

**Executive Summary – Enforcement Matter – Case No. 64799
Motiva Enterprises LLC f/k/a Motiva Chemicals LLC
RN100217389
Docket No. 2023-1304-AIR-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Motiva Enterprises Port Arthur Chemicals, 4241 Savannah Avenue, Port Arthur, Jefferson County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2023-1303-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 5, 2024

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: Southeast Texas Regional Planning Commission (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 13, 2022 through June 23, 2023

Date(s) of NOE(s): June 30, 2023

**Executive Summary – Enforcement Matter – Case No. 64799
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RN100217389
Docket No. 2023-1304-AIR-E**

Violation Information

Failed to prevent unauthorized emissions. Specifically, the Respondent released 7,395.00 pounds ("lbs") of carbon monoxide, 1,022.63 lbs of nitrogen oxides, and 11,350.70 lbs of volatile organic compounds from the Light Olefins Unit Elevated Flare, Emissions Point Number LOUFLARE, during an emissions event (Incident No. 388341) that began on September 29, 2022 and lasted 25 hours and five minutes [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), Flexible Permit Nos. 16989 and PSDTX794, Special Conditions No. 1, Federal Operating Permit No. O1317, 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:

By April 22, 2024, the Respondent added 55-gallon drums to be used as supplemental Diesel Exhaust Fluid tanks to the two portable diesel air compressors at the Air Systems Unit and implemented an Operator round that is specific to the portable diesel air compressors in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 388341.

Technical Requirements:

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Caleb Martin, Enforcement Division, Enforcement Team 2, MC R-12, (512) 239-2091; 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: Southeast Texas Regional Planning Commission, Transportation & Environmental Resources, 2210 Eastex Freeway, Beaumont, Texas 77703

Respondent: Jody M. Moffett, Executive Vice President and General Manager, Motiva Enterprises LLC f/k/a Motiva Chemicals LLC, Post Office Box 712, Port Arthur, Texas 77641-0712

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	13-Sep-2023			
	PCW	24-May-2024	Screening	13-Sep-2023	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Motiva Enterprises LLC f/k/a Motiva Chemicals LLC
Reg. Ent. Ref. No.	RN100217389
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION				
Enf./Case ID No.	64799	No. of Violations	1	
Docket No.	2023-1304-AIR-E	Order Type	1660	
Media Program(s)	Air	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Caleb Martin	
		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	\$12,500
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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.

Compliance History	100.0%	Adjustment	Subtotals 2, 3, & 7	\$12,500
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Notes: Enhancement for one NOV with the same or similar violations and seven agreed orders containing a denial of liability. Reduction for two Notices of Intent to conduct an audit and one Disclosure of Violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$391
 Estimated Cost of Compliance: \$5,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$25,000
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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	\$25,000
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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 for orders in which the Respondent has two or more prior administrative penalty orders as set out in Tex. Water Code § 7.105(b)(2), (b)(4), and (b)(6).

PAYABLE PENALTY	\$25,000
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Screening Date 13-Sep-2023

Docket No. 2023-1304-AIR-E

PCW

Respondent Motiva Enterprises LLC f/k/a Motiva Chemicals LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 64799

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100217389

Media Air

Enf. Coordinator Caleb Martin

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>)	7	140%
	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>)	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) 141%

>> 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 the same or similar violations and seven agreed orders containing a denial of liability. Reduction for two Notices of Intent to conduct an audit and one Disclosure of Violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 141%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 13-Sep-2023 **Docket No.** 2023-1304-AIR-E **PCW**
Respondent Motiva Enterprises LLC f/k/a Motiva Chemicals LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 64799 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100217389
Media Air
Enf. Coordinator Caleb Martin

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.715(a), and 122.143(4), Flexible Permit Nos. 16989 and PSDTX794, Special Conditions No. 1, Federal Operating Permit No. O1317, 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 released 7,395.00 pounds ("lbs") of carbon monoxide, 1,022.63 lbs of nitrogen oxides, and 11,350.70 lbs of volatile organic compounds from the Light Olefins Unit Elevated Flare, Emissions Point Number LOUFLARE, during an emissions event (Incident No. 388341) that began on September 29, 2022 and lasted 25 hours and five minutes.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One weekly event is recommended.

Good Faith Efforts to Comply

Reduction

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

Notes

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Motiva Enterprises LLC f/k/a Motiva Chemicals LLC
Case ID No. 64799
Reg. Ent. Reference No. RN100217389
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	29-Sep-2022	22-Apr-2024	1.56	\$391	n/a	\$391

Notes for DELAYED costs

Estimated cost to add added 55-gallon drums to be used as supplemental Diesel Exhaust Fluid tanks to the two portable diesel air compressors at the Air Systems Unit and implemented an Operator round that is specific to the portable diesel air compressors in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 388341. The Date Required is the date the emissions event began and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$391

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 CN603743030, RN100217389, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN603743030, Motiva Enterprises LLC
f/k/a Motiva Chemicals LLC **Classification:** SATISFACTORY **Rating:** 5.27

Regulated Entity: RN100217389, MOTIVA ENTERPRISES
PORT ARTHUR CHEMICALS **Classification:** SATISFACTORY **Rating:** 7.47

Complexity Points: 24 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 4241 SAVANNAH AVENUE, PORT ARTHUR, JEFFERSON COUNTY, TEXAS

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER JE0135Q

AIR QUALITY NON PERMITTED ID NUMBER
ENV100217389

AIR NEW SOURCE PERMITS PERMIT 16989

AIR NEW SOURCE PERMITS REGISTRATION 55148

AIR NEW SOURCE PERMITS AFS NUM 4824500082

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX794

AIR NEW SOURCE PERMITS REGISTRATION 111992

AIR NEW SOURCE PERMITS PERMIT 140051

AIR NEW SOURCE PERMITS REGISTRATION 124103

AIR NEW SOURCE PERMITS REGISTRATION 150531

AIR NEW SOURCE PERMITS REGISTRATION 164263

AIR NEW SOURCE PERMITS REGISTRATION 164117

AIR NEW SOURCE PERMITS REGISTRATION 163951

AIR NEW SOURCE PERMITS REGISTRATION 150649

AIR NEW SOURCE PERMITS REGISTRATION 161300

AIR NEW SOURCE PERMITS REGISTRATION 161654

AIR NEW SOURCE PERMITS REGISTRATION 173548

AIR NEW SOURCE PERMITS REGISTRATION 172191

AIR NEW SOURCE PERMITS REGISTRATION 169831

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1564

AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX195

UNDERGROUND INJECTION CONTROL PERMIT

5X2500122

WASTEWATER EPA ID TX0105287

POLLUTION PREVENTION PLANNING ID NUMBER

P00678

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE

REGISTRATION # (SWR) 89230

TAX RELIEF ID NUMBER 19879

AIR OPERATING PERMITS PERMIT 1317

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1230093

AIR NEW SOURCE PERMITS ACCOUNT NUMBER
JE0135Q

AIR NEW SOURCE PERMITS REGISTRATION 169161

AIR NEW SOURCE PERMITS REGISTRATION 48586

AIR NEW SOURCE PERMITS REGISTRATION 112518

AIR NEW SOURCE PERMITS REGISTRATION 133863

AIR NEW SOURCE PERMITS REGISTRATION 118347

AIR NEW SOURCE PERMITS REGISTRATION 119835

AIR NEW SOURCE PERMITS REGISTRATION 164412

AIR NEW SOURCE PERMITS REGISTRATION 168490

AIR NEW SOURCE PERMITS REGISTRATION 165268

AIR NEW SOURCE PERMITS REGISTRATION 164053

AIR NEW SOURCE PERMITS REGISTRATION 156024

AIR NEW SOURCE PERMITS REGISTRATION 159717

AIR NEW SOURCE PERMITS REGISTRATION 158961

AIR NEW SOURCE PERMITS REGISTRATION 172293

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX794M1

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1624

AIR NEW SOURCE PERMITS PERMIT 156571

IHW CORRECTIVE ACTION SOLID WASTE

REGISTRATION # (SWR) 89230

WASTEWATER PERMIT WQ0003057000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER

JE0135Q

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TXR000080142

TAX RELIEF ID NUMBER 19657

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

Date Compliance History Report Prepared: February 05, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 06, 2019 to February 05, 2024

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

Name: Caleb Martin

Phone: (512) 239-2091

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? Opal Group, Inc. OPERATOR since 12/21/2009
Flint Hills Resources, LP OWNER OPERATOR since 10/15/2007
Motiva Chemicals LLC OWNER OPERATOR since 6/20/1996
CHAMPIONX LLC OWNER OPERATOR since 5/8/2014
Afton Chemical Additives Corporation OWNER OPERATOR since 7/19/2013
Huntsman Petrochemical Corporation OWNER OPERATOR since 7/19/2013
Koch Pipeline OWNER OPERATOR since 5/21/2013
Huntsman Petrochemical LLC OWNER OPERATOR since 3/7/2019
Motiva Enterprises LLC OWNER OPERATOR since 10/31/2022
- 4) Who was/were the prior owner(s)/operator(s)? Motiva Enterprises LLC, OWNER OPERATOR, 4/18/2019 to 12/12/2019

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

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

- 1 Effective Date: 02/12/2019 ADMINORDER 2018-0323-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 G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Special Term & Condition 24 OP
Description: Failure to prevent unauthorized emissions.
- 2 Effective Date: 01/21/2020 ADMINORDER 2018-1718-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 G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Special Term & Condition 24 OP
Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 4,181.70 pounds ("lbs") of carbon monoxide, 10,022.52 lbs of ethylene, and 578.97 lbs of nitrogen oxides from the Light Olefins Unit Elevated Flare, Emissions Point Number LOUFLARE, during an emissions event (Incident No. 290520) that began on August 19, 2018 and lasted eight hours and 30 minutes.
- 3 Effective Date: 08/18/2020 ADMINORDER 2019-1289-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 G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: PSD-TX-794, SPECIAL CONDITION 1 PERMIT
SPECIAL CONDITION 24 OP
Description: Failure to maintain an emission rate below the allowable emission limit.
A8 Mod 2D
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Special Condition 24 OP
Description: Failure to maintain an emission rate below the allowable emission limit.
A8, Mod 2B

- 4 Effective Date: 03/16/2021 ADMINORDER 2020-0790-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 G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: SPECIAL CONDITION 1 PERMIT
SPECIAL CONDITION 24 OP
Special Conditions No. 28.A OP
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 243.005 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 326444) that began on December 10, 2019 and lasted 36 hours and 48 minutes. The emissions event occurred due to the overfilling of Tank 33743 that caused a pressure relief valve to lift at the Light Olefins Unit, resulting in a spill and the release to the atmosphere.
- 5 Effective Date: 10/27/2021 ADMINORDER 2020-1275-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 G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GTC and STC No. 23 OP
SC No. 1 PERMIT
SPECIAL CONDITION 1 PERMIT
SPECIAL CONDITION 24 OP
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 2,090.74 lbs of CO, 5,754.08 lbs of VOC, and 274.99 lbs of NOx from the Light Olefins Unit Elevated Flare, EPN LOUFLARE, during an emissions event (Incident No. 335752) that occurred on May 19, 2020 and lasted two hours and 50 minutes.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GTC and STC No. 23 OP
SC No. 1 PERMIT
SPECIAL CONDITION 1 PERMIT
SPECIAL CONDITION 24 OP
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 8,227.59 lbs of CO, 14,361.69 lbs of VOC, 1,082.18 lbs of NOx, and 56.96 lbs of nitrogen dioxide from the Light Olefins Unit Elevated Flare, EPN LOUFLARE, during an emissions event (Incident No. 340127) that began on August 4, 2020 and lasted 64 hours and 10 minutes.
- 6 Effective Date: 05/17/2022 ADMINORDER 2021-0279-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 G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: SC No. 1 PERMIT
SPECIAL CONDITION 1 PERMIT
SPECIAL CONDITION 24 OP
Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 334.12 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 345332) that occurred on November 2, 2020 and lasted four hours and 15 minutes. The emissions event occurred when a relief valve on the chemical injection system was set at a lower pressure than one of the process injection points that caused the relief valve to relieve and allow condensate from the cracked g
- 7 Effective Date: 12/20/2022 ADMINORDER 2021-1461-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 G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
 Rqmt Prov: SPECIAL CONDITION 1 PERMIT
 SPECIAL CONDITION 24 OP
 Description: Failure to maintain an emission rate below the allowable emission limit.
 A12i6, Mod2d
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: SPECIAL CONDITION 1 PERMIT
 SPECIAL CONDITION 24 OP
 Description: Failure to maintain an emission rate below the allowable emission limit (Incident No. 366135).
 A12i6, Mod2d
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: SPECIAL CONDITION 1 PERMIT
 SPECIAL CONDITION 24 OP
 Description: Failure to maintain an emission rate below the allowable emission limit (Incident No. 368816).
 A12i6, Mod2d

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	February 15, 2019	(1564241)
Item 2	March 14, 2019	(1564242)
Item 3	March 15, 2019	(1552339)
Item 4	March 19, 2019	(1551840)
Item 5	April 22, 2019	(1573342)
Item 6	May 20, 2019	(1586291)
Item 7	June 18, 2019	(1586292)
Item 8	June 20, 2019	(1575492)
Item 9	July 15, 2019	(1594689)
Item 10	August 07, 2019	(1582073)
Item 11	August 16, 2019	(1582395)
Item 12	August 20, 2019	(1600989)
Item 13	September 20, 2019	(1607906)
Item 14	October 11, 2019	(1614771)
Item 15	October 22, 2019	(1602999)
Item 16	November 19, 2019	(1620560)
Item 17	December 19, 2019	(1627910)
Item 18	January 22, 2020	(1635536)
Item 19	January 30, 2020	(1617412)
Item 20	February 19, 2020	(1642153)
Item 21	March 09, 2020	(1633633)
Item 22	March 10, 2020	(1631169)
Item 23	March 23, 2020	(1648665)
Item 24	March 26, 2020	(1632683)
Item 25	April 15, 2020	(1633114)
Item 26	April 22, 2020	(1655020)
Item 27	April 24, 2020	(1644185)
Item 28	April 29, 2020	(1633113)
Item 29	May 18, 2020	(1661579)
Item 30	May 22, 2020	(1639251)
Item 31	May 29, 2020	(1645935)

Item 32	June 10, 2020	(1668113)
Item 33	June 25, 2020	(1652096)
Item 34	July 16, 2020	(1675060)
Item 35	August 13, 2020	(1663375)
Item 36	August 20, 2020	(1681828)
Item 37	September 21, 2020	(1688405)
Item 38	September 22, 2020	(1677493)
Item 40	October 21, 2020	(1671271)
Item 41	October 22, 2020	(1694766)
Item 42	October 23, 2020	(1672985)
Item 43	October 27, 2020	(1671409)
Item 44	November 10, 2020	(1716884)
Item 45	November 13, 2020	(1678620)
Item 46	November 24, 2020	(1679937)
Item 47	December 11, 2020	(1716885)
Item 49	January 14, 2021	(1716886)
Item 50	January 22, 2021	(1686002)
Item 51	January 25, 2021	(1699021)
Item 52	February 22, 2021	(1729964)
Item 53	March 22, 2021	(1729965)
Item 55	April 15, 2021	(1729966)
Item 56	April 16, 2021	(1685771)
Item 57	April 23, 2021	(1709156)
Item 58	May 10, 2021	(1706208)
Item 59	May 12, 2021	(1706080)
Item 60	May 13, 2021	(1742271)
Item 61	May 14, 2021	(1679452)
Item 62	May 27, 2021	(1706077)
Item 63	June 17, 2021	(1722030)
Item 64	June 24, 2021	(1735361)
Item 65	July 16, 2021	(1753166)
Item 66	August 10, 2021	(1758570)
Item 68	September 16, 2021	(1767864)
Item 69	September 23, 2021	(1746772)
Item 70	October 12, 2021	(1778426)
Item 71	October 31, 2021	(1762401)
Item 72	November 10, 2021	(1785097)
Item 73	November 17, 2021	(1773914)
Item 74	November 19, 2021	(1773783)
Item 76	December 15, 2021	(1792130)
Item 77	January 13, 2022	(1799979)
Item 78	February 08, 2022	(1771775)
Item 79	February 14, 2022	(1807811)
Item 80	February 24, 2022	(1789254)
Item 81	March 07, 2022	(1814854)
Item 82	March 25, 2022	(1795867)
Item 83	March 31, 2022	(1803510)
Item 84	April 13, 2022	(1821423)
Item 85	April 18, 2022	(1809758)
Item 86	May 16, 2022	(1830320)
Item 87	June 15, 2022	(1836570)
Item 88	June 21, 2022	(1823747)
Item 89	July 14, 2022	(1843755)
Item 90	July 18, 2022	(1825715)
Item 91	August 08, 2022	(1832528)
Item 92	August 15, 2022	(1849916)
Item 93	September 13, 2022	(1857687)
Item 94	September 19, 2022	(1825736)
Item 95	September 30, 2022	(1798187)
Item 96	October 10, 2022	(1841022)
Item 97	October 13, 2022	(1864040)

Item 99	November 18, 2022	(1870949)
Item 100	December 05, 2022	(1859984)
Item 101	December 13, 2022	(1876806)
Item 102	January 13, 2023	(1866568)
Item 103	January 18, 2023	(1883617)
Item 104	January 19, 2023	(1869383)
Item 105	January 24, 2023	(1845902)
Item 106	February 10, 2023	(1891430)
Item 107	March 13, 2023	(1900003)
Item 108	March 20, 2023	(1881578)
Item 109	April 05, 2023	(1886080)
Item 110	April 12, 2023	(1887070)
Item 111	April 18, 2023	(1906803)
Item 112	May 15, 2023	(1913956)
Item 113	June 09, 2023	(1845906)
Item 114	June 16, 2023	(1920564)
Item 115	June 28, 2023	(1855515)
Item 116	July 14, 2023	(1927550)
Item 117	August 10, 2023	(1934491)
Item 118	September 18, 2023	(1940668)
Item 119	September 19, 2023	(1930045)
Item 120	October 06, 2023	(1931178)
Item 121	October 18, 2023	(1947470)
Item 122	November 07, 2023	(1932007)
Item 123	November 14, 2023	(1953155)
Item 124	January 03, 2024	(1945476)
Item 125	January 23, 2024	(1789675)
Item 126	January 30, 2024	(1881630)

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:	03/03/2023	(1868577)		
	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 115, SubChapter D 115.354(11) 30 TAC Chapter 115, SubChapter D 115.354(2) 30 TAC Chapter 115, SubChapter D 115.356(2) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(c) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)(i) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1025(b) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1027(b)(3)(i) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(e)(3) 5C THSC Chapter 382 382.085(b) GENERAL TERMS & CONDITIONS OP SPECIAL CONDITION 15F PERMIT SPECIAL CONDITION 16F PERMIT SPECIAL CONDITION 1A OP Special Condition 23 OP SPECIAL CONDITION 27 OP SPECIAL CONDITION 8 PERMIT			
	Description:	Failure to monitor Leak Detection and Repair (LDAR) components.			
	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 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1030(b) 5C THSC Chapter 382 382.085(b) GENERAL TERMS AND CONDITIONS OP SPECIAL CONDITION 1A OP			

SPECIAL CONDITION 23 OP
 SPECIAL CONDITION 27 OP
 SPECIAL CONDITION 8 PERMIT
 Description: Failure to operate a component with an instrument reading of less than 500 parts per million (ppm).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 116, SubChapter F 116.615(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 GENERAL TERMS AND CONDITIONS OP
 SPECIAL CONDITION 1A OP
 SPECIAL CONDITION 23 OP
 SPECIAL CONDITION 4(B)(ii) PERMIT
 SPECIAL CONDITION 4(B)(v) PERMIT
 SPECIAL CONDITION 4(B)(vi) PERMIT

Description: Failure to maintain the ammonia emission limit for LOU Standby Boiler.
 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 111, SubChapter A 111.111(a)(4)(A)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
 5C THSC Chapter 382 382.085(b)
 GENERAL TERMS AND CONDITIONS OP
 SPECIAL CONDITION 11(C) PERMIT
 SPECIAL CONDITION 1A OP
 SPECIAL CONDITION 23 OP
 SPECIAL CONDITION 27 OP
 SPECIAL CONDITION 6 PERMIT
 SPECIAL CONDITION 8 PERMIT

Description: Failure to prevent a smoking flare.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 GENERAL TERMS & CONDITIONS OP
 SPECIAL CONDITION 1A OP
 SPECIAL CONDITION 23 IHWPERMTCP
 SPECIAL CONDITION 27 OP
 SPECIAL CONDITION 38(A)(1) PERMIT
 SPECIAL CONDITION 42(C)(3) PERMIT

Description: Failure to document volatile organic compounds (VOC) exhaust concentration in accordance to permit.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter B 117.105(f)(1)
 30 TAC Chapter 117, SubChapter B 117.110(c)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 GENERAL TERMS AND CONDITIONS OP
 SPECIAL CONDITION 1A OP
 SPECIAL CONDITION 4(B)(v) PERMIT

Description: Failure to maintain carbon monoxide (CO) emissions below permitted limits.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.144(3)(F)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)
 5C THSC Chapter 382 382.085(b)
 GENERAL TERMS AND CONDITIONS OP
 SPECIAL CONDITION 1A OP
 SPECIAL CONDITION 23 OP
 SPECIAL CONDITION 27 OP
 SPECIAL CONDITION 7 PERMIT

Description: Failure to accurately record process parameters for the treatment process or wastewater treatment system unit.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 116, SubChapter G 116.715(a)
 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 CONDITION 11(A) PERMIT
 SPECIAL CONDITION 1A OP
 SPECIAL CONDITION 23 OP
 SPECIAL CONDITION 27 OP
 SPECIAL CONDITION 6 PERMIT
 SPECIAL CONDITION 8 PERMIT

Description: Failure to maintain the flare's net heating value at or above 300 British thermal units per standard cubic foot (Btu/scf) (AUFLARE).
 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 61, SubChapter C, PT 61, SubPT FF 61.354(d)
 5C THSC Chapter 382 382.085(b)
 GENERAL TERMS AND CONDITIONS OP
 SPECIAL CONDITION 1A OP
 SPECIAL CONDITION 46(A)(2) PERMIT
 SPECIAL CONDITION 46(A)(4) PERMIT

Description: Failure to conduct carbon monitoring.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 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 CONDITION 11(A) PERMIT
 SPECIAL CONDITION 1A OP
 SPECIAL CONDITION 23 OP
 SPECIAL CONDITION 27 OP
 SPECIAL CONDITION 6 PERMIT
 SPECIAL CONDITION 8 PERMIT

Description: Failure to maintain the flare's net heating value at or above 300 British thermal units per standard cubic foot (Btu/scf) (LOUFLARE).
 Self Report? NO Classification: Moderate
 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 all deviations.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 GENERAL TERMS & CONDITIONS OP
 SPECIAL CONDITION 1A OP
 SPECIAL CONDITION 23 OP
 SPECIAL CONDITION 27 OP
 SPECIAL CONDITION 38A PERMIT

Description: Failure to conduct monitoring within 15 days.
 Self Report? NO Classification: Moderate
 Citation: GENERAL TERMS AND CONDITIONS OP
 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1019(d)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(b)(5)
 5C THSC Chapter 382 382.085(b)
 SPECIAL CONDITION 1A OP

Description: Failure to maintain records.
 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 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(e)(3)
 5C THSC Chapter 382 382.085(b)
 GENERAL TERMS AND CONDITIONS OP
 SPECIAL CONDITION 15(E) PERMIT
 SPECIAL CONDITION 16(E) PERMIT
 SPECIAL CONDITION 1A OP
 SPECIAL CONDITION 23 OP
 SPECIAL CONDITION 8 PERMIT
 Description: Failure to prevent open-ended lines (OELs).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348(a)(1)(i)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(7)(ii)
 5C THSC Chapter 382 382.085(b)
 GENERAL TERMS AND CONDITIONS OP
 SPECIAL CONDITION 23 OP
 SPECIAL CONDITION 27 OP
 SPECIAL CONDITION 7 PERMIT
 Description: Failure to maintain Waste Water Stripping Units operating limits for benzene.
 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 115, SubChapter D 115.354(11)
 30 TAC Chapter 115, SubChapter D 115.354(2)
 30 TAC Chapter 115, SubChapter D 115.356(2)
 30 TAC Chapter 116, SubChapter G 116.715(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(f)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023(e)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1024(c)
 5C THSC Chapter 382 382.085(b)
 GENERAL TERMS & CONDITIONS OP
 SPECIAL CONDITION 15F PERMIT
 SPECIAL CONDITION 16F PERMIT
 SPECIAL CONDITION 1A OP
 SPECIAL CONDITION 23 OP
 SPECIAL CONDITION 27 OP
 SPECIAL CONDITION 8 PERMIT
 Description: Failure to tag 11 LDAR components on Delay of Repair.

F. Environmental audits:

Notice of Intent Date: 07/17/2018 (1505541)

Disclosure Date: 03/25/2019

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT JJJJ 60.4245(c)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6645(c)

Description: Failed to submit the initial notifications for 37G-O100. Specifically, there was no record of a 30-day post construction notification required by 40 CFR § 60.4245(c) for 37G-O100 or of a 120-day post startup notification required by 40 CFR § 63.6645(c) (startup was March 21, 2016, so initial notification was due on April 20, 2016 and post construction notification was due on July 19, 2016).

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT JJJJ 60.4245(d)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(d)

Description: Failed to submit a 30-day pretest notification and 60-day performance test report for 37G-O100. Specifically, a performance test occurred on April 4, 2016 for 37G-O100 and no record was found that a 30-day pretest notification was submitted (the pretest notification was due on March 5, 2016 and the 60-day report was due on Jun 3, 2016).

Disclosure Date: 06/20/2019

Viol. Minor

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT IIII 60.4211(f)(2)(i)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6602

40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6655(c)

Description: Maintenance records are inconsistent, or not available, to validate that stationary RICEs were maintained according to FHRs owner maintenance plan.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6655(f)

Description: Hourly engine runtime records are not available or were not tracked for the following pumps. (EPNs: 30G-101, 33P-106, 33P-107, 34P-114A, 34P-114B, 33P-1 14S, 34P-1 18S, P-1, 34P-109A, 34P-109B, 34P-1Q9C, 34P-109D)

Viol. Minor

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.10(c)

Description: FHR has been utilizing 52 hours per pump as the maximum allowed maintenance hours instead of actual runtime, to calculate emissions from stationary pumps in the site's annual emission inventory.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT JJJJ 60.4243(b)

Description: The emergency backup generator (EPN: 37G-0100) was incorrectly permitted as an EPA certified engine. However, after reviewing the manufacturer's information the engine is not an EPA certified engine.

Notice of Intent Date: 02/21/2020 (1633650)

No DOV Associated

Notice of Intent Date: 05/17/2022 (1825836)

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
MOTIVA ENTERPRISES LLC F/K/A
MOTIVA CHEMICALS LLC
RN100217389

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2023-1304-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 Motiva Enterprises LLC f/k/a Motiva Chemicals 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 chemical manufacturing plant located at 4241 Savannah Avenue 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 \$25,000 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). 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 in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that by April 22, 2024, the Respondent added 55-gallon drums to be used as supplemental Diesel Exhaust Fluid tanks to the two portable diesel air compressors at the Air Systems Unit and implemented an Operator round that is specific to the portable diesel air compressors in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 388341.

II. ALLEGATIONS

During a record review for the Plant conducted from October 13, 2022 through June 23, 2023, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), Flexible Permit Nos. 16989 and PSDTX794, Special Conditions No. 1, Federal Operating Permit No. O1317, General Terms and Conditions and Special Terms and Conditions No. 23, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 7,395.00 pounds ("lbs") of carbon monoxide, 1,022.63 lbs of nitrogen oxides, and 11,350.70 lbs of volatile organic compounds from the Light Olefins Unit Elevated Flare, Emissions Point Number LOUFLARE, during an emissions event (Incident No. 388341) that began on September 29, 2022 and lasted 25 hours and five minutes.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Motiva Enterprises LLC f/k/a Motiva Chemicals LLC, Docket No. 2023-1304-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph 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. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

7/1/2024

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

6/11/2024

Date

Jody M. Moffitt

Name (Printed or typed)

Authorized Representative of

Motiva Enterprises LLC f/k/a Motiva Chemicals LLC

VP & GM Port Arthur

Title Manufacturing Complex

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: 2023-1304-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Motiva Enterprises LLC f/k/a Motiva Chemicals LLC
Payable Penalty Amount:	\$25,000
SEP Offset Amount:	\$12,500
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	<i>Southeast Texas Regional Air Monitoring Network</i>
Total Project Budget:	\$1,500,000
Location of SEP:	Jefferson and Orange 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 **Southeast Texas Regional Planning Commission**, as a Third-Party Administrator, for the *Southeast Texas Regional Air Monitoring Network* project (the “Project”). This Project involves air quality monitoring throughout Jefferson and Orange Counties, and specifically the Beaumont and Port Arthur area. The Third-Party Administrator operates nine air monitors in this area.

The Third-Party Administrator shall use the SEP Offset Amount to pay a contractor for monthly operation and maintenance of the sites, acquisition of all data from the monitors, processing and validating all data, monthly reporting of data, and performance of Quality Assurance Audits on all hardware systems. The air monitors will operate on a continuous basis, 24 hours per day, 365 days per year. The Third-Party Administrator shall ensure that the data is validated and sent to TCEQ’s Leading Environmental Analysis and Display System (“LEADS”) in a format acceptable to TCEQ. The Project will be done in accordance with all federal, state, and local environmental laws and regulations. The contribution will be used in accordance with the Supplemental Environmental Project between the Third-Party Administrator and the TCEQ.

All dollars contributed will be used solely for the direct cost of implementing the Project, including for 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 solely to settle this enforcement action. Respondent shall not profit in any manner from this SEP.

B. Environmental Benefit

The Project will provide environmental benefits to the Beaumont and Port Arthur area by providing measurements of concentrations of certain air pollutants and an evaluation of those air pollutants. Continued air monitoring in this area will help with better understanding air quality pollutants and will enable better identification of emissions sources. The data will focus

on specific chemicals that may raise air quality concerns. The information obtained from this network will provide the area's community with more knowledge of the types and quantities of pollutants emitted from the industries in this area. In addition, data obtained from the monitoring sites and made available to the public may be used by TCEQ and EPA.

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 Southeast Texas Regional Planning Commission SEP and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission
Attention: Director
Transportation & Environmental Resources
2210 Eastex Freeway
Beaumont, Texas 77703

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.