

**Executive Summary – Enforcement Matter – Case No. 64796
The Lubrizol Corporation
RN100221589
Docket No. 2023-1306-AIR-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Lubrizol Deer Park, 41 Tidal Road, Deer Park, Harris County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 26, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,125

Amount Deferred for Expedited Settlement: \$2,625

Total Paid to General Revenue: \$5,250

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$5,250

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

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 24, 2023 through August 29, 2023

Date(s) of NOE(s): August 31, 2023

**Executive Summary – Enforcement Matter – Case No. 64796
The Lubrizol Corporation
RN100221589
Docket No. 2023-1306-AIR-E**

Violation Information

Failed to prevent unauthorized emissions. Specifically, the Respondent released 316.00 pounds of chlorine as fugitive emissions, during an emissions event (Incident No. 393460) that occurred on January 9, 2023 and lasted 14 minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 22046, Special Conditions No. 1, Federal Operating Permit No. O1932, General Terms and Conditions and Special Terms and Conditions No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By March 21, 2023, the Respondent plugged the tell-tale assembly, conducted inspections of all other similar tell-tale assemblies in chlorine service, retrained employees on the safety change made to all tell-tale gauges in chlorine service, provided a guide to the maintenance and operators on the use of plugs in the gauges in chlorine service to prevent releases, and added procedural steps to prevent high pressure chlorine from reaching the gauge during maintenance activities in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 393460.

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: Krystina Sepulveda, Enforcement Division, Enforcement Team 2, MC R-15, (956) 430-6045; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

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

Respondent: Hector Acosta, Site Leader, The Lubrizol Corporation, 41 Tidal Road, Deer Park, Texas 77536-2439

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	5-Sep-2023	Screening	11-Sep-2023	EPA Due	
	PCW	4-Mar-2024				

RESPONDENT/FACILITY INFORMATION	
Respondent	The Lubrizol Corporation
Reg. Ent. Ref. No.	RN100221589
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	64796	No. of Violations	1
Docket No.	2023-1306-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Krystina Sepulveda
		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	\$7,500
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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	\$7,500
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Notes: Enhancement for 12 NOVs with same/similar violations, one NOV with dissimilar violations, three orders containing a denial of liability, and one final court judgment containing a denial of liability. Reduction for two notices of intent to conduct an audit, and two disclosures of violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,875
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$243
 Estimated Cost of Compliance: \$25,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$13,125
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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	\$13,125
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$13,125
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DEFERRAL	20.0% Reduction	Adjustment	-\$2,625
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$10,500
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Screening Date 11-Sep-2023

Docket No. 2023-1306-AIR-E

PCW

Respondent The Lubrizol Corporation

Policy Revision 5 (January 28, 2021)

Case ID No. 64796

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100221589

Media Air

Enf. Coordinator Krystina Sepulveda

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>)	12	60%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	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>)	1	30%
	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>)	2	-4%
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) 146%

>> 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 12 NOVs with same/similar violations, one NOV with dissimilar violations, three orders containing a denial of liability, and one final court judgment containing a denial of liability. Reduction for two notices of intent to conduct an audit, and two disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 146%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 11-Sep-2023 **Docket No.** 2023-1306-AIR-E **PCW**
Respondent The Lubrizol Corporation *Policy Revision 5 (January 28, 2021)*
Case ID No. 64796 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100221589
Media Air

Enf. Coordinator Krystina Sepulveda
Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit No. 22046, Special Conditions No. 1, Federal Operating Permit No. O1932, General Terms and Conditions and Special Terms and Conditions No. 12, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 316.00 pounds of chlorine as fugitive emissions, during an emissions event (Incident No. 393460) that occurred on January 9, 2023 and lasted 14 minutes.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that do no exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$1,875

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

Notes The Respondent completed the corrective measures by March 21, 2023, prior to the Notice of Enforcement dated August 31, 2023.

Violation Subtotal \$5,625

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

Estimated EB Amount \$243 **Violation Final Penalty Total** \$13,125

This violation Final Assessed Penalty (adjusted for limits) \$13,125

Economic Benefit Worksheet

Respondent The Lubrizol Corporation
Case ID No. 64796
Reg. Ent. Reference No. RN100221589
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)	\$25,000	9-Jan-2023	21-Mar-2023	0.19	\$243	n/a	\$243

Notes for DELAYED costs

Estimated cost to plug the tell-tale assembly, conduct inspections of all other similar tell-tale assemblies in chlorine service, retrain employees on the safety change made to all tell-tale gauges in chlorine service, provide a guide to the maintenance and operators on the use of plugs in the gauges in chlorine service to prevent releases and add procedural steps to prevent high pressure chlorine from reaching the gauge during maintenance activities in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 393460. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

TOTAL

\$243



Compliance History Report

Compliance History Report for CN600269617, RN100221589, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN600269617, The Lubrizol Corporation **Classification:** SATISFACTORY **Rating:** 5.97

Regulated Entity: RN100221589, LUBRIZOL DEER PARK **Classification:** SATISFACTORY **Rating:** 10.72

Complexity Points: 56 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 41 Tidal Road, Deer Park, Harris County, Texas 77536-2439

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0459J
AIR OPERATING PERMITS PERMIT 1931
AIR OPERATING PERMITS PERMIT 1935
AIR OPERATING PERMITS PERMIT 1581
AIR OPERATING PERMITS PERMIT 1932
AIR OPERATING PERMITS PERMIT 4037

AIR NEW SOURCE PERMITS PERMIT 669
AIR NEW SOURCE PERMITS REGISTRATION 5847
AIR NEW SOURCE PERMITS REGISTRATION 10807
AIR NEW SOURCE PERMITS PERMIT 19804
AIR NEW SOURCE PERMITS PERMIT 22046
AIR NEW SOURCE PERMITS PERMIT 22056
AIR NEW SOURCE PERMITS PERMIT 22095
AIR NEW SOURCE PERMITS REGISTRATION 49758
AIR NEW SOURCE PERMITS REGISTRATION 142632
AIR NEW SOURCE PERMITS REGISTRATION 143763
AIR NEW SOURCE PERMITS REGISTRATION 74835
AIR NEW SOURCE PERMITS REGISTRATION 96850
AIR NEW SOURCE PERMITS REGISTRATION 100728
AIR NEW SOURCE PERMITS REGISTRATION 103671
AIR NEW SOURCE PERMITS REGISTRATION 103656
AIR NEW SOURCE PERMITS REGISTRATION 109093
AIR NEW SOURCE PERMITS REGISTRATION 105115
AIR NEW SOURCE PERMITS REGISTRATION 119821
AIR NEW SOURCE PERMITS REGISTRATION 113086
AIR NEW SOURCE PERMITS REGISTRATION 131877
AIR NEW SOURCE PERMITS REGISTRATION 122494
AIR NEW SOURCE PERMITS REGISTRATION 126117
AIR NEW SOURCE PERMITS REGISTRATION 162967
AIR NEW SOURCE PERMITS PERMIT AMOC192
AIR NEW SOURCE PERMITS REGISTRATION 167674
AIR NEW SOURCE PERMITS REGISTRATION 169107
AIR NEW SOURCE PERMITS REGISTRATION 162907
AIR NEW SOURCE PERMITS REGISTRATION 143321
AIR NEW SOURCE PERMITS REGISTRATION 141674
AIR NEW SOURCE PERMITS REGISTRATION 141812
AIR NEW SOURCE PERMITS REGISTRATION 158828
AIR NEW SOURCE PERMITS REGISTRATION 159943
AIR NEW SOURCE PERMITS REGISTRATION 172348

AIR OPERATING PERMITS PERMIT 1930
AIR OPERATING PERMITS PERMIT 1933
AIR OPERATING PERMITS PERMIT 2191
AIR OPERATING PERMITS PERMIT 1929
AIR OPERATING PERMITS PERMIT 1934
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1011526
AIR NEW SOURCE PERMITS REGISTRATION 2757
AIR NEW SOURCE PERMITS REGISTRATION 7577
AIR NEW SOURCE PERMITS REGISTRATION 14714
AIR NEW SOURCE PERMITS PERMIT 21933
AIR NEW SOURCE PERMITS PERMIT 22048
AIR NEW SOURCE PERMITS PERMIT 22059
AIR NEW SOURCE PERMITS REGISTRATION 38145
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0459J
AIR NEW SOURCE PERMITS AFS NUM 4820100109
AIR NEW SOURCE PERMITS PERMIT 71546
AIR NEW SOURCE PERMITS REGISTRATION 47016
AIR NEW SOURCE PERMITS REGISTRATION 100611
AIR NEW SOURCE PERMITS REGISTRATION 102471
AIR NEW SOURCE PERMITS REGISTRATION 105124
AIR NEW SOURCE PERMITS REGISTRATION 103473
AIR NEW SOURCE PERMITS PERMIT 141260
AIR NEW SOURCE PERMITS REGISTRATION 107272
AIR NEW SOURCE PERMITS REGISTRATION 114750
AIR NEW SOURCE PERMITS REGISTRATION 105118
AIR NEW SOURCE PERMITS REGISTRATION 129343
AIR NEW SOURCE PERMITS REGISTRATION 133951
AIR NEW SOURCE PERMITS REGISTRATION 155131
AIR NEW SOURCE PERMITS REGISTRATION 168782
AIR NEW SOURCE PERMITS REGISTRATION 167458
AIR NEW SOURCE PERMITS REGISTRATION 169785
AIR NEW SOURCE PERMITS REGISTRATION 164205
AIR NEW SOURCE PERMITS REGISTRATION 166824
AIR NEW SOURCE PERMITS REGISTRATION 145681
AIR NEW SOURCE PERMITS REGISTRATION 151352
AIR NEW SOURCE PERMITS REGISTRATION 150134
AIR NEW SOURCE PERMITS REGISTRATION 159381
AIR NEW SOURCE PERMITS REGISTRATION 160618
AIR NEW SOURCE PERMITS REGISTRATION 171233

AIR NEW SOURCE PERMITS REGISTRATION 172285
WASTEWATER PERMIT WQ0000639000
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0459J

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50077

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD041067638

TAX RELIEF ID NUMBER 20111
TAX RELIEF ID NUMBER 19822
TAX RELIEF ID NUMBER 17817
TAX RELIEF ID NUMBER 17814
TAX RELIEF ID NUMBER 19850
TAX RELIEF ID NUMBER 20108
TAX RELIEF ID NUMBER 20102
TAX RELIEF ID NUMBER 20601
TAX RELIEF ID NUMBER 23300
TAX RELIEF ID NUMBER 23306
TAX RELIEF ID NUMBER 24460
TAX RELIEF ID NUMBER 23308
TAX RELIEF ID NUMBER 23973
TAX RELIEF ID NUMBER 17818
TAX RELIEF ID NUMBER 19843
TAX RELIEF ID NUMBER 17164
TAX RELIEF ID NUMBER 17808
TAX RELIEF ID NUMBER 19831
TAX RELIEF ID NUMBER 17820
TAX RELIEF ID NUMBER 19853
TAX RELIEF ID NUMBER 17827
TAX RELIEF ID NUMBER 17809
TAX RELIEF ID NUMBER 20612
TAX RELIEF ID NUMBER 20104
TAX RELIEF ID NUMBER 17824
TAX RELIEF ID NUMBER 20101
TAX RELIEF ID NUMBER 17815
TAX RELIEF ID NUMBER 19835
TAX RELIEF ID NUMBER 20609
TAX RELIEF ID NUMBER 19832
TAX RELIEF ID NUMBER 20112
TAX RELIEF ID NUMBER 20610
TAX RELIEF ID NUMBER 19841
TAX RELIEF ID NUMBER 23304
TAX RELIEF ID NUMBER 23239

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 30324

WASTEWATER EPA ID TX0007048

POLLUTION PREVENTION PLANNING ID NUMBER
P00401

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30324
TAX RELIEF ID NUMBER 20110

TAX RELIEF ID NUMBER 19830
TAX RELIEF ID NUMBER 17811
TAX RELIEF ID NUMBER 17825
TAX RELIEF ID NUMBER 17822
TAX RELIEF ID NUMBER 19829
TAX RELIEF ID NUMBER 19844
TAX RELIEF ID NUMBER 19845
TAX RELIEF ID NUMBER 23299
TAX RELIEF ID NUMBER 23305
TAX RELIEF ID NUMBER 23301
TAX RELIEF ID NUMBER 23307
TAX RELIEF ID NUMBER 23302
TAX RELIEF ID NUMBER 19848
TAX RELIEF ID NUMBER 17826
TAX RELIEF ID NUMBER 19826
TAX RELIEF ID NUMBER 20103
TAX RELIEF ID NUMBER 19823
TAX RELIEF ID NUMBER 19833
TAX RELIEF ID NUMBER 19851
TAX RELIEF ID NUMBER 17819
TAX RELIEF ID NUMBER 17812
TAX RELIEF ID NUMBER 19818
TAX RELIEF ID NUMBER 17810
TAX RELIEF ID NUMBER 17823
TAX RELIEF ID NUMBER 20600
TAX RELIEF ID NUMBER 20614
TAX RELIEF ID NUMBER 19828
TAX RELIEF ID NUMBER 19821
TAX RELIEF ID NUMBER 19827
TAX RELIEF ID NUMBER 20113
TAX RELIEF ID NUMBER 20615
TAX RELIEF ID NUMBER 20613
TAX RELIEF ID NUMBER 19842
TAX RELIEF ID NUMBER 23303

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

Date Compliance History Report Prepared: December 07, 2023

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 07, 2018 to December 07, 2023

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

Name: Karyn Olschesky

Phone: (817) 588-5896

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: 04/23/2019 ADMINORDER 2018-0684-PWS-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: TTHM LRAA MCL 1Q2018 - During the first quarter of 2018 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.096 mg/L at 41 Tidal Rd, Deerpark-156 Control Rm (DBP2-01); violated the maximum contaminant level for trihalomethanes with a LRAA of 0.086 mg/L at 41 Tidal Rd, Deerpark-Locker Room (DBP2-02).
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: TTHM LRAA MCL 4Q2017 - During the fourth quarter of 2017 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.088 mg/L at 41 Tidal Rd, Deerpark-156 Control Rm (DBP2-01).
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: APR/2015 GWR Triggered Source Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct triggered source monitoring for the month of 04/2015.
- 2 Effective Date: 08/16/2020 ADMINORDER 2019-0977-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(f)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Term and Condition 1A OP
Description: Failure to prevent the operation of a single flare in HRVOC service for more than 720 hours in any 12 consecutive months.
- 3 Effective Date: 05/04/2023 COURTORDER (Final Judgement-Agreed Order With Denial)
Classification: Moderate
Citation: 2A TWC Chapter 7, SubChapter D 7.101
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Caused, suffered, allowed, or permitted the emission of air contaminants. On April 13, 2020, an ammonia line suffered a brief pressure spike that lifted a pressure safety valve. After the pressure dropped, the safety valve failed to reseat, and 234 lbs. of ammonia leaked through the valve and were emitted through a plant flare, which had converted the ammonia into nitrous oxide and nitrous dioxide. The emissions from this emissions event were not only unauthorized but also exce
(Incident 333928)
Classification: Moderate
Citation: 2A TWC Chapter 7, SubChapter D 7.101
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Description: Caused, suffered, allowed, or permitted the emission of air contaminants. Lubrizol submitted a deviation report that documented a failure to prevent an exceedance of its permitted limits from February 2020 through December 2020. Over that period Lubrizol emitted two air contaminants, carbon monoxide and volatile organic compounds, from a plant flare at a rate that exceeded the permit's rolling-12-month maximum allowable emissions rate.
Classification: Moderate
Citation: 2A TWC Chapter 7, SubChapter D 7.101
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: Special Condition 6D PERMIT

Description: Failed to calibrate the flowmeter. Lubrizol failed to calibrate a flare's flowmeter in 2019 and in 2020.

Classification: Minor

Citation: 2A TWC Chapter 7, SubChapter D 7.101
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Description: Failure to report all instances of noncompliance. Lubrizol failed to report one instance of noncompliance in its August 25, 2020 deviation report, and it failed to report two instances of noncompliance in its February 24, 2021 deviation report.

Classification: Major

Citation: 2A TWC Chapter 7, SubChapter D 7.101
30 TAC Chapter 101, SubChapter A 101.4
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Conditions 1 PERMIT

Description: Caused, suffered, allowed, or permitted the unauthorized emissions of air contaminants and caused, suffered, allowed, or permitted a regulatory nuisance at the Facility. Between August 15, 2021, and August 19, 2021, 2,010.31 lbs. of air contaminants were emitted through the flare; and on at least August 15, 2021 and August 16, 2021, the air contaminants were emitted from the Facility in a sufficient concentration and for a sufficient duration to result in two cities issuing shelter-in-place order

Classification: Moderate

Citation: 2A TWC Chapter 7, SubChapter D 7.101
30 TAC Chapter 117, SubChapter B 117.310(c)(1)(B)
5C THSC Chapter 382 382.085(a)
5C THSC Chapter 382 382.085(b)

Description: Caused, suffered, allowed, or permitted the emission of an air contaminant that causes or contributes to air pollution and in violation of TCEQ rules. Lubrizol submitted deviation reports that documented a failure to prevent an exceedance of its permitted limits from June 2020 through February 2021. Over that period the concentration of carbon monoxide discharged through a plant heater intermittently exceeded, on a one-hour average, 400 parts per million on several occasions

Classification: Moderate

Citation: 2A TWC Chapter 7, SubChapter D 7.101
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: Special Condition 20(A) PERMIT

Description: Failure to perform 4-hour audio, visual, and olfactory inspections. Lubrizol submitted deviation reports that documented failures to perform 4-hour audio, visual, and olfactory inspections for various components in service at the Facility on several occasions. From April 2020 through March 2021, Lubrizol failed to perform the required 4-hour audio, visual, and olfactory inspections on several occasions.

Classification: Moderate

Citation: 2A TWC Chapter 7, SubChapter D 7.101
30 TAC Chapter 115, SubChapter D 115.354(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1028(c)(3)(i)
5C THSC Chapter 382 382.085(b)

Description: Failure to perform weekly audio, visual, and olfactory inspections. Lubrizol submitted deviation reports that documented failures to perform weekly audio, visual, and olfactory inspections for various components in service at the Facility on several occasions. From April 2020 through August 2020, Lubrizol failed to perform the required weekly inspections on several occasions.

4 Effective Date: 10/16/2023 ADMINORDER 2022-0191-IWD-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Eff Lim & Mon Req No. 1 PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	December 18, 2018	(1545252)
Item 2	February 28, 2019	(1517824)
Item 3	March 15, 2019	(1559730)
Item 4	April 18, 2019	(1571849)
Item 5	May 17, 2019	(1583308)
Item 6	June 19, 2019	(1583309)
Item 7	July 19, 2019	(1593162)
Item 8	August 20, 2019	(1533209)
Item 9	September 19, 2019	(1606413)
Item 10	December 20, 2019	(1626425)
Item 11	January 14, 2020	(1634066)
Item 12	February 20, 2020	(1640685)
Item 13	March 20, 2020	(1647205)
Item 14	March 30, 2020	(1637923)
Item 15	April 17, 2020	(1653541)
Item 16	May 18, 2020	(1660128)
Item 17	May 19, 2020	(1597724)
Item 18	July 15, 2020	(1673589)
Item 19	August 20, 2020	(1680365)
Item 20	September 16, 2020	(1686933)
Item 21	October 09, 2020	(1679712)
Item 22	October 17, 2020	(1693280)
Item 23	November 17, 2020	(1712530)
Item 24	February 17, 2021	(1725585)
Item 25	March 18, 2021	(1725586)
Item 26	April 12, 2021	(1725587)
Item 27	May 13, 2021	(1740094)
Item 28	June 16, 2021	(1740095)
Item 29	July 26, 2021	(1686215)
Item 30	August 02, 2021	(1739900)
Item 31	August 30, 2021	(1755762)
Item 32	September 09, 2021	(1685464)
Item 33	September 14, 2021	(1766273)
Item 34	October 12, 2021	(1684347)
Item 36	December 29, 2021	(1790671)
Item 37	January 19, 2022	(1798465)
Item 38	February 15, 2022	(1806339)
Item 39	March 14, 2022	(1813406)
Item 40	April 14, 2022	(1802126)
Item 41	April 19, 2022	(1819977)
Item 42	May 19, 2022	(1828816)
Item 43	June 15, 2022	(1835109)
Item 44	July 20, 2022	(1842313)
Item 45	August 16, 2022	(1848446)
Item 46	September 19, 2022	(1856244)
Item 48	October 17, 2022	(1862601)
Item 49	December 19, 2022	(1875364)
Item 50	December 22, 2022	(1859934)
Item 51	January 20, 2023	(1882185)
Item 52	February 16, 2023	(1890001)
Item 53	March 15, 2023	(1898560)
Item 54	March 31, 2023	(1874308)
Item 55	April 20, 2023	(1905348)
Item 56	May 19, 2023	(1912532)
Item 57	May 23, 2023	(1889227)
Item 58	June 23, 2023	(1896658)

Item 59	July 18, 2023	(1926099)
Item 60	August 18, 2023	(1933062)
Item 61	September 19, 2023	(1939199)
Item 62	October 05, 2023	(1898405)
Item 63	October 18, 2023	(1931191)
Item 64	November 15, 2023	(1943068)
Item 65	November 20, 2023	(1924800)

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: 01/03/2023 (1842116)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
 5C THSC Chapter 382 382.085(b)
 SC 23B PERMIT
 ST&C 1A OP
 ST&C 9 OP

Description: Failure to maintain a constant pilot flame for Flare 13. (Category C4)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-6a(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 18 E PERMIT
 Special Condition 19 E PERMIT
 ST&C 1A OP
 ST&C 9 OP

Description: Failure to equip open-ended lines with a cap, blind flange, plug or second valve. (Category C4)

- 2 Date: 01/25/2023 (1841284)

Self Report? NO Classification: Moderate

Citation: 1934 OP
 21933 PERMIT
 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-6a(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
 5C THSC Chapter 382 382.085(b)

Description: Failure to prevent open ended lines. (Category B18g6)

Self Report? NO Classification: Minor

Citation: 1934 OP
 21933 PERMIT
 30 TAC Chapter 115, SubChapter D 115.354(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-2a(a)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023(a)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(4)
 5C THSC Chapter 382 382.085(b)

Description: Failure to conduct the AVO inspection on a weekly basis. (Category C1)

- 3 Date: 02/10/2023 (1841286)

Self Report? NO Classification: Moderate

Citation: 1581 OP
 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)
 669 PERMIT

Description: Failure to collect and analyze sodium hydroxide samples for the scrubber S-53. (Category B1)

Self Report? NO Classification: Minor

Citation: 1581 OP

30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
669 PERMIT

Description: Failure to prevent open ended lines. (Category C10)

4

Date: 02/27/2023 (1841289)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
4037 OP

Description: Failure to conduct annual calibration of flow monitor at cooling tower EPN CT-17.
(Category B1)

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)
4037 OP
5C THSC Chapter 382 382.085(b)

Description: Failure to report all instances of deviations in the 10/01/2020 to 03/31/2021
semi-annual deviation report. (Category B3)

Self Report? NO Classification: Moderate

Citation: 141260 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
4037 OP
5C THSC Chapter 382 382.085(b)

Description: Failure to calibrate the oxygen and composition analyzers for the Thermal
Oxidizer. (Category B1)

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)
4037 OP
5C THSC Chapter 382 382.085(b)

Description: Failure to report all instances of deviations in the 04/01/2020 to 09/30/2020
semi-annual deviation report. (Category B3)

Self Report? NO Classification: Minor

Citation: 141260 PERMIT
30 TAC Chapter 115, SubChapter B 115.122(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
4037 OP
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain the pilot flame for the flare. (Category C4)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.663(a)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.663(b)(2)
4037 OP
5C THSC Chapter 382 382.085(b)

Description: Failure to conduct required monitoring and recordkeeping for the flow indication
of each individual gas stream. (Category B1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(a)
4037 OP
5C THSC Chapter 382 382.085(b)

Description: Failure to conduct initial performance testing for the flare within 180 days of initial
start-up. (Category B1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(a)
4037 OP
5C THSC Chapter 382 382.085(b)

Description: Failure to conduct initial performance testing for the flare within 180 days of initial
start-up. (Category B1)

Self Report? NO Classification: Moderate

Citation: 141260 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

4037 OP
5C THSC Chapter 382 382.085(b)
Description: Failure to conduct initial performance testing for the thermal oxidizer within 180 days of initial start-up. (Category B1)
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)
4037 OP
5C THSC Chapter 382 382.085(b)
Description: Failure to report all instances of deviations in the 10/01/2019 to 03/31/2020 semi-annual deviation report. (Category B3)

5 Date: 02/28/2023 (1841290)
Self Report? NO Classification: Moderate
Citation: 1931 OP
22095 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(i)(B)(ii)
5C THSC Chapter 382 382.085(b)
Description: Failure to maintain the net heating value for the flare (EPN15) above 300 Btu/scf. (Category B17)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)
5C THSC Chapter 382 382.085(b)
Description: Failure to submit a permit revision application for NSR Permit 22095 in a timely manner to reflect the daily operation of the scrubbers (EPNs: H-10 and H-11) (Category B17).
Self Report? NO Classification: Minor
Citation: 1931 OP
22095 PERMIT
30 TAC Chapter 115, SubChapter D 115.352(4)
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)
Description: Failure to prevent open ended lines. (Category C10)
Self Report? NO Classification: Moderate
Citation: 1931 OP
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Description: Failure to conduct quarterly visible emission (VE) observations of stationary vents (Category B1).

6 Date: 03/02/2023 (1866749)
Self Report? NO Classification: Minor
Citation: 1929 OP
19804 PERMIT
30 TAC Chapter 115, SubChapter D 115.352(4)
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)
Description: Failure to prevent open ended lines. (Category C10)
Self Report? NO Classification: Minor
Citation: 1929 OP
19804 PERMIT
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)
Description: Failure to conduct the weekly Wastewater Treatment Plant Audio Visual Olfactory (AVO) Inspection in the required timeframe. (Category C1)

7 Date: 03/03/2023 (1866750)
Self Report? NO Classification: Moderate
Citation: 1930 OP
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)
71546 PERMIT
Description: Failure to prevent the hourly pressure differential for the baghouse from exceeding the manufacturer's recommendations. (Category B18g1)
Self Report? NO Classification: Moderate
Citation: 1930 OP

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)
71546 PERMIT

Description: Failure to prevent visible emissions off the BA Baghouse. (Category B13)
Self Report? NO Classification: Minor
Citation:

30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-6a(a)(1)
5C THSC Chapter 382 382.085(b)
71546 PERMIT
Special Term & Condition 11 OP
Special Term & Condition 1A OP

Description: Failure to prevent open ended lines. (Category C10)
Self Report? NO Classification: Moderate
Citation:

1930 OP
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)
71546 PERMIT

Description: Failure to prevent visible emissions from the BOA Silo. (Category B13)
Self Report? NO Classification: Moderate
Citation:

1930 OP
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)
71546 PERMIT

Description: Failure to verify the presence of a pilot flame on the flare prior to operation. (Category B18g1)

Self Report? NO Classification: Moderate
Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(b)
5C THSC Chapter 382 382.085(b)
71546 PERMIT
Special Term & Condition 11 OP
Special Term & Condition 1A OP

Description: Failure to maintain the pilot flame of the flare. (Category B18g1)
Self Report? NO Classification: Moderate
Citation:

1930 OP
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)
71546 PERMIT

Description: Failure to prevent exceedances of the maximum fill rate for Tank EPN D-28. (Category B18g1)

8 Date: 03/03/2023 (1866759)

Self Report? NO Classification: Minor
Citation:

2191 OP
22048 PERMIT
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)

Description: Failure to maintain the hourly average flow rate for the scrubber (S-60) above the permitted limit. (Category C4)

9 Date: 05/19/2023 (1866753)

Self Report? NO Classification: Minor
Citation:

1935 OP
22056 PERMIT
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-6a(a)(1)
5C THSC Chapter 382 382.085(b)

Description: Failure to prevent open ended lines. (Category C10)
Self Report? NO Classification: Moderate
Citation:

1935 OP
22056 PERMIT
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)
 Description: Failure to prevent an exceedance of the CO and NOx MAER for the flare EPN POLY-FL-1. (Category B13)
 Self Report? NO Classification: Moderate
 Citation: 1935 OP
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
- 10 Description: Failure to conduct quarterly visible emission (VE) observations of stationary vents (Poly Flare (POLY-FL-1) and Poly Hot Oil Heater (POLY-H-1)). (Category B1)
 Date: 05/31/2023 (1919134)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
- 11 Date: 08/07/2023 (1903606)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-6a(a)(1)
 5C THSC Chapter 382 382.085(b)
 FOP, Special Term and Condition 13 OP
 FOP, Special Term and Condition 1A OP
 NSR, Special Condition 3E PERMIT
 Description: Failure to prevent an open-ended line (Category C10)
 Self Report? NO Classification: Minor
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-7a(c)(1)(i)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition 1A OP
 Description: Failure to conduct quarterly Leak Detection and Repair (LDAR) for unit ID 177-FUG (Category B1)
- 12 Date: 11/21/2023 (1925791)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 4E PERMIT
 Special Term and Condition 11 OP
 Special Term and Condition 1A OP
 Description: Failure to prevent open ended lines (EPN: BSL-FUG). (Category C10)
 Self Report? NO Classification: Minor
 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 probable cause and corrective actions for all instances of deviations (Category B3).
- 13 Date: 11/21/2023 (1925515)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Term & Condition 10 OP
 Description: Failure to maintain the hourly carbon monoxide (CO) emissions for Plant Boiler (EPN: BOILER #5) within permitted limits. (Category C4)

F. Environmental audits:

Disclosure Date: 03/29/2019
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter H 101.400(a)
 30 TAC Chapter 115, SubChapter H 115.725(d)
 30 TAC Chapter 115, SubChapter H 115.726(d)

30 TAC Chapter 115, SubChapter H 115.727(a)

Description: It appears that the 115.727(a) exemption for Flare FL-105 was previously improperly claimed as the exemption applies to the entire facility and not to a specific vent.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.780(a)

Description: Some units appear to have been excluded from 30 TAC 115 Subpart H fugitive emission requirements based on the units being inappropriately classified as non-SOCMI units.

Disclosure Date: 10/10/2019

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter H 101.400(a)

30 TAC Chapter 115, SubChapter H 115.725(a)

Description: The initial applicability determination identifying S-67 as exempt was found to be erroneous. Review during this audit determined S-67 to be applicable to HRVOC compliance testing and HECT reporting.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter H 101.400(a)

30 TAC Chapter 115, SubChapter H 115.725

Description: When three new reactor systems were put into service, process information was not updated in the compliance tool used for HRVOC compliance tracking. During the audit, the tool was updated revealing an exceedance of HRVOC process limits set by the 2008 HRVOC compliance stack test. This resulted in missed and inaccurate recordkeeping and reporting. The implications to permitting and HECT reporting has not yet been determined.

Notice of Intent Date: 11/29/2018 (1532920)

Disclosure Date: 03/29/2019

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11

Description: Approximately eight drums of lead sandblast hazardous waste were marked as D002 (corrosive), not D008 (lead) in SWMU 118 MMS Drums.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.17(a)

Description: Based on record review of 2018 weekly inspections, it appeared that hazardous waste was accumulated for more than 90 days (>91 - >94 days) on four occasions

Viol. Classification: Minor

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.17(a)

Rqmt Prov: PERMIT Permit conditions

Description: It appeared that documentation of all required personnel training requirements was not available.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352

Description: During applicability review, some units were excluded from 30 TAC 115 Subchapter D fugitive emission requirements based on the units being inappropriately classified. This resulted in missed monitoring, recordkeeping and reporting.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.355(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023(b)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480

Description: Comparative and shadow monitoring identified instances where Method 21 was not fully implemented.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354

30 TAC Chapter 115, SubChapter H 115.781(b)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023

40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480

Description: There are components in VOC, HAP and/or HRVOC service that missed scheduled monitoring and resulted in inaccurate reporting..

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354

30 TAC Chapter 115, SubChapter H 115.781(b)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023

40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480

Description: There are components in Gas/Vapor or Light Liquid VOC and/or HRVOC service that were not identified as required.

Viol. Classification: Moderate

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

30 TAC Chapter 115, SubChapter H 115.783(5)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(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 FFFF 63.2480

Description: Open-ended lines were observed during field walkthroughs. A site-wide program review identified areas where open-ended line standards were not controlled as required. This assessment determined open-ended lines were associated with sampling activities that may also be present in other areas.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(F)
30 TAC Chapter 115, SubChapter H 115.786(e)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480

Description: Instances of missed AVO inspections and inadequate documentation of weekly pump visual inspections were identified.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 10F
PERMIT SC 14F
PERMIT SC 15F
PERMIT SC 16F
PERMIT SC 19F
PERMIT SC 4F

Description: Evidence exists that current directed maintenance monitoring practices are not robust.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(7)
30 TAC Chapter 115, SubChapter D 115.354(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(g)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(3)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(f)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(f)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480

Description: Instances of inappropriately classified DTM / UTM valves and insufficient DTM / UTM justifications were identified.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.356(3)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(g)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(3)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(f)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(f)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480

Description: The facility does not have DTM and UTM monitoring plans as required.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)

Description: Evaluations are not currently made for units covered by NSPS Subpart VV to confirm that less than 3% of the valves are classified as DTM. An analysis of the 3% DTM valve evaluation was performed on newly constructed units subject to NSPS VV. The Poly and 121 units were both found to have greater than 3% valves designated as DTM.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 115, SubChapter H 115.782(b)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1024
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480

Description: Instances of missed or late repair attempts were identified.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)(B)
30 TAC Chapter 115, SubChapter H 115.782(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-9
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(c)(2)(i)(B)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480

Description: Found evidence that the current Delay of Repair program is not fully effective

Viol. Classification: Minor

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

30 TAC Chapter 115, SubChapter H 115.783

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-5(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1032(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480

Description: Evidence exists that LDAR design evaluations may not consistently identify potentially open-ended lines on sampling and filtering equipment. Evidence also exists that LDAR design evaluations do not verify that rotating equipment is installed with the low leak design required by fugitive emissions special conditions.

Disclosure Date: 09/13/2019

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(p)(2)

Description: Documentation could not be located that the executive director was provided with a list of operators on an annual basis.

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)

30 TAC Chapter 290, SubChapter D 290.46(m)(1)

Description: Documentation could not be located that each of the system's ground and pressure tanks were Inspected annually.

Disclosure Date: 05/02/2020

Viol. Classification: Minor

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

Rqmt Prov: PERMIT SC 13

Description: Documentation is not available to confirm that the permit represented H2S control efficiency is achieved during the scrubber solution change out periods. This may have resulted in additional emissions and missed reporting of H2S and SO2 from incinerator FI-01 and flare FL-177 outlets during those times.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.480a

Description: Evaluations for NSPS VVa triggers were not in place to determine applicability for units that had construction, modification, or reconstruction after Nov.7, 2006. If the data had been available to determine applicability and any units were determined to be applicable to this rule it would have potentially resulted in missed reporting, missed monitoring, and noncompliance with sample station standards.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.480

Description: Evaluations for NSPS VV triggers were not in place to identify all applicable units that were constructed, modified or reconstructed after 1/1/81 and on or before 11/7/06 due to the units being defined at the time as non-SOCMI facilities. If the data had been available to determine applicability, it would have potentially resulted in missed reporting, missed monitoring, and noncompliance with sample station standards.

Notice of Intent Date: 08/15/2023 (1922950)

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
THE LUBRIZOL CORPORATION
RN100221589

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2023-1306-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 The Lubrizol Corporation (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 41 Tidal Road in Deer Park, Harris County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$13,125 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$5,250 of the penalty and \$2,625 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$5,250 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that by March 21, 2023, the Respondent plugged the tell-tale assembly, conducted inspections of all other similar tell-tale assemblies in chlorine service, retrained employees on the safety change made to all tell-tale gauges in chlorine service, provided a guide to the maintenance and operators on the use of plugs in the gauges in chlorine service to prevent releases, and added procedural steps to prevent high pressure chlorine from reaching the gauge during maintenance activities in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 393460.

II. ALLEGATIONS

During a record review for the Plant conducted from January 24, 2023 through August 29, 2023, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 22046, Special Conditions No. 1, Federal Operating Permit No. O1932, General Terms and Conditions and Special Terms and Conditions No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 316.00 pounds of chlorine as fugitive emissions, during an emissions event (Incident No. 393460) that occurred on January 9, 2023 and lasted 14 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: The Lubrizol Corporation, Docket No. 2023-1306-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$5,250 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

5/3/2024

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

03/19/2024

Date

Hector Acosta

Name (Printed or typed)
Authorized Representative of
The Lubrizol Corporation

Site Leader

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: 2023-1306-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	The Lubrizol Corporation
Payable Penalty Amount:	\$10,500
SEP Offset Amount:	\$5,250
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston Regional Monitoring Corporation
Project Name:	<i>Houston Area Air Monitoring Project</i>
Location of SEP:	Harris County

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

1. Project Description

a. Project

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

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

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

b. Environmental Benefit

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

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

c. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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