

Executive Summary – Enforcement Matter – Case No. 64679

Oxy Vinyls, LP

RN100224674

Docket No. 2023-1226-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Unauthorized emissions which are excessive emissions events

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

La Porte VCM Plant, 2400 Miller Cut Off Road, La Porte, Harris County

Type of Operation:

Chemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 8, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$25,000

Total Paid to General Revenue: \$12,500

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$12,500

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: \$10,750

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 6, 2022 through August 3, 2023

Date(s) of NOE(s): August 21, 2023

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Oxy Vinyls, LP

RN100224674

Docket No. 2023-1226-AIR-E

Violation Information

Failed to prevent unauthorized emissions. The emissions event was determined to be an excessive emissions event [30 TEX. ADMIN. CODE §§ 111.111(a), 116.115(c), and 122.143(4), New Source Review Permit No. 3855B, Special Conditions No. 1, Federal Operating Permit No. O1324, General Terms and Conditions and Special Terms and Conditions No. 23, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Within 30 days, submit a corrective action plan ("CAP") in accordance with the TCEQ letter dated August 21, 2023 to address the excessive emissions event that began on June 20, 2022 (Incident No. 381843);
 - b. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the CAP submittal in connection with the June 20, 2022 excessive emissions event within 15 days after the date of such requests, or by any other deadline specified in writing;
 - c. Within 45 days, submit written certification to demonstrate compliance with b.;
 - d. Upon Executive Director approval of the CAP, implement the CAP; and
 - e. Within 15 days after the completion of the CAP implementation, submit written certification to demonstrate compliance with d.

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RN100224674

Docket No. 2023-1226-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Christina Ferrara, Enforcement Division, Enforcement Team 2, MC R-12, (512) 239-5081; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

SEP Third-Party Administrator: Houston-Galveston Area Council-AERCO, Emission Reduction Credit Corporation, 3555 Timmons Lane, Suite 120, Houston, Texas 77027

Respondent: Rick Bergeron, Environmental Manager, Oxy Vinyls, LP, P.O. Box 500, Deer Park, Texas 77536

John Brenon, Senior Vice President of Manufacturing, Oxy Vinyls, LP, P.O. Box 500, Deer Park, Texas 77536

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	28-Aug-2023	Screening	30-Aug-2023	EPA Due	
	PCW	17-Mar-2025				

RESPONDENT/FACILITY INFORMATION

Respondent	Oxy Vinyls, LP
Reg. Ent. Ref. No.	RN100224674
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	64679	No. of Violations	1
Docket No.	2023-1226-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Christina Ferrara
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$25,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	43.0%	Adjustment	Subtotals 2, 3, & 7	\$10,750
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Notes: Enhancement for one NOV with same/similar violations and two orders containing a denial of liability. Reduction for two notices of intent to conduct an audit.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$834
Estimated Cost of Compliance \$5,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$35,750
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$35,750
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$25,000
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$25,000
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Screening Date	30-Aug-2023	Docket No.	2023-1226-AIR-E	PCW
Respondent	Oxy Vinyls, LP			
Case ID No.	64679			
Reg. Ent. Reference No.	RN100224674			
Media	Air			
Enf. Coordinator	Christina Ferrara			

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 43%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations and two orders containing a denial of liability. Reduction for two notices of intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 43%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 43%

Screening Date 30-Aug-2023 Respondent Oxy Vinyls, LP Case ID No. 64679 Reg. Ent. Reference No. RN100224674 Media Air Enf. Coordinator Christina Ferrara	Docket No. 2023-1226-AIR-E	PCW Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021
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Violation Number	1		
Rule Cite(s)		30 Tex. Admin. Code §§ 111.111(a), 116.115(c), and 122.143(4), New Source Review Permit No. 3855B, Special Conditions No. 1, Federal Operating Permit No. 01324, General Terms and Conditions and Special Terms and Conditions No. 23, and Tex. Health & Safety Code § 382.085(b)	
Violation Description		Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 100 percent opacity at the Ethylene Dichloride Pure Pumps Unit and released 354.70 pounds ("lbs") of volatile organic compounds, 2,591.00 lbs of carbon monoxide, 104,762.00 lbs of hydrogen chloride, 113.80 lbs of nitrogen oxides, 333.20 lbs of particulate matter, and 24.20 lbs of vinyl chloride as fugitive emissions, during an emissions event (Incident No. 381843) that began on June 20, 2022 and lasted four hours and five minutes. The emissions event was determined to be an excessive emissions event.	
		Base Penalty	\$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	x			Percent 100.0%
	Potential				

>> Programmatic Matrix

OR		Falsification			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

Matrix Notes	Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$0
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	\$25,000
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Violation Events

Number of Violation Events	1		1	Number of violation days
	daily	x		
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event			
		Violation Base Penalty		\$25,000
One daily event is recommended.				

Good Faith Efforts to Comply

	0.0%		
	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	\$25,000

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$834
	Violation Final Penalty Total
	\$35,750
This violation Final Assessed Penalty (adjusted for limits)	
\$25,000	

Economic Benefit Worksheet

Respondent Oxy Vinyls, LP
Case ID No. 64679
Reg. Ent. Reference No. RN100224674
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	20-Jun-2022	20-Oct-2025	3.34	\$834	n/a	\$834
Notes for DELAYED costs Estimated cost to implement a corrective action plan to address the excessive emissions event that began on June 20, 2022 (Incident No. 381843). The Date Required is the date the emissions event began 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 \$5,000

TOTAL \$834



Compliance History Report

Compliance History Report for CN600129126, RN100224674, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN600129126, Oxy Vinyls, LP

Classification: SATISFACTORY

Rating: 7.81

Regulated Entity: RN100224674, LA PORTE VCM PLANT

Classification: SATISFACTORY

Rating: 13.58

Complexity Points: 26

Repeat Violator: NO

CH Group: 05 - Chemical Manufacturing

Location: 2400 MILLER CUT OFF RD, LA PORTE, HARRIS COUNTY, TX

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS PERMIT 1324

AIR OPERATING PERMITS ACCOUNT NUMBER

HG0194W

AIR OPERATING PERMITS ACCOUNT NUMBER HG0193B

AIR NEW SOURCE PERMITS PERMIT 3855B

AIR NEW SOURCE PERMITS REGISTRATION 10633A

AIR NEW SOURCE PERMITS PERMIT 3283B

AIR NEW SOURCE PERMITS REGISTRATION 14511B

AIR NEW SOURCE PERMITS PERMIT 7647B

AIR NEW SOURCE PERMITS REGISTRATION 76346

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX276

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX276M2

AIR NEW SOURCE PERMITS REGISTRATION 84936

AIR NEW SOURCE PERMITS REGISTRATION 108279

AIR NEW SOURCE PERMITS REGISTRATION 169900

IHW CORRECTIVE ACTION SOLID WASTE

REGISTRATION # (SWR) 31077

WASTEWATER EPA ID TX0070416

AIR EMISSIONS INVENTORY ACCOUNT NUMBER

HG1024S

AIR EMISSIONS INVENTORY ACCOUNT NUMBER

HG0194W

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TXD070133319

TAX RELIEF ID NUMBER 20774

TAX RELIEF ID NUMBER 20797

TAX RELIEF ID NUMBER 20793

AIR OPERATING PERMITS ACCOUNT NUMBER HG0193B

AIR OPERATING PERMITS PERMIT 1368

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION

1011153

AIR NEW SOURCE PERMITS ACCOUNT NUMBER

HG0193B

AIR NEW SOURCE PERMITS PERMIT 9B

AIR NEW SOURCE PERMITS PERMIT 4517B

AIR NEW SOURCE PERMITS REGISTRATION 13284B

AIR NEW SOURCE PERMITS ACCOUNT NUMBER

HG0194W

AIR NEW SOURCE PERMITS AFS NUM 4820100320

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX276M1

AIR NEW SOURCE PERMITS REGISTRATION 79211

AIR NEW SOURCE PERMITS REGISTRATION 98979

AIR NEW SOURCE PERMITS REGISTRATION 114434

PETROLEUM STORAGE TANK REGISTRATION

REGISTRATION 12124

WASTEWATER PERMIT WQ0002097000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER

HG0193B

AIR EMISSIONS INVENTORY ACCOUNT NUMBER

HG0193B

POLLUTION PREVENTION PLANNING ID NUMBER

P00718

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE

REGISTRATION # (SWR) 31077

TAX RELIEF ID NUMBER 20777

TAX RELIEF ID NUMBER 20780

Compliance History Period: September 01, 2019 to August 31, 2024

Rating Year: 2024

Rating Date: 09/01/2024

Date Compliance History Report Prepared: March 17, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 17, 2020 to March 17, 2025

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

Name: Christina Ferrara

Phone: (512) 239-5081

Site and Owner/Operator History:

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

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

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

1 Effective Date: 07/27/2023 ADMINORDER 2020-1239-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: NSR 3855B, Special Conditions 1 PERMIT
O1324, Special Condition (24) OP

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event. Specifically, the Respondent released 313.18 lbs of VOC from the West Cooling Tower, Emissions Point Number ("EPN") COOLTWR, during an emissions event (Incident No. 270991) that began on October 24, 2017 and lasted 17 hours and 27 minutes. The emissions event occurred due to outside diameter mechanical damage that caused a tube leak on Tube No. 18 on Bottom Row No. 37, resulting in release to the atmosphere.

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: 1324, GTC and SRC No. 24 OP
NSR Permit 3855B, Special Conditions 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions. Specifically, the Respondent released 225.60 lbs of VOC and 30.90 lbs of carbon monoxide ("CO") as fugitive emissions, during an emissions event (Incident No. 271304) that occurred on October 27, 2017 and lasted six hours and 52 minutes. The emissions event occurred due to a loose wire connection inside the PLC power supply cabinet that caused an electrical short, resulting in the release to the atmosphere.

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: 3855B, Special Condition No. 1 PERMIT
Special Terms and Conditions No. 23 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions. The Respondent released 81.59 lbs of ethylene, 117.73 lbs of EDC, and 6.21 lbs of CO as fugitive emissions, during an emissions event (Incident No. 352394) that occurred on March 9, 2021 and lasted 10 minutes. The emissions event occurred when a leak developed at the rupture disk on the Oxy Vent Knock-out drum, resulting in the release to the atmosphere.

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: 3855B, Special Condition No.1 PERMIT
Special Terms and Conditions No. 23 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event. The Respondent released 60.00 lbs of ethylene dichloride ("EDC") and 60.00 lbs of VCM as fugitive emissions, during an emissions event (Incident No. 354737) that occurred on April 25, 2021 and lasted 31 minutes. The emissions event occurred when a leak developed on the flange surface on the feed piping to the South VCM Column, resulting in the release to the atmosphere.

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: FOP O1324 General Terms and Conditions OP
FOP O1324 Special Condition 24 OP
NSR 3855B Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event. The

Respondent released 745.75 lbs of volatile organic compounds ("VOC") and 89.73 lbs of CO as fugitive emissions, during an emissions event (Incident No. 294254) that occurred on October 14, 2018 and lasted four hours. The emissions event occurred when the B Thermal Oxidizer PLC key switch was in the "Remote" position during a scheduled maintenance activity that allowed to trip offline.

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: FOP 01324 General Terms and Conditions OP
FOP 01324 Special Condition 24 OP
NSR 3855B Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event. A(12)(i)(6) MOD 2D. The Respondent released 5,684.00 lbs of VOC and 848.00 lbs of CO as fugitive emissions, during an emissions event (Incident No. 294600) that occurred on October 18, 2018 and lasted six hours and 35 minutes. The emissions event occurred when the annulus area of the B Thermal Oxidizer plenum deformed over time that reduced the flow area, increased the backpressure on the Oxy Vent Header.

Classification: Moderate

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

Rqmt Prov: FOP 01324 General Terms and Conditions OP
FOP 01324 Special Condition 24 OP
NSR 3855B Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event. A(12)(i)(6) MOD 2D. The Respondent released 610.44 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 303304) that occurred on February 25, 2019 and lasted one hour. The emissions event occurred due to the lack of tubing supports in the vertical direction that caused mechanical fatigue, resulting in the release to the atmosphere.

Classification: Moderate

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

Rqmt Prov: FOP 01324 General Terms and Conditions OP
FOP 01324 Special Condition 24 OP
NSR 3855B Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere. The Respondent released 367.40 lbs of EDC as fugitive emissions, during an emissions event (Incident No. 309362) that occurred on May 27, 2019 and lasted four hours and 10 minutes. The emissions event occurred due to a loss of bolt tension on the flanged polytetrafluoroethylene joint with a spacer that caused low pH material to drip onto the furnace vapor feed piping and external corrosion, resulting in a leak and in a release.

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: 3855B PERMIT
O1324, Special Condition (24) OP

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event. The Respondent released 4,751.40 lbs of the VOC as fugitive emissions, during an emissions event (Incident No. 382430) that occurred on July 1, 2022 and lasted 22 minutes. The emissions event occurred due to the ruptured disk holder on the relief valve on the Recycled Column Equipment of the Ethylene Dichloride Process Unit, resulting in the release to the atmosphere.

2 Effective Date: 10/01/2024 ADMINORDER 2023-1659-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
Special Term and Condition 23 OP

Description: Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the carbon monoxide ("CO") MAER of 2.20 pounds per hour ("lbs/hr") by a range from 0.10 lb/hr to 16.60 lbs/hr for a total of 11 hours on September 12, 2022 and September 13, 2022 for the Incinerator B Scrubber,

Emissions Point Number ("EPN") IND101B, resulting in 49.40 pounds of unauthorized CO emissions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	April 07, 2020	(1638190)
Item 2	April 08, 2020	(1654383)
Item 3	May 13, 2020	(1660948)
Item 4	June 18, 2020	(1667481)
Item 5	July 14, 2020	(1674430)
Item 6	August 18, 2020	(1681205)
Item 7	September 15, 2020	(1687774)
Item 8	October 13, 2020	(1694120)
Item 9	October 23, 2020	(1671235)
Item 10	November 17, 2020	(1715017)
Item 11	December 17, 2020	(1715018)
Item 12	January 14, 2021	(1715019)
Item 13	February 17, 2021	(1728082)
Item 14	March 18, 2021	(1728083)
Item 15	June 16, 2021	(1741335)
Item 16	August 12, 2021	(1757974)
Item 17	September 09, 2021	(1767217)
Item 18	September 27, 2021	(1690489)
Item 19	October 18, 2021	(1777682)
Item 20	November 16, 2021	(1784481)
Item 21	December 15, 2021	(1791511)
Item 22	January 18, 2022	(1799353)
Item 23	March 15, 2022	(1814237)
Item 24	April 18, 2022	(1820809)
Item 25	May 17, 2022	(1829641)
Item 26	June 16, 2022	(1835940)
Item 27	July 19, 2022	(1843139)
Item 28	August 08, 2022	(1653174)
Item 29	August 16, 2022	(1849307)
Item 30	September 15, 2022	(1857069)
Item 31	October 13, 2022	(1863426)
Item 32	November 10, 2022	(1870338)
Item 33	December 05, 2022	(1861538)
Item 34	December 13, 2022	(1876187)
Item 35	December 29, 2022	(1861719)
Item 36	January 26, 2023	(1861878)
Item 37	March 20, 2023	(1899386)
Item 38	April 17, 2023	(1906189)
Item 39	May 18, 2023	(1913345)
Item 40	June 19, 2023	(1919953)
Item 41	July 19, 2023	(1926921)
Item 42	July 21, 2023	(1847372)
Item 43	August 08, 2023	(1918121)
Item 44	August 17, 2023	(1933878)
Item 45	September 14, 2023	(1925963)
Item 46	September 15, 2023	(1940021)
Item 47	October 17, 2023	(1946863)
Item 48	December 19, 2023	(1962323)
Item 49	January 18, 2024	(1968913)
Item 50	January 30, 2024	(1943037)
Item 51	February 20, 2024	(1977978)
Item 52	February 27, 2024	(1965819)
Item 53	March 19, 2024	(1984552)

Item 54	April 18, 2024	(1991074)
Item 55	May 20, 2024	(1997530)
Item 56	May 21, 2024	(1987969)
Item 57	June 18, 2024	(2004481)
Item 58	July 18, 2024	(2012037)
Item 59	August 15, 2024	(2017631)
Item 60	September 17, 2024	(2024668)
Item 61	October 17, 2024	(2030776)
Item 62	November 18, 2024	(2037098)
Item 63	December 05, 2024	(2029199)
Item 64	December 12, 2024	(2027976)
Item 65	December 16, 2024	(2043479)
Item 66	January 14, 2025	(2050043)
Item 67	February 03, 2025	(1888382)

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: 01/15/2025 (1917240)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Description: Failure to prevent unauthorized emission to the atmosphere during an
 emissions event that was discovered on July 5, 2023, TCEQ/STEERS Incident
 No. 403807.

F. Environmental audits:

Notice of Intent Date: 03/28/2023 (1895669)
 No DOV Associated

Notice of Intent Date: 08/20/2024 (2040571)
 No DOV Associated

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
OXY VINYL, LP
RN100224674

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2023-1226-AIR-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Oxy Vinyls, LP (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 presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that 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. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a chemical plant located at 2400 Miller Cut Off Road in La Porte, Harris County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. During a record review for the Plant conducted from July 6, 2022 through August 3, 2023, an investigator documented that the Respondent experienced 100 percent opacity at the Ethylene Dichloride Pure Pumps Unit and released 354.70 pounds ("lbs") of volatile organic compounds, 2,591.00 lbs of carbon monoxide, 104,762.00 lbs of hydrogen chloride, 113.80 lbs of nitrogen oxides, 333.20 lbs of particulate matter, and 24.20 lbs of vinyl chloride as fugitive emissions, during an emissions event (Incident No. 381843) that began on June 20, 2022 and lasted four hours and five minutes. TCEQ staff determined that the emissions event was an excessive emissions event.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 111.111(a), 116.115(c), and 122.143(4), New Source Review Permit No. 3855B, Special Conditions No. 1, Federal Operating Permit No. O1324, General Terms and Conditions and Special Terms and Conditions No. 23, and TEX. HEALTH & SAFETY CODE § 382.085(b). The emissions event was determined to be an excessive emissions event.
3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$25,000 is justified by the facts recited in this Order and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid \$12,500 of the penalty. Pursuant to TEX. WATER CODE § 7.067, \$12,500 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.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Oxy Vinyls, LP, Docket No. 2023-1226-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 Conclusion of Law No. 4. The amount of \$12,500 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, submit a corrective action plan ("CAP") in accordance with the TCEQ letter dated August 21, 2023 to address the excessive emissions event that began on June 20, 2022 (Incident No. 381843).
 - b. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the CAP submittal in connection with the June 20, 2022 excessive emissions event within 15 days after the date of such requests, or by any other deadline specified in writing.
 - c. Within 45 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 3.e, to demonstrate compliance with Ordering Provision No. 3.b.
 - d. Upon Executive Director approval of the CAP, implement the CAP in accordance with the approved schedule.
 - e. Within 15 days after the completion of the CAP implementation, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.d. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
6. 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. 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 in this Order.
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. 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.
10. 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.

11. 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

Krista Mello-Jurack

For the Executive Director

Date

09/07/2025

Date

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

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

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

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

John Brendon

Signature

6/11/2025

Date

JOHN BRENDON

Name (Printed or typed)
Authorized Representative of
Oxy Vinyls, LP

SR. VP OF MANUFACTURING

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: 2023-1226-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Oxy Vinyls, LP
Payable Penalty Amount:	\$25,000
SEP Offset Amount:	\$12,500
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>
Location of SEP: 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.