

**Executive Summary – Enforcement Matter – Case No. 64365**

**Bayport Polymers LLC**

**RN109845768**

**Docket No. 2023-0968-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

Bayport Polymers, 7600 32nd Street, Port Arthur, Jefferson County

**Type of Operation:**

Petrochemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 10, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$16,461

**Amount Deferred for Expedited Settlement:** \$3,292

**Total Paid to General Revenue:** \$6,585

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

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$6,584

Name of SEP: Houston-Galveston Area Council-AERCO (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:** January 27, 2023 through May 5, 2023 and November 20, 2023 through November 29, 2023

**Date(s) of NOE(s):** July 14, 2023 and January 9, 2024

**Executive Summary – Enforcement Matter – Case No. 64365**  
**Bayport Polymers LLC**  
**RN109845768**  
**Docket No. 2023-0968-AIR-E**

***Violation Information***

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 7,764.11 pounds ("lbs") of carbon monoxide ("CO") and 1,949.52 lbs of nitrogen oxides ("NOx") from the Multi-Point Ground Flare, Emissions Point Number ("EPN") XF-4601, during an emissions event (Incident No. 394551) that occurred on December 18, 2022 and lasted five hours [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 122353, PSDTX1426, and GHGPSDTX114, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O4161, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 394551 was due by December 19, 2022 at 9:00 a.m., but was not submitted until January 26, 2023 at 8:26 p.m. [30 TEX. ADMIN. CODE §§ 101.201(a)(1) and 122.143(4), FOP No. O4161, GTC and STC No. 2.F., and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event. Specifically, the final record for Incident No. 394551 was due by January 1, 2023, but was not submitted until January 26, 2023 [30 TEX. ADMIN. CODE §§ 101.201(c) and 122.143(4), FOP No. O4161, GTC and STC No. 2.F., and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,021.97 lbs of CO and 547.90 lbs of NOx from the Multi-Point Ground Flare, EPN XF-4601, during an emissions event (Incident No. 407738) that occurred on August 8, 2023 and lasted three hours [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 122353, PSDTX1426, and GHGPSDTX114, SC No. 1, FOP No. O4161, GTC and STC No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

On January 26, 2023, the Respondent submitted the initial notification and final record for Incident No. 394551.

**Technical Requirements:**

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

**Executive Summary – Enforcement Matter – Case No. 64365**

**Bayport Polymers LLC**

**RN109845768**

**Docket No. 2023-0968-AIR-E**

a. Within 30 days:

i. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 394551; and

ii. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 407738.

b. Within 45 days, submit written certification to demonstrate compliance with a.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Desmond Martin, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2814; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

**SEP Third-Party Administrator:** Houston-Galveston Area Council-AERCO, 3555 Timmons Lane, Suite 120, Houston, Texas 77027

**Respondent:** Arvin Paul, Vice President, Bayport Polymers LLC, 7600 32nd Street, Port Arthur, Texas 77642

Diane Chamberlain, President, Bayport Polymers LLC, 7600 32nd Street, Port Arthur, Texas 77642

**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>	17-Jul-2023		
	<b>PCW</b>	18-Mar-2024	<b>Screening</b>	20-Jul-2023
			<b>EPA Due</b>	

<b>RESPONDENT/FACILITY INFORMATION</b>				
<b>Respondent</b>	Bayport Polymers LLC			
<b>Reg. Ent. Ref. No.</b>	RN109845768			
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b>	Major	

<b>CASE INFORMATION</b>				
<b>Enf./Case ID No.</b>	64365	<b>No. of Violations</b>	4	
<b>Docket No.</b>	2023-0968-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>	Desmond Martin	
		<b>EC's Team</b>	Enforcement Team 2	
<b>Admin. Penalty \$</b>	<b>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>	\$15,500
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	7.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$1,085
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Notes

Enhancement for two NOV's with same or similar violations. Reduction for one Notice of Intent to conduct an audit and one Disclosure of Violations.

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

The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$124
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$1,557
Estimated Cost of Compliance	\$20,500

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$16,461
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<b>Final Penalty Amount</b>	\$16,461
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$16,461
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<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$3,292
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$13,169
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Screening Date

20-Jul-2023

Docket No.

2023-0968-AIR-E

PCW

Respondent

Bayport Polymers LLC

Case ID No.

64365

Reg. Ent. Reference No.

RN109845768

Media

Air

Enf. Coordinator

Desmond Martin

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	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> )	1	-1%
	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)7%

>> Repeat Violator (Subtotal 3)

NoAdjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory PerformerAdjustment Percentage (Subtotal 7)0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same or similar violations. Reduction for one Notice of Intent to conduct an audit and one Disclosure of Violations.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%7%

<b>Screening Date</b>	20-Jul-2023	<b>Docket No.</b>	2023-0968-AIR-E	<b>PCW</b>
<b>Respondent</b>	Bayport Polymers LLC	<i>Policy Revision 5 (January 28, 2021)</i>		
<b>Case ID No.</b>	64365	<i>PCW Revision February 11, 2021</i>		
<b>Reg. Ent. Reference No.</b>	RN109845768			
<b>Media</b>	Air			
<b>Enf. Coordinator</b>	Desmond Martin			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 122353, PSDTX1426, and GHGPSDTX114, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. 04161, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 12, and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	Failed to prevent unauthorized emissions. Specifically, the Respondent released 7,764.11 pounds ("lbs") of carbon monoxide ("CO") and 1,949.52 lbs of nitrogen oxides ("NOx") from the Multi-Point Ground Flare, Emissions Point Number ("EPN") XF-4601, during an emissions event (Incident No. 394551) that occurred on December 18, 2022 and lasted five hours.			
			<b>Base Penalty</b>	\$25,000
>> Environmental, Property and Human Health Matrix				
OR	<b>Release</b>	Major	Moderate	Minor
	Actual			x
	Potential			
			<b>Percent</b>	30.0%
>>Programmatic Matrix				
	Falsification	Major	Moderate	Minor
			<b>Percent</b>	0.0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of this violation.			
			<b>Adjustment</b>	\$17,500
				\$7,500
Violation Events				
Number of Violation Events		1	1	Number of violation days
	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
			<b>Violation Base Penalty</b>	\$7,500
One monthly event is recommended.				
<b>Good Faith Efforts to Comply</b>		0.0%	Reduction	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary				
N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.			
			<b>Violation Subtotal</b>	\$7,500
Economic Benefit (EB) for this violation				
<b>Statutory Limit Test</b>				
<b>Estimated EB Amount</b>	\$937	<b>Violation Final Penalty Total</b>	\$8,025	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$8,025	

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.

Bayport Polymers LLC  
64365  
RN109845768  
Air  
1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	18-Dec-2022	1-Nov-2024	1.87	\$937	n/a	\$937

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 394551. The Date Required is the date the emissions event occurred and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$10,000	TOTAL	\$937
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Screening Date		20-Jul-2023		Docket No.		2023-0968-AIR-E		PCW			
Respondent		Bayport Polymers LLC									
Case ID No.		64365									
Reg. Ent. Reference No.		RN109845768									
Media		Air									
Enf. Coordinator		Desmond Martin									
Violation Number		2									
Rule Cite(s)		30 Tex. Admin. Code §§ 101.201(a)(1) and 122.143(4), FOP No. 04161, GTC and STC No. 2.F., and Tex. Health & Safety Code § 382.085(b)									
Violation Description		Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 394551 was due by December 19, 2022 at 9:00 a.m., but was not submitted until January 26, 2023 at 8:26 p.m.									
Base Penalty								\$25,000			
>> Environmental, Property and Human Health Matrix											
OR		Release		Major		Moderate		Minor			
		Actual									
		Potential									
Percent								0.0%			
>> Programmatic Matrix											
Matrix Notes		Falsification		Major		Moderate		Minor			
								x			
		Less than 30% of the rule requirements were not met.									
Adjustment								\$24,750			
								\$250			
Violation Events											
Number of Violation Events		1		38		Number of violation days					
		daily									
		weekly									
		monthly									
		quarterly									
		semiannual									
		annual									
		single event		x							
Violation Base Penalty								\$250			
One single event is recommended.											
Good Faith Efforts to Comply				25.0%		Reduction				\$62	
		Before NOE/NOV		NOE/NOV to EDPRP/Settlement Offer							
		Extraordinary									
		Ordinary		x							
		N/A									
		Notes		The Respondent completed the corrective measures on January 26, 2023, prior the Notice of Enforcement ("NOE") dated July 14, 2023.							
Violation Subtotal								\$188			
Economic Benefit (EB) for this violation										Statutory Limit Test	
Estimated EB Amount				\$1		Violation Final Penalty Total				\$206	
This violation Final Assessed Penalty (adjusted for limits)								\$206			



Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Bayport Polymers LLC 64365 RN109845768 Air 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	19-Dec-2022	26-Jan-2023	0.10	\$1	n/a	\$1
Notes for DELAYED costs	Estimated cost to submit the initial notification for Incident No. 394551. The Date Required is the date the initial notification was due 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	\$250	TOTAL	\$1
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Screening Date		20-Jul-2023		Docket No.		2023-0968-AIR-E		PCW			
Respondent		Bayport Polymers LLC									
Case ID No.		64365									
Reg. Ent. Reference No.		RN109845768									
Media		Air									
Enf. Coordinator		Desmond Martin									
Violation Number		3									
Rule Cite(s)		30 Tex. Admin. Code §§ 101.201(c) and 122.143(4), FOP No. 04161, GTC and STC No. 2.F., and Tex. Health & Safety Code § 382.085(b)									
Violation Description		Failed to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event. Specifically, the final record for Incident No. 394551 was due by January 1, 2023, but was not submitted until January 26, 2023.									
		Base Penalty		\$25,000							
>> Environmental, Property and Human Health Matrix											
OR		Release		Major		Harm		Moderate		Minor	
		Actual									
		Potential									
		Percent		0.0%							
>> Programmatic Matrix											
		Falsification		Major		Moderate		Minor			
								x			
		Percent		1.0%							
Matrix Notes		Less than 30% of the rule requirements were not met.									
		Adjustment		\$24,750							
				\$250							
Violation Events											
		Number of Violation Events		1		25		Number of violation days			
		daily									
		weekly									
		monthly									
		quarterly									
		semiannual									
		annual									
		single event				x					
		Violation Base Penalty		\$250							
		One single event is recommended.									
Good Faith Efforts to Comply											
		25.0%				Reduction		\$62			
		Before NOE/NOV		NOE/NOV to EDPRP/Settlement Offer							
		Extraordinary									
		Ordinary		x							
		N/A									
		Notes		The Respondent completed the corrective measures on January 26, 2023, prior to the NOE dated July 14, 2023.							
		Violation Subtotal		\$188							
Economic Benefit (EB) for this violation											
		Statutory Limit Test									
		Estimated EB Amount		\$1		Violation Final Penalty Total		\$206			
		This violation Final Assessed Penalty (adjusted for limits)		\$206							

Economic Benefit Worksheet

Respondent Case ID No. Bayport Polymers LLC  
Reg. Ent. Reference No. 64365  
Media RN109845768  
Violation No. Air  
3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	1-Jan-2023	26-Jan-2023	0.07	\$1	n/a	\$1
Notes for DELAYED costs	Estimated costs to submit the final record for Incident No. 394551. The Date Required is the date the final record was due 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	\$250	TOTAL	\$1
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Screening Date		20-Jul-2023		Docket No.		2023-0968-AIR-E		PCW	
Respondent		Bayport Polymers LLC		Policy Revision 5 (January 28, 2021)					
Case ID No.		64365		PCW Revision February 11, 2021					
Reg. Ent. Reference No.		RN109845768							
Media		Air							
Enf. Coordinator		Desmond Martin							
Violation Number		4							
Rule Cite(s)		30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 122353, PSDTX1426, and GHGPSDTX114, SC No. 1, FOP No. 04161, GTC and STC No. 12, and Tex. Health & Safety Code § 382.085(b)							
Violation Description		Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,021.97 lbs of CO and 547.90 lbs of NOx from the Multi-Point Ground Flare, EPN XF-4601, during an emissions event (Incident No. 407738) that occurred on August 8, 2023 and lasted three hours.							
				Base Penalty		\$25,000			
>> Environmental, Property and Human Health Matrix									
OR		Release		Major		Moderate		Minor	
		Actual						x	
		Potential							
						Percent		30.0%	
>>Programmatic Matrix									
Matrix Notes		Falsification		Major		Moderate		Minor	
						Percent		0.0%	
		Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of this 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		0.0%				Reduction		\$0	
		Before NOE/NOV		NOE/NOV to EDPRP/Settlement Offer					
		Extraordinary							
		Ordinary							
		N/A		x					
		Notes		The Respondent does not meet the good faith criteria for this violation.					
						Violation Subtotal		\$7,500	
Economic Benefit (EB) for this violation									
		Estimated EB Amount		\$618		Violation Final Penalty Total		\$8,025	
						This violation Final Assessed Penalty (adjusted for limits)		\$8,025	

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.

Bayport Polymers LLC  
64365  
RN109845768  
Air  
4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	8-Aug-2023	1-Nov-2024	1.24	\$618	n/a	\$618
Notes for DELAYED costs	Estimated cost to implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 407738. The Date Required is the date the emissions event occurred and the Final Date is the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$10,000	TOTAL	\$618
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The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

Compliance History Report for CN605458397, RN109845768, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

**Customer, Respondent, or Owner/Operator:** CN605458397, Bayport Polymers LLC **Classification:** SATISFACTORY **Rating:** 5.48

**Regulated Entity:** RN109845768, Bayport Polymers **Classification:** SATISFACTORY **Rating:** 1.67

**Complexity Points:** 17 **Repeat Violator:** NO

**CH Group:** 05 - Chemical Manufacturing

**Location:** 7600 32nd Street, Port Arthur, Jefferson County, Texas

**TCEQ Region:** REGION 10 - BEAUMONT

## ID Number(s):

**AIR OPERATING PERMITS** PERMIT 4161

**AIR NEW SOURCE PERMITS** REGISTRATION 167521

**AIR NEW SOURCE PERMITS** PERMIT 122353

**AIR NEW SOURCE PERMITS** EPA PERMIT GHGPSDTX114

**AIR NEW SOURCE PERMITS** EPA PERMIT

GHGPSDTX114M1

**AIR NEW SOURCE PERMITS** AFS NUM 4824500748

**WASTEWATER** EPA ID TX0137855

**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE

REGISTRATION # (SWR) 98346

**TAX RELIEF** ID NUMBER 23759

**TAX RELIEF** ID NUMBER 23511

**TAX RELIEF** ID NUMBER 23841

**AIR NEW SOURCE PERMITS** REGISTRATION 168247

**AIR NEW SOURCE PERMITS** REGISTRATION 167321

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1426

**AIR NEW SOURCE PERMITS** PERMIT AMOC113

**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1426M1

**WASTEWATER** PERMIT WQ0005236000

**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER

JEA039L

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID

TXR000086112

**TAX RELIEF** ID NUMBER 23561

**TAX RELIEF** ID NUMBER 23563

**TAX RELIEF** ID NUMBER 23758

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

**Date Compliance History Report Prepared:** February 06, 2024

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 06, 2019 to February 06, 2024

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

**Name:** Desmond Martin

**Phone:** (512) 239-2814

## 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? YES
- 3) Who is the current owner/operator? Bayport Polymers LLC OWNER OPERATOR since 1/1/1800  
TotalEnergies Petrochemicals & Refining USA, Inc. OWNER OPERATOR since 7/14/2021
- 4) Who was/were the prior owner(s)/operator(s)? TotalEnergies Petrochemicals & Refining USA, Inc., OWNER OPERATOR,  
7/13/2017 to 12/13/2018

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

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

N/A

### B. Criminal convictions:

N/A

### C. Chronic excessive emissions events:

N/A

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

Item 1	August 18, 2020	(1682790)
Item 2	September 17, 2020	(1689322)
Item 3	October 15, 2020	(1695683)
Item 4	November 19, 2020	(1719658)
Item 5	December 16, 2020	(1719659)
Item 6	January 19, 2021	(1719660)
Item 7	February 19, 2021	(1732740)
Item 8	March 02, 2021	(1732741)
Item 9	April 20, 2021	(1732742)
Item 10	June 17, 2021	(1748816)
Item 11	July 20, 2021	(1754102)
Item 12	September 16, 2021	(1768866)
Item 13	November 16, 2021	(1786094)
Item 14	January 18, 2022	(1800904)
Item 15	February 14, 2022	(1808728)
Item 16	March 11, 2022	(1815835)
Item 17	April 20, 2022	(1822408)
Item 18	May 10, 2022	(1831252)
Item 19	June 16, 2022	(1837532)
Item 20	July 19, 2022	(1844697)
Item 21	October 18, 2022	(1864987)
Item 23	December 16, 2022	(1877759)
Item 24	January 05, 2023	(1868130)
Item 25	January 17, 2023	(1884565)
Item 26	February 16, 2023	(1892361)
Item 27	March 14, 2023	(1900955)
Item 28	April 20, 2023	(1907749)
Item 29	May 15, 2023	(1914884)
Item 30	June 20, 2023	(1921514)
Item 31	July 19, 2023	(1928487)
Item 32	August 17, 2023	(1935410)
Item 33	September 20, 2023	(1941655)
Item 34	September 28, 2023	(1930376)
Item 35	September 29, 2023	(1916997)
Item 36	October 19, 2023	(1948411)
Item 37	October 30, 2023	(1868928)
Item 38	November 20, 2023	(1954082)
Item 39	December 21, 2023	(1873494)
Item 40	January 03, 2024	(1942837)
Item 41	January 09, 2024	(1943753)

**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:	03/06/2023	(1874670)	
	Self Report?	NO		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) General Terms and Conditions OP Special Condition 1 PERMIT Special Condition 8 PERMIT Special Terms and Conditions 12 OP		
	Description:	Failure to operate at or below the 24-hour average 10 ppmvd NH3 at 3% O2 limit.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP		

Special Condition 1 PERMIT  
 Special Terms and Conditions 12 OP  
 Description: Failure to prevent unauthorized emissions.  
 Self Report? NO 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)  
 General Terms and Conditions OP  
 Special Condition 15 A PERMIT  
 Special Terms and Conditions 12 OP  
 Description: Failure to operate the Back-up Thermal Oxidizer's firebox exit temperature equal to or greater than 1650 degrees F.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 1 PERMIT  
 Special Terms and Conditions 12 OP  
 Description: Failure to prevent unauthorized emissions.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 1 PERMIT  
 Special Terms and Conditions 12 OP  
 Description: Failure to prevent unauthorized emissions.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 1 PERMIT  
 Special Terms and Conditions 12 OP  
 Description: Failure to prevent unauthorized emissions.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 17 D. (2) PERMIT  
 Special Terms and Conditions 12 OP  
 Description: Failure to conduct weekly Total Dissolved Solids (TDS) Sampling.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 1 PERMIT  
 Special Terms and Conditions 12 OP  
 Description: Failure to prevent unauthorized emissions.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(B)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 14A(2) PERMIT  
 Special Terms and Conditions 12 OP  
 Description: Failure to continuously monitor the flare pilot.



Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failure to report deviations.

Self Report? NO 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)  
General Terms and Conditions OP  
Special Condition 17. D. (2) PERMIT  
Special Terms and Conditions 12 OP

Description: Failure to properly conduct weekly Total Dissolved Solids Analysis (TDS) for Cooling Tower X-3401.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter B 115.112(a)(1)  
30 TAC Chapter 115, SubChapter B 115.112(a)(3)  
30 TAC Chapter 115, SubChapter B 115.121(a)(1)  
30 TAC Chapter 115, SubChapter B 115.131(a)  
30 TAC Chapter 115, SubChapter C 115.222  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 15. A. PERMIT  
Special Terms and Conditions 10 OP  
Special Terms and Conditions 12 OP

Description: Failure to maintain the minimum 1650 degrees Fahrenheit (F) temperature at the Back-UP CD.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter B 115.123(a)(1)  
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)  
F. 1. PERMIT  
General Terms and Conditions OP  
Special Terms and Conditions 12 OP  
Special Terms and Conditions 14, A. (2) PERMIT

Description: Failure to operate the Multipoint Ground Flare System, EPN XF-4601 with at least 800 Btu/scf.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter B 115.123(a)(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Terms and Conditions 12 OP  
Special Terms and Conditions 14, A. (2) PERMIT

Description: Failure to operate the Multipoint Ground Flare System, EPN XF-4601 with at least 800 Btu/scf.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter B 115.123(a)(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Terms and Conditions 1. A. OP  
Special Terms and Conditions 12 OP  
Special Terms and Conditions 14, A. (1) PERMIT

Description: Failure to operate the Multipoint Ground Flare System, EPN XF-4601 with at least 200 Btu/scf.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

General Terms and Conditions OP  
Special Terms and Conditions 2. A. OP

Description: Failure to create a final record of all reportable and non-reportable emissions events no later than two weeks after the end of an emissions event.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter F 116.615(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)  
5C THSC Chapter 382 382.085(b)  
Standard Permit (6)(A) PERMIT  
Standard Permit (6)(B) PERMIT

Description: Failure to continuously monitor B815 (Package Boiler 03, EPN PKGBOIL03) and B816 (Package Boiler 04, EPN PKGBOIL04) and perform daily calibrations.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter B 115.123(a)(1)  
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)  
F. 1. c. PERMIT  
General Terms and Conditions OP  
Special Condition 14 . A. (2) PERMIT  
Special Terms and Conditions 12 OP  
Special Terms and Conditions 21 OP

Description: Failure to continuously monitor the seal gas flow for the Multipoint Ground Flare, EPN XF-4601

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failure to submit the annual permit compliance certification within 30 days.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failure to submit the semiannual deviation report 30 days from the end of the reporting period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter F 116.615(2)  
5C THSC Chapter 382 382.085(b)  
Standard Permit 167521, (3)(A) PERMIT  
Standard Permit 167521, (4)(B)(iii) PERMIT  
Standard Permit 167521, (4)(B)(v) PERMIT  
Standard Permit 167521, (4)(B)(vi) PERMIT

Description: Failure to maintain Temporary Boilers B651 (EPN PKGBOIL02), B815 (EPN PKGBOIL03), and B816 (EPN PKGBOIL04) 1.03 lb/hr NOx, 0.036 lb/MMBtu NOx, 10 ppm NH3 at 3 percent O2, 0.73 lb/hr NH3, 50 ppm CO at 3 percent O2, and 3.67 lb/hr CO limits.

Self Report? NO 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)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT A 61.02  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(a)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(1)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 4. B. PERMIT  
Special Terms and Conditions 1 A. OP  
Special Terms and Conditions 12 OP

Description: Failure to submit initial 40 CFR 61 Subpart FF start-up report.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter F 116.615(2)  
5C THSC Chapter 382 382.085(b)  
Standard Permit 167521 (5)(B)(i) PERMIT

Description: Failure to notify of testing scheduled not less than 45 days prior to sampling.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 8 PERMIT  
Special Terms and Conditions 12 OP  
Description: Failure to prevent unauthorized emissions and maintain the furnaces' 24-hour  
10 ppm NH3 concentration limit.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Terms and Conditions 12 OP  
Description: Failure to prevent unauthorized emissions.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Terms and Conditions 12 OP  
Description: Failure to prevent unauthorized emissions.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.560  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.9(b)(4)(v)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(b)(2)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 5 D. PERMIT  
Special Terms and Conditions 1. A. OP  
Special Terms and Conditions 12 OP  
Description: Failure to submit initial notification of start-up within 15 days of startup.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
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)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(3)(ii)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(b)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(c)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 3. B. PERMIT  
Special Terms and Conditions 1. A. OP  
Special Terms and Conditions 12 OP  
Description: Failure to submit the initial notification within 30 days of the date construction  
and complete documents as required.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 113, SubChapter C 113.520  
30 TAC Chapter 113, SubChapter C 113.560  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1019(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1039(a)  
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)(1)

5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 5. B. PERMIT  
Special Condition 5. D. PERMIT  
Special Terms and Conditions 1. A. OP  
Special Terms and Conditions 12 OP  
Description: Failure to submit initial notification and initial compliance status reports for 40 CFR 63 Subpart YY and UU within 1 year the source became subject to this subpart.

**F. Environmental audits:**

Notice of Intent Date: 12/28/2022 (1867698)

Disclosure Date: 04/05/2023

Viol. Moderate

Classification:

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

2H THSC Chapter 161, SubChapter A 161.351

5B THSC Chapter 361, SubChapter A 361.345

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349

Rqmt Prov: PERMIT SC4B

OP ST&C 7, 9

Description: Failure to inspect waste management units used in handling, storage, treatment, and/or disposal of waste.

Viol. Moderate

Classification:

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

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 4B

OP ST&C 7, 9

Description: Failure to submit within 90 days of initial startup, certification of waste management units and/or control equipment.

Viol. Moderate

Classification:

Citation: 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)(3)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(4)

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: OP ST&C 7, 9

Description: Failure to submit annual and/or quarterly reporting.

**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  
BAYPORT POLYMERS LLC  
RN109845768

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

## AGREED ORDER DOCKET NO. 2023-0968-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 Bayport Polymers LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petrochemical manufacturing plant located at 7600 32nd Street in Port Arthur, Jefferson 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 \$16,461 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$6,585 of the penalty and \$3,292 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$6,584 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms

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

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that on January 26, 2023, the Respondent submitted the initial notification and final record for Incident No. 394551.

## II. ALLEGATIONS

1. During a record review for the Plant conducted from January 27, 2023 through May 5, 2023, an investigator documented that the Respondent:
  - a. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 122353, PSDTX1426, and GHGPSDTX114, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O4161, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 7,764.11 pounds ("lbs") of carbon monoxide ("CO") and 1,949.52 lbs of nitrogen oxides ("NOx") from the Multi-Point Ground Flare, Emissions Point Number ("EPN") XF-4601, during an emissions event (Incident No. 394551) that occurred on December 18, 2022 and lasted five hours.
  - b. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1) and 122.143(4), FOP No. O4161, GTC and STC No. 2.F., and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the initial notification for Incident No. 394551 was due by December 19, 2022 at 9:00 a.m., but was not submitted until January 26, 2023 at 8:26 p.m.
  - c. Failed to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(c) and 122.143(4), FOP No. O4161, GTC and STC No. 2.F., and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the final record for Incident No.

394551 was due by January 1, 2023, but was not submitted until January 26, 2023.

2. During a record review for the Plant conducted from November 20, 2023 through November 29, 2023, an investigator documented that the Respondent 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. 122353, PSDTX1426, and GHGPSDTX114, SC No. 1, FOP No. O4161, GTC and STC No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 2,021.97 lbs of CO and 547.90 lbs of NO<sub>x</sub> from the Multi-Point Ground Flare, EPN XF-4601, during an emissions event (Incident No. 407738) that occurred on August 8, 2023 and lasted three 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: Bayport Polymers LLC, Docket No. 2023-0968-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 \$6,584 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements at the Plant:
  - a. Within 30 days after the effective date of this Order:
    - i. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 394551; and
    - ii. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 407738.

- b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

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

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned,



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

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

  
For the Executive Director

5/28/2024

Date

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

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

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

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

  
Signature

April 1, 2024  
Date

Diane Chamberlain

President

Name (Printed or typed)

Title

Authorized Representative of  
Bayport Polymers LLC

☐ 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 I of this Order.

Attachment A  
Docket Number: 2023-0968-AIR-E  
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Bayport Polymers LLC
Payable Penalty Amount:	\$13,169
SEP Offset Amount:	\$6,584
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO
Project Name:	<i>Clean Vehicles Partnership Project</i>
<b>Location of SEP:</b> Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

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 offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to replace old, higher emission buses that do not meet 2010 Environmental Protection Agency (“EPA”) emissions standards (“Old Buses”) with new, lower emission buses that meet the most recent EPA emissions standards (“New Buses”) or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities (“SEP Administrators”) that apply for replacement, retrofit, or conversion of buses.

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for purchase of New Buses or conversion or retrofit equipment and contract labor for installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards.

Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months.

All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. 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 implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

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

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate many respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

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 **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO  
Emission Reduction Credit Corporation  
Attn: Air Quality Program Manager  
3555 Timmons Lane, Suite 120  
Houston, Texas 77027

### 3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount 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 and/or project, made by or on behalf of the Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

### 6. Recognition

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

### 7. Other SEPs by TCEQ or Other Agencies

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