0%      |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )                               | 0      | 0%      |
|                               | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government  | 0      | 0%      |
| Convictions                   | Any criminal convictions of this state or the federal government ( <i>number of counts</i> )   | 0      | 0%      |
| Emissions                     | Chronic excessive emissions events ( <i>number of events</i> )   | 0      | 0%      |
| Audits                        | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )     | 3      | -3%     |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )  | 1      | -2%     |
| Other                         | Environmental management systems in place for one year or more   | No     | 0%      |
|                               | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program  | No     | 0%      |
|                               | Participation in a voluntary pollution reduction program   | No     | 0%      |
|                               | Early compliance with, or offer of a product that meets future state or federal government environmental requirements  | No     | 0%      |

**Adjustment Percentage (Subtotal 2)** 17%

#### >> 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 dissimilar violations and one order containing a denial of liability. Reduction for three Notices of Intent to conduct an audit and one Disclosure of Violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 17%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 17%

**Screening Date** 18-May-2023 **Docket No.** 2023-0684-AIR-E **PCW**  
**Respondent** Occidental Chemical Corporation *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 64053 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100211176  
**Media** Air  
**Enf. Coordinator** Yuliya Dunaway

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code §§ 111.111(a)(1)(B), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit No. 19169, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1240, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 20, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 100 percent opacity and released 796.00 pounds ("lbs") of carbon monoxide ("CO"), 3,364.00 lbs of chlorine ("Cl2"), 888.00 lbs of hydrogen chloride, 394.00 lbs of particulate matter ("PM"), and 2,613.00 lbs of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 373497) that occurred on January 27, 2022 and lasted one hour and six minutes.

**Base Penalty** \$25,000

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

| OR | Release   | Harm  |          |       | Percent |
|----|-----------|-------|----------|-------|---------|
|    |           | Major | Moderate | Minor |         |
|    | Actual    |       | X        |       | 50.0%   |
|    | Potential |       |          |       |         |

**>> Programmatic Matrix**

|  | Falsification | Major | Moderate | Minor | Percent |
|--|---------------|-------|----------|-------|---------|
|  |               |       |          |       | 0.0%    |

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

**Adjustment** \$12,500

\$12,500

**Violation Events**

Number of Violation Events 1 1 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       | X |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event |   |

**Violation Base Penalty** \$12,500

One weekly event is recommended.

**Good Faith Efforts to Comply**

10.0% Reduction \$1,250

|               | Before NOE/NOV | NOE/NOV to EDRP/Settlement Offer |
|---------------|----------------|----------------------------------|
| Extraordinary |                |                                  |
| Ordinary      |                | X                                |
| N/A           |                |                                  |

**Notes** The Respondent completed the corrective measures by October 25, 2023, after the Notice of Enforcement ("NOE") dated May 10, 2023.

**Violation Subtotal** \$11,250

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$2,178

**Violation Final Penalty Total** \$13,375

**This violation Final Assessed Penalty (adjusted for limits)** \$13,375

# Economic Benefit Worksheet

**Respondent** Occidental Chemical Corporation  
**Case ID No.** 64053  
**Reg. Ent. Reference No.** RN100211176  
**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 |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

### Delayed Costs

|                          |          |             |             |      |         |     |         |
|--------------------------|----------|-------------|-------------|------|---------|-----|---------|
| Equipment                |          |             |             | 0.00 | \$0     | \$0 | \$0     |
| Buildings                |          |             |             | 0.00 | \$0     | \$0 | \$0     |
| Other (as needed)        |          |             |             | 0.00 | \$0     | \$0 | \$0     |
| Engineering/Construction |          |             |             | 0.00 | \$0     | \$0 | \$0     |
| Land                     |          |             |             | 0.00 | \$0     | n/a | \$0     |
| Record Keeping System    |          |             |             | 0.00 | \$0     | n/a | \$0     |
| Training/Sampling        |          |             |             | 0.00 | \$0     | n/a | \$0     |
| Remediation/Disposal     |          |             |             | 0.00 | \$0     | n/a | \$0     |
| Permit Costs             |          |             |             | 0.00 | \$0     | n/a | \$0     |
| Other (as needed)        | \$25,000 | 27-Jan-2022 | 25-Oct-2023 | 1.74 | \$2,178 | n/a | \$2,178 |

**Notes for DELAYED costs**

Estimated cost to revise the operating procedures, conduct an analysis on the chlorine system and C-250 Reactors, and install a knock-out pot in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 373497. 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

\$25,000

**TOTAL**

\$2,178



**Screening Date** 18-May-2023 **Docket No.** 2023-0684-AIR-E **PCW**  
**Respondent** Occidental Chemical Corporation *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 64053 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100211176  
**Media** Air  
**Enf. Coordinator** Yuliya Dunaway

**Violation Number** 2  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 2339A, SC No. 1, FOP No. O1240, GTC and STC No. 20, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,957.94 lbs of Cl2 from the Cl2 Sniff Scrubber, Emissions Point Number ("EPN") 135, during an emissions event (Incident No. 383129) that occurred on July 12, 2022 and lasted one hour and 54 minutes.

**Base Penalty** \$25,000

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

|           |                |             |          |       |                      |
|-----------|----------------|-------------|----------|-------|----------------------|
| <b>OR</b> |                | <b>Harm</b> |          |       |                      |
|           | <b>Release</b> | Major       | Moderate | Minor |                      |
|           | Actual         |             | x        |       | <b>Percent</b> 50.0% |
| Potential |                |             |          |       |                      |

**>> Programmatic Matrix**

|  |               |       |          |       |                     |
|--|---------------|-------|----------|-------|---------------------|
|  | Falsification | Major | Moderate | Minor | <b>Percent</b> 0.0% |
|  |               |       |          |       |                     |

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

**Adjustment** \$12,500

\$12,500

**Violation Events**

Number of Violation Events 1 Number of violation days 1

|              |   |
|--------------|---|
| daily        |   |
| weekly       | x |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event |   |

**Violation Base Penalty** \$12,500

One weekly event is recommended.

**Good Faith Efforts to Comply** 25.0% Reduction \$3,125

|               |                |                                   |
|---------------|----------------|-----------------------------------|
|               | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer |
| Extraordinary |                |                                   |
| Ordinary      | x              |                                   |
| N/A           |                |                                   |

**Notes** The Respondent completed the corrective measures by July 12, 2022, prior to the NOE dated July 7, 2023.

**Violation Subtotal** \$9,375

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$0 **Violation Final Penalty Total** \$11,500

**This violation Final Assessed Penalty (adjusted for limits)** \$11,500

# Economic Benefit Worksheet

**Respondent** Occidental Chemical Corporation  
**Case ID No.** 64053  
**Reg. Ent. Reference No.** RN100211176  
**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 |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

### 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)        | \$3,000 | 12-Jul-2022 | 12-Jul-2022 | 0.00 | \$0 | n/a | \$0 |

**Notes for DELAYED costs**

Estimated cost to implement a procedure that establishes the proper sniff hose operation and install an administrative control (lock) at the tie-in point used by the third-party company to the Chlorine Sniff Scrubber, EPN 135, in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 383129. 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 \$3,000

**TOTAL** \$0

**Screening Date** 18-May-2023 **Docket No.** 2023-0684-AIR-E **PCW**  
**Respondent** Occidental Chemical Corporation *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 64053 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100211176  
**Media** Air  
**Enf. Coordinator** Yuliya Dunaway

**Violation Number** 3

**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 107530 and PSDTX1338, SC Nos. 1 and 7.C., FOP No. O3806, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to prevent unauthorized emissions and failed to comply with the emissions limits. Specifically, the Respondent released 23.00 lbs of CO from Ethane Cracking Furnace No. 3, EPN CR-3, 0.90 lb of CO from Ethane Cracking Furnace No. 4, EPN CR-4, and 29.10 lbs of CO from Ethane Cracking Furnace No. 5, EPN CR-5, during a non-reportable emissions event that occurred on April 26, 2021 and lasted one hour. Additionally, during the non-reportable emissions event that occurred on April 26, 2021, the Respondent exceeded the CO emissions limit of 50 parts per million by volume dry ("ppmvd") corrected to 3.0 percent ("%") oxygen on an annual average by 139.4 ppmvd for one hour for Cracking Furnace No. 3, EPN CR-3, by a range from 23.9 ppmvd to 28.9 ppmvd for two hours for Cracking Furnace No. 4, EPN CR-4, and by 176.1 ppmvd for one hour for Cracking Furnace No. 5, EPN CR-5.

**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 did 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 July 26, 2021, prior to the NOE dated May 4, 2023.

**Violation Subtotal** \$5,625

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$19

**Violation Final Penalty Total** \$6,900

**This violation Final Assessed Penalty (adjusted for limits)** \$6,900

# Economic Benefit Worksheet

**Respondent** Occidental Chemical Corporation  
**Case ID No.** 64053  
**Reg. Ent. Reference No.** RN100211176  
**Media** Air  
**Violation No.** 3

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

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

### 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        | \$1,500 | 26-Apr-2021 | 26-Jul-2021 | 0.25 | \$19 | n/a | \$19 |
| Remediation/Disposal     |         |             |             | 0.00 | \$0  | n/a | \$0  |
| Permit Costs             |         |             |             | 0.00 | \$0  | n/a | \$0  |
| Other (as needed)        |         |             |             | 0.00 | \$0  | n/a | \$0  |

#### Notes for DELAYED costs

Estimated cost to evaluate the manual operated valves in the Cogen area to verify that the applicable interlocks are listed in the operating procedures and confirm that all current interlocks on Manual Operated Valves 0262 and 0272 still meet the original design intent in order to prevent the recurrence of emissions events due to the same or similar causes as the non-reportable emissions event that occurred on April 26, 2021. 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 \$1,500

**TOTAL** \$19

**Screening Date** 18-May-2023 **Docket No.** 2023-0684-AIR-E **PCW**  
**Respondent** Occidental Chemical Corporation *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 64053 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100211176  
**Media** Air  
**Enf. Coordinator** Yuliya Dunaway

**Violation Number** 4

**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 107530 and PSDTX1338, SC Nos. 1 and 7.C., FOP No. O3806, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to prevent unauthorized emissions and failed to comply with the emissions limits. Specifically, the Respondent released 38.30 lbs of CO from Ethane Cracking Furnace No. 2, EPN CR-2, 75.00 lbs of CO from Ethane Cracking Furnace No. 3, EPN CR-3, and 98.20 lbs of CO from Ethane Cracking Furnace No. 4, EPN CR-4, during a non-reportable emissions event that occurred on June 23, 2021 and lasted one hour. Additionally, during the non-reportable emissions event that occurred on June 23, 2021, the Respondent exceeded the CO emissions limit of 50 ppmvd corrected to 3.0% oxygen on an annual average by 181.3 ppmvd for one hour for Cracking Furnace No. 2, EPN CR-2, by 354.1 ppmvd for one hour for Cracking Furnace No. 3, EPN CR-3, and by 464.7 ppmvd for one hour for Cracking Furnace No. 4, EPN CR-4.

**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 did 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 June 23, 2021, prior to the NOE dated May 4, 2023.

**Violation Subtotal** \$5,625

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$0

**Violation Final Penalty Total** \$6,900

**This violation Final Assessed Penalty (adjusted for limits)** \$6,900

# Economic Benefit Worksheet

**Respondent** Occidental Chemical Corporation  
**Case ID No.** 64053  
**Reg. Ent. Reference No.** RN100211176  
**Media** Air  
**Violation No.** 4

| 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        | \$1,500 | 23-Jun-2021 | 23-Jun-2021 | 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)        |         |             |             | 0.00 | \$0 | n/a | \$0 |

**Notes for DELAYED costs**  
 Estimated cost conduct a safety stand-down meeting in order to prevent the recurrence of emissions events due to the same or similar causes as the non-reportable emissions event that occurred on June 23, 2021. 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 \$1,500

**TOTAL** \$0

**Screening Date** 18-May-2023 **Docket No.** 2023-0684-AIR-E **PCW**  
**Respondent** Occidental Chemical Corporation *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 64053 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100211176  
**Media** Air  
**Enf. Coordinator** Yuliya Dunaway

**Violation Number** 5  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 107530 and PSDTX1338, SC No. 7.C., FOP No. O3806, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to comply with the emissions limit. Specifically, during a reportable emissions event (Incident No. 352301), the Respondent exceeded the CO emissions limit of 50 ppmvd corrected to 3.0% oxygen on an annual average by a range from 594.00 ppmvd to 753.6 ppmvd for two hours on March 8, 2021 for Cracking Furnace No. 1, EPN CR-1, by a range from 25.8 ppmvd to 985.0 ppmvd for four hours from March 8, 2021 to March 9, 2021 for Cracking Furnace No. 2, EPN CR-2, and by 29.2 ppmvd for one hour on March 8, 2021 for Cracking Furnace No. 5, EPN CR-5.

**Base Penalty** \$25,000

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

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

**>> 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.

**Adjustment** \$17,500

\$7,500

**Violation Events**

Number of Violation Events 1 Number of violation days 2

|              |   |
|--------------|---|
| 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 July 26, 2021, prior to the NOE dated May 4, 2023.

**Violation Subtotal** \$5,625

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$29 **Violation Final Penalty Total** \$6,900

**This violation Final Assessed Penalty (adjusted for limits)** \$6,900

# Economic Benefit Worksheet

**Respondent** Occidental Chemical Corporation  
**Case ID No.** 64053  
**Reg. Ent. Reference No.** RN100211176  
**Media** Air  
**Violation No.** 5

| 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)        | \$1,500 | 8-Mar-2021 | 26-Jul-2021 | 0.38 | \$29 | n/a | \$29 |

**Notes for DELAYED costs**

Estimated cost to implement an operating checklist into the startup procedure in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 352301. The Date Required is the date the emissions event began and the Final Date is the date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$1,500

**TOTAL** \$29



**Screening Date** 18-May-2023 **Docket No.** 2023-0684-AIR-E **PCW**  
**Respondent** Occidental Chemical Corporation *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 64053 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100211176  
**Media** Air  
**Enf. Coordinator** Yuliya Dunaway

**Violation Number** 6  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 107530 and PSDTX1338, SC No. 1, FOP No. O3806, GTC and STC No. 13, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to prevent unauthorized emissions. Specifically, the Respondent released 4.72 lbs of CO from Cracking Thermal Oxidizer No. 1, EPN CR-6, and 3.82 lbs of CO from Cracking Thermal Oxidizer No. 2, EPN CR-7, during a non-reportable emissions event that occurred on July 30, 2021 and lasted two hours.

**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 did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$17,500

\$7,500

**Violation Events**

Number of Violation Events 1 Number of violation days 1

|              |   |
|--------------|---|
| 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 January 26, 2022, prior to the NOE dated May 4, 2023.

**Violation Subtotal** \$5,625

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$37 **Violation Final Penalty Total** \$6,900

**This violation Final Assessed Penalty (adjusted for limits)** \$6,900

# Economic Benefit Worksheet

**Respondent** Occidental Chemical Corporation  
**Case ID No.** 64053  
**Reg. Ent. Reference No.** RN100211176  
**Media** Air  
**Violation No.** 6

| 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)        | \$1,500 | 30-Jul-2021 | 26-Jan-2022 | 0.49 | \$37 | n/a | \$37 |

**Notes for DELAYED costs**

Estimated cost to immediately adjust the offloading valve to reduce the pressure of the vent line and implement procedures to decommission equipment slowly in order to prevent the recurrence of emissions events due to the same or similar causes as the non-reportable emissions event that occurred on July 30, 2021. 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 \$1,500

**TOTAL** \$37



# Compliance History Report

Compliance History Report for CN600125256, RN100211176, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

|   |   |                         |              |                |      |
|---|---|-------------------------|--------------|----------------|------|
| <b>Customer, Respondent, or Owner/Operator:</b> | CN600125256, Occidental Chemical Corporation                | <b>Classification:</b>  | SATISFACTORY | <b>Rating:</b> | 2.49 |
| <b>Regulated Entity:</b>                        | RN100211176, OXYCHEM INGLESIDE PLANT                        | <b>Classification:</b>  | SATISFACTORY | <b>Rating:</b> | 1.39 |
| <b>Complexity Points:</b>                       | 33  | <b>Repeat Violator:</b> | NO           |                |      |
| <b>CH Group:</b>                                | 05 - Chemical Manufacturing                                 |                         |              |                |      |
| <b>Location:</b>                                | 4133 TEXAS HIGHWAY 361, GREGORY, SAN PATRICIO COUNTY, TEXAS |                         |              |                |      |
| <b>TCEQ Region:</b>                             | REGION 14 - CORPUS CHRISTI                                  |                         |              |                |      |

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER SD0092F  
**AIR OPERATING PERMITS** PERMIT 3806

**AIR NEW SOURCE PERMITS** PERMIT 35335  
**AIR NEW SOURCE PERMITS** PERMIT 18432  
**AIR NEW SOURCE PERMITS** PERMIT 19169  
**AIR NEW SOURCE PERMITS** REGISTRATION 71365  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX880  
**AIR NEW SOURCE PERMITS** REGISTRATION 82050  
**AIR NEW SOURCE PERMITS** REGISTRATION 11162  
**AIR NEW SOURCE PERMITS** REGISTRATION 33375  
**AIR NEW SOURCE PERMITS** REGISTRATION 34359  
**AIR NEW SOURCE PERMITS** PERMIT 136971  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1338M1  
**AIR NEW SOURCE PERMITS** REGISTRATION 151095  
**AIR NEW SOURCE PERMITS** REGISTRATION 168043  
**AIR NEW SOURCE PERMITS** REGISTRATION 144449  
**AIR NEW SOURCE PERMITS** REGISTRATION 142485  
**AIR NEW SOURCE PERMITS** REGISTRATION 158596  
**AIR NEW SOURCE PERMITS** REGISTRATION 160522

**AIR NEW SOURCE PERMITS** REGISTRATION 152603  
**WASTEWATER** EPA ID TX0104876

**POLLUTION PREVENTION PLANNING** ID NUMBER P00483

**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE REGISTRATION # (SWR) 38280

**TAX RELIEF** ID NUMBER 16656  
**TAX RELIEF** ID NUMBER 19468  
**TAX RELIEF** ID NUMBER 23361  
**TAX RELIEF** ID NUMBER 19470  
**TAX RELIEF** ID NUMBER 19457  
**TAX RELIEF** ID NUMBER 19469

**AIR OPERATING PERMITS** PERMIT 1240  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER SD0092F  
**AIR NEW SOURCE PERMITS** AFS NUM 4840900044  
**AIR NEW SOURCE PERMITS** PERMIT 2339A  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX776  
**AIR NEW SOURCE PERMITS** REGISTRATION 74337  
**AIR NEW SOURCE PERMITS** REGISTRATION 79508  
**AIR NEW SOURCE PERMITS** REGISTRATION 10922A  
**AIR NEW SOURCE PERMITS** REGISTRATION 11184A  
**AIR NEW SOURCE PERMITS** REGISTRATION 33580  
**AIR NEW SOURCE PERMITS** PERMIT 107530  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX880M1  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1338  
**AIR NEW SOURCE PERMITS** PERMIT AMOC12  
**AIR NEW SOURCE PERMITS** REGISTRATION 166399  
**AIR NEW SOURCE PERMITS** REGISTRATION 148172  
**AIR NEW SOURCE PERMITS** REGISTRATION 153311  
**AIR NEW SOURCE PERMITS** REGISTRATION 162240  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGPSDTX40M1  
**WASTEWATER** PERMIT WQ0003083000  
**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER SD0092F  
**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXD982286932  
**INDUSTRIAL AND HAZARDOUS WASTE** PERMIT 50322

**TAX RELIEF** ID NUMBER 19476  
**TAX RELIEF** ID NUMBER 19477  
**TAX RELIEF** ID NUMBER 19455  
**TAX RELIEF** ID NUMBER 19460  
**TAX RELIEF** ID NUMBER 19467

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

**Date Compliance History Report Prepared:** February 08, 2024

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 08, 2019 to February 08, 2024

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

**Name:** Yuliya Dunaway

**Phone:** (210) 403-4077

**Site and Owner/Operator History:**

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

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

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

1 Effective Date: 08/22/2023 ADMINORDER 2021-1067-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O3806, Special Condition (13) OP  
Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere. Specifically, the Respondent released 2,399.50 pounds ("lbs") of carbon monoxide, 461.30 lbs of nitrogen oxides, and 695.60 lbs of volatile organic compounds from the Cracking Multi-Point Ground Flare, Emissions Point Number CR-8, during an emissions event (Incident No. 354843) that occurred on April 26, 2021 and lasted three hours and 22 minutes.

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: GC 8 & SC 1 PA  
GTC & STC 21 OP

Description: Failure to prevent unauthorized emissions to the atmosphere. Specifically, the Respondent released 741.00 lbs of vinyl chloride as fugitive emissions, during an emissions event (Incident No. 376274) that occurred on March 16, 2022 and lasted 32 minutes. The emissions event occurred due to the appropriate installation practices not being followed.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

|         |                    |           |
|---------|--------------------|-----------|
| Item 1  | February 15, 2019  | (1564193) |
| Item 2  | April 16, 2019     | (1573326) |
| Item 3  | May 06, 2019       | (1553904) |
| Item 4  | May 16, 2019       | (1586259) |
| Item 5  | June 19, 2019      | (1586260) |
| Item 6  | July 11, 2019      | (1578387) |
| Item 7  | July 16, 2019      | (1578671) |
| Item 8  | July 19, 2019      | (1594673) |
| Item 9  | September 19, 2019 | (1600973) |
| Item 10 | October 17, 2019   | (1614755) |
| Item 11 | November 15, 2019  | (1620544) |
| Item 12 | December 19, 2019  | (1627894) |
| Item 13 | January 17, 2020   | (1635520) |
| Item 14 | February 19, 2020  | (1642137) |
| Item 15 | March 18, 2020     | (1648649) |
| Item 16 | April 17, 2020     | (1655004) |
| Item 17 | May 19, 2020       | (1661563) |
| Item 18 | June 16, 2020      | (1611829) |
| Item 19 | June 18, 2020      | (1668097) |

|         |                    |           |
|---------|--------------------|-----------|
| Item 20 | August 14, 2020    | (1681811) |
| Item 21 | August 20, 2020    | (1666281) |
| Item 22 | September 17, 2020 | (1688390) |
| Item 23 | November 19, 2020  | (1716835) |
| Item 24 | December 17, 2020  | (1716836) |
| Item 25 | January 19, 2021   | (1716837) |
| Item 26 | February 19, 2021  | (1729916) |
| Item 27 | April 20, 2021     | (1729918) |
| Item 28 | April 23, 2021     | (1705151) |
| Item 29 | June 16, 2021      | (1742249) |
| Item 30 | July 19, 2021      | (1753150) |
| Item 31 | August 19, 2021    | (1758555) |
| Item 32 | September 16, 2021 | (1767847) |
| Item 33 | November 12, 2021  | (1785081) |
| Item 34 | December 17, 2021  | (1792114) |
| Item 35 | January 19, 2022   | (1799963) |
| Item 36 | February 15, 2022  | (1807795) |
| Item 37 | March 11, 2022     | (1789315) |
| Item 38 | March 16, 2022     | (1814838) |
| Item 39 | May 12, 2022       | (1830304) |
| Item 40 | June 06, 2022      | (1817018) |
| Item 41 | June 09, 2022      | (1789283) |
| Item 42 | June 15, 2022      | (1836554) |
| Item 43 | July 07, 2022      | (1825130) |
| Item 45 | July 21, 2022      | (1819175) |
| Item 46 | August 17, 2022    | (1849901) |
| Item 47 | September 02, 2022 | (1840635) |
| Item 48 | September 13, 2022 | (1857670) |
| Item 49 | October 13, 2022   | (1847847) |
| Item 50 | October 18, 2022   | (1864024) |
| Item 51 | October 20, 2022   | (1847078) |
| Item 52 | November 17, 2022  | (1870933) |
| Item 53 | January 19, 2023   | (1883601) |
| Item 55 | February 16, 2023  | (1891414) |
| Item 56 | March 16, 2023     | (1899987) |
| Item 57 | March 29, 2023     | (1886838) |
| Item 58 | March 30, 2023     | (1854168) |
| Item 59 | April 19, 2023     | (1906787) |
| Item 60 | May 18, 2023       | (1913940) |
| Item 61 | June 19, 2023      | (1920548) |
| Item 62 | July 18, 2023      | (1927534) |
| Item 63 | August 18, 2023    | (1934475) |
| Item 64 | August 25, 2023    | (1873498) |
| Item 65 | September 15, 2023 | (1940652) |
| Item 66 | September 21, 2023 | (1930451) |
| Item 67 | October 10, 2023   | (1931242) |
| Item 68 | October 18, 2023   | (1947454) |
| Item 69 | November 10, 2023  | (1938287) |
| Item 70 | November 17, 2023  | (1953140) |
| Item 71 | November 30, 2023  | (1944334) |
| Item 72 | December 19, 2023  | (1938282) |
| Item 73 | December 28, 2023  | (1938401) |

**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: 08/16/2023 (1909170)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)  
5C THSC Chapter 382 382.085(b)  
GTCs OP

Description: Failure to report all instances of deviations.

## F. Environmental audits:

Notice of Intent Date: 04/30/2019 (1558359)

No DOV Associated

Notice of Intent Date: 11/17/2023 (1945752)

No DOV Associated

Notice of Intent Date: 10/02/2201 (1605461)

Disclosure Date: 06/29/2020

Viol. Minor

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)(2)(E)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(a)

Rqmt Prov: PERMIT SC 4D

Description: Failed to identify all aqueous wastes for TAB (Total Annual Benzene- In-Waste) characterization.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)(2)(E)

2H THSC Chapter 161, SubChapter A 161.355(a)(2)

2H THSC Chapter 161, SubChapter A 161.355(b)

2H THSC Chapter 161, SubChapter A 161.355(c)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)(1)

Rqmt Prov: PERMIT SC 4D

Description: Failed to accurately quantify the waste's benzene quantity and concentration.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)

Rqmt Prov: PERMIT SC 4D

OP STC 8C

Description: Failed to establish record keeping requirements for benzene quantifications.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(c)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(1)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(2)

Rqmt Prov: PERMIT SC 4D

OP STC 8D

Description: Failed to submit required reports including reports indicating a change in the process stream and certification of compliance with 6BQ.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(e)(1)

Rqmt Prov: PERMIT SC 4D

Description: Failed to demonstrate control and return to process ( or treat) of non-aqueous waste applicable to 6BQ facilities.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(e)

Rqmt Prov: OP Gen. Terms & Cond.

PERMIT SAC 4D

PERMIT SC 4D

Description: Failed to demonstrate benzene in uncontrolled aqueous waste was less than 6 Mg/yr, as applicable to 6BQ facilities and as determined by 61.335(k).

Viol. Minor

Classification:

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(k)(1)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(k)(2)

Rqmt Prov: PERMIT SC 4D

Description: demonstrate that aqueous wastes have less than 6 Mg/yr.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(4)(iv)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(i)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(f)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(g)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(h)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT N 63.343(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT N 63.343(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT N 63.343(d)

Rqmt Prov: PERMIT SC 4D

Description: Failed to conduct initial and quarterly visual inspections, and initial and annual monitoring requirements for fixed-roof tanks and vent systems; and failure to visually inspect (initially & quarterly) unburied sewers managing BWON waste.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(h)

Rqmt Prov: PERMIT SC 4D

Description: Failed to establish record keeping requirements for visual inspections when a problem is identified; and for record keeping requirements for instrument monitoring.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(6)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(7)

Rqmt Prov: PERMIT SC 4D

Description: Failed to submit quarterly reports

Viol. Minor

Classification:

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(8)

Rqmt Prov: PERMIT SC 4D

Description: Failed to submit annual reports

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)(2)(F)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(a)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(d)

Rqmt Prov: PERMIT SC 4B

PERMIT SC 5C

OP ST & C 1E

OP STC 9

Description: Initial notification submitted for EMAX failed to identify specific process vents, storage vessels, transfer racks, equipment, and waste streams not subject to 40 CFR 63, Subpart YY for Ethylene Production.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1039

40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1108(b)(4)(ii)(A)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1109(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(a)(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(d)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.998(b)(3)(i)(B)

Description: Failed to complete reporting and recordkeeping requirements including submitting the Notification of Compliance Status for the ethylene plant, and the indication that the performance test was conducted for Ethylene MACT.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(a)(5)

Rqmt Prov: PERMIT SC 5C

OP STC 1E

OP STC 9

Description: Failed to submit periodic reports in accordance with Ethylene MACT .

Viol. Minor

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(e)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.998(b)(3)

Description: Temperatures for the non-flare combustion device were taken on a 6 min average and maintained but not averaged on a 24 hour basis.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(b)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(b)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(e)(3)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1028(e)(3)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1030(d)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1031(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1037(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(e)

Rqmt Prov: PERMIT SC 5C  
OP STC 1E  
OP STC 9

Description: Failed to identify equipment subject to MACT UU as a method of compliance for LOAR, including failure to identify and record which pumps, agitators, pressure relief devices and compressors may be exempt from monitoring and inspection requirements under MACT UU.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1027(b)(3)(iv)

Rqmt Prov: PERMIT SC 5C  
OP STC 1E  
OP STC 9

Description: UU required re-monitoring after repair occurred outside of 90 days of the repair\* and connector leaker tags cannot be removed until the re-monitoring occurs within the 90 days after repair.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1027(b)(2)

Rqmt Prov: PERMIT SC 5C  
OP STC 1E  
OP STC 9

Description: Failure to treat two connectors that had readings of 500 ppm as leaks. (7958.3 monitored on 8/1/2017, and 16855.3 monitored on 6/7/2017). Subsequent monitoring has shown these connectors are no longer leaking.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-7a(d)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1024(a)

Rqmt Prov: OP Gen. Terms & Cond.  
PERMIT SC 12 H  
PERMIT SC 5C

Description: Failed to repair components within the fifteen-day timeframe.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.485a(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023(b)

Rqmt Prov: PERMIT SC 12  
PERMIT SC 13  
PERMIT SC 5C  
OP STC 13  
OP STC 1E  
OP STC 9

Description: Failed to follow proper Method 21 monitoring procedures.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.485a(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023(b)

Description: Failed to use the calculated response time measurements in the monitoring as required by Method 21.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.485a(b)(2)

Description: Failed to correctly calculate the drift percentages daily.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.485a(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023(b)(3)

Rqmt Prov: PERMIT SC 12



PERMIT SC 13  
PERMIT SC 5C  
OP STC 13  
OP STC 1E  
OP STC 9

Description: Failure to locate the record for the daily calibration for three dates. - 7/28/2017: phx21-1938; - 10/9/2017: phx21-1939; 4/15/2019: phx21-1944

Viol. Minor

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.486a(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023(e)(1)

Rqmt Prov: PERMIT SC 5C  
OP STC 1E  
OP STC 9

Description: A leaker tag was discovered in use where the Equipment ID is no longer legible. (Tag IDs 15107)

Viol. Minor

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.486a(e)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.486a(e)(3)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(b)(3)

Rqmt Prov: PERMIT SC 5C  
OP STC 1E  
OP STC 9

Description: The ID for 2 tags were swapped on the components for two tags:17924 - PRV to atm and I 7923 - connector. (Both components were monitored quarterly. As such, no monitoring was missed.)

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.480a  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.480a(b)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.486a(e)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.489a

Description: Applicability for NSPS VVa equipment was not identified in the NSR or Title V application or permit.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.487a

Description: Failed to submit semiannual reports for NSPS VVa.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Wa 60.486a(a)(3)

Description: Failed to log the correct date on inspections from 6/3/17, 6/10/ 17, and 6/11/17.

**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  
OCCIDENTAL CHEMICAL  
CORPORATION  
RN100211176

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2023-0684-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 Occidental Chemical 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 4133 Texas Highway 361 in Gregory, San Patricio 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 \$52,475 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$20,990 of the penalty and \$10,495 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 or 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, \$20,990 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of the Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms

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

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
  - a. By October 25, 2023, revised the operating procedures, conducted an analysis on the chlorine system and C-250 Reactors, and installed a knock-out pot in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 373497;
  - b. By July 12, 2022, implemented a procedure that establishes the proper sniff hose operation and installed an administrative control (lock) at the tie-in point used by the third-party company to the Chlorine Sniff Scrubber, Emissions Point Number ("EPN") 135, in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 383129;
  - c. By June 23, 2021, conducted a safety stand-down meeting in order to prevent the recurrence of emissions events due to the same or similar causes as the non-reportable emissions event that occurred on June 23, 2021;
  - d. By July 26, 2021, evaluated the manual operated valves in the Cogen area to verify that the applicable interlocks are listed in the operating procedures and confirmed that all current interlocks on Manual Operated Valves 0262 and 0272 still meet the original design intent in order to prevent the recurrence of emissions events due to the same or similar causes as the non-reportable emissions event that occurred on April 26, 2021;
  - e. By July 26, 2021, implemented an operating checklist into the startup procedure in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 352301; and

- f. By January 26, 2022, immediately adjusted the offloading valve to reduce the pressure of the vent line and implemented procedures to decommission equipment slowly in order to prevent the recurrence of emissions events due to the same or similar causes as the non-reportable emissions event that occurred on July 30, 2021.

## II. ALLEGATIONS

1. During a record review for the Plant conducted on February 22, 2023 through May 5, 2023, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 111.111(a)(1)(B), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit No. 19169, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1240, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent experienced 100 percent opacity and released 796.00 pounds ("lbs") of carbon monoxide ("CO"), 3,364.00 lbs of chlorine ("Cl<sub>2</sub>"), 888.00 lbs of hydrogen chloride, 394.00 lbs of particulate matter ("PM"), and 2,613.00 lbs of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 373497) that occurred on January 27, 2022 and lasted one hour and six minutes.
2. During a record review for the Plant conducted from July 27, 2022 through September 2, 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. 2339A, SC No. 1, FOP No. O1240, GTC and STC No. 20, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 1,957.94 lbs of Cl<sub>2</sub> from the Cl<sub>2</sub> Sniff Scrubber, EPN 135, during an emissions event (Incident No. 383129) that occurred on July 12, 2022 and lasted one hour and 54 minutes.
3. During an investigation at the Plant conducted from February 21, 2023 through March 7, 2023, an investigator documented that the Respondent:
  - a. Failed to prevent unauthorized emissions and failed to comply with the emissions limits, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 107530 and PSDTX1338, SC Nos. 1 and 7.C., FOP No. O3806, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 23.00 lbs of CO from Ethane Cracking Furnace No. 3, EPN CR-3, 0.90 lb of CO from Ethane Cracking Furnace No. 4, EPN CR-4, and 29.10 lbs of CO from Ethane Cracking Furnace No. 5, EPN CR-5, during a non-reportable emissions event that occurred on April 26, 2021 and lasted one hour. Additionally, during the non-reportable emissions event that occurred on April 26, 2021, the Respondent exceeded the CO emissions limit of 50 parts per million by volume dry ("ppmvd") corrected to 3.0 percent ("%") oxygen on an annual average by 139.4 ppmvd for one hour for Cracking Furnace No. 3, EPN CR-3, by a range from 23.9 ppmvd to 28.9 ppmvd for two hours for Cracking Furnace No. 4, EPN CR-4, and by 176.1 ppmvd for one hour for Cracking Furnace No. 5, EPN CR-5.
  - b. Failed to prevent unauthorized emissions and failed to comply with the emissions limits, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 107530 and PSDTX1338, SC Nos. 1 and 7.C., FOP No. O3806, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b).

Specifically, the Respondent released 38.30 lbs of CO from Ethane Cracking Furnace No. 2, EPN CR-2, 75.00 lbs of CO from Ethane Cracking Furnace No. 3, EPN CR-3, and 98.20 lbs of CO from Ethane Cracking Furnace No. 4, EPN CR-4, during a non-reportable emissions event that occurred on June 23, 2021 and lasted one hour. Additionally, during the non-reportable emissions event that occurred on June 23, 2021, the Respondent exceeded the CO emissions limit of 50 ppmvd corrected to 3.0% oxygen on an annual average by 181.3 ppmvd for one hour for Cracking Furnace No. 2, EPN CR-2, by 354.1 ppmvd for one hour for Cracking Furnace No. 3, EPN CR-3, and by 464.7 ppmvd for one hour for Cracking Furnace No. 4, EPN CR-4.

- c. Failed to comply with the emissions limit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 107530 and PSDTX1338, SC No. 7.C., FOP No. O3806, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during a reportable emissions event (Incident No. 352301), the Respondent exceeded the CO emissions limit of 50 ppmvd corrected to 3.0% oxygen on an annual average by a range from 594.00 ppmvd to 753.6 ppmvd for two hours on March 8, 2021 for Cracking Furnace No. 1, EPN CR-1, by a range from 25.8 ppmvd to 985.0 ppmvd for four hours from March 8, 2021 to March 9, 2021 for Cracking Furnace No. 2, EPN CR-2, and by 29.2 ppmvd for one hour on March 8, 2021 for Cracking Furnace No. 5, EPN CR-5.
- d. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 107530 and PSDTX1338, SC No. 1, FOP No. O3806, GTC and STC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 4.72 lbs of CO from Cracking Thermal Oxidizer No. 1, EPN CR-6, and 3.82 lbs of CO from Cracking Thermal Oxidizer No. 2, EPN CR-7, during a non-reportable emissions event that occurred on July 30, 2021 and lasted two hours.

### 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: Occidental Chemical Corporation, Docket No. 2023-0684-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 \$20,990 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

-----  
For the Commission

-----  
Date

  
-----  
For the Executive Director

6/11/2024

-----  
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.

  
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Signature

4/24/2024

-----  
Date

TODD BEHNE

-----  
Name (Printed or typed)  
Authorized Representative of  
Occidental Chemical 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.

**Attachment A**  
**Docket Number: 2023-0684-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

|                                   |   |
|-----------------------------------|---|
| <b>Respondent:</b>                | <b>Occidental Chemical Corporation</b>  |
| <b>Payable Penalty Amount:</b>    | <b>\$41,980</b>   |
| <b>SEP Offset Amount:</b>         | <b>\$20,990</b>   |
| <b>Type of SEP:</b>               | <b>Contribution to a Third-Party Pre-Approved SEP</b>   |
| <b>Third-Party Administrator:</b> | <b>Texas Congress of Parents and Teachers dba Texas PTA</b>   |
| <b>Project Name:</b>              | <b><i>Texas PTA Clean School Bus Replacement Program</i></b>  |
| <b>Location of SEP:</b>           | <b>Texas Air Quality Control Region 214: Corpus Christi-Victoria - Preference for San Patricio County</b> |

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The 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 **Texas Congress of Parents and Teachers dba Texas PTA** for the *Texas PTA Clean School Bus Replacement Program*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the contribution will be used to reduce nitrogen oxides, volatile organic compounds, carbon monoxide, and particulate matter emissions by replacing older diesel buses with newer buses that meet more stringent emission standards. The Third-Party Administrator shall use the SEP Offset Amount for up to 100% of the purchase price of a model year 2010 or newer bus to replace a diesel school bus that is model year 2002 or older. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of 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 directly benefit air quality by reducing harmful exhaust emissions which contribute to the formation of ozone and may cause or exacerbate many respiratory diseases, including asthma. In addition, by encouraging less school bus idling, this SEP contributes to public awareness of environmental matters.



Occidental Chemical Corporation  
Docket No. 2023-0684-AIR-E  
Agreed Order - Attachment A

c. Minimum Expenditure

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

**2. Performance Schedule**

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

Texas PTA  
408 West 11th Street  
Austin, Texas 78701

**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 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.