

Executive Summary – Enforcement Matter – Case No. 64985
Monument Chemical Port Arthur, LLC
RN100640283
Docket No. 2023-1552-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

KMTEX, 2450 South Gulfway Drive, Port Arthur, Jefferson County

Type of Operation:

Custom chemical processing facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 21, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$9,075

Amount Deferred for Expedited Settlement: \$1,815

Total Paid to General Revenue: \$3,630

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$3,630

Name of SEP: Houston-Galveston Area Council-AERCO (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

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: August 28, 2023 through September 4, 2023

Date(s) of NOE(s): October 17, 2023

Executive Summary – Enforcement Matter – Case No. 64985
Monument Chemical Port Arthur, LLC
RN100640283
Docket No. 2023-1552-AIR-E

Violation Information

Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,441.80 pounds of volatile organic compounds from Tank 740, Emissions Point Number T-740, during an emissions event (Incident No. 400778) that began on April 16, 2023 and lasted 806 hours and 30 minutes [30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. 74398, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By June 12, 2023, the Respondent removed the slip blind that re-established the vent path to the Vapor Combustion Unit control device and revised the Plant's equipment lock-out-tag-out and process startup review procedures in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 400778.

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

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

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

Respondent: Ian Quinn, Site Leader, Monument Chemical Port Arthur, LLC, P.O. Box 1421, Port Arthur, Texas 77641-1421

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	23-Oct-2023	Screening	27-Oct-2023	EPA Due	
	PCW	17-May-2024				

RESPONDENT/FACILITY INFORMATION	
Respondent	Monument Chemical Port Arthur, LLC
Reg. Ent. Ref. No.	RN100640283
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	64985	No. of Violations	1
Docket No.	2023-1552-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Christina Ferrara
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$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.	
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Compliance History	46.0% Adjustment	Subtotals 2, 3, & 7	\$3,450
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Notes: Enhancement for one NOV with dissimilar violations, one order containing a denial of liability, and one order without a denial of liability. Reduction for one Notice of Intent to conduct an audit.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,875
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$23
 Estimated Cost of Compliance: \$3,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$9,075
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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: [Empty box]
Final Penalty Amount: \$9,075

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$9,075
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,815
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Reduces the Final Assessed Penalty by the indicated percentage.
 Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$7,260
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Screening Date 27-Oct-2023

Docket No. 2023-1552-AIR-E

PCW

Respondent Monument Chemical Port Arthur, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 64985

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100640283

Media Air

Enf. Coordinator Christina Ferrara

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 46%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations, one order containing a denial of liability, and one order without a denial of liability. Reduction for one Notice of Intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 46%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 46%

Screening Date 27-Oct-2023 **Docket No.** 2023-1552-AIR-E **PCW**
Respondent Monument Chemical Port Arthur, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 64985 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100640283
Media Air
Enf. Coordinator Christina Ferrara

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), New Source Review Permit No. 74398, Special Conditions No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,441.80 pounds of volatile organic compounds from Tank 740, Emissions Point Number T-740, during an emissions event (Incident No. 400778) that began on April 16, 2023 and lasted 806 hours and 30 minutes.

Base Penalty \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events: 2 34 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two monthly events are recommended.

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

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

Notes The Respondent completed the corrective measures by June 12, 2023, prior to the Notice of Enforcement dated October 17, 2023.

Violation Subtotal \$5,625

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

Estimated EB Amount \$23 **Violation Final Penalty Total** \$9,075

This violation Final Assessed Penalty (adjusted for limits) \$9,075

Economic Benefit Worksheet

Respondent Monument Chemical Port Arthur, LLC
Case ID No. 64985
Reg. Ent. Reference No. RN100640283
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)	\$3,000	16-Apr-2023	12-Jun-2023	0.16	\$23	n/a	\$23

Notes for DELAYED costs

Estimated cost to remove the slip blind that re-established the vent path to the Vapor Combustion Unit control device and revise the Plant's equipment lock-out-tag-out and process startup review procedures in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 400778. 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 \$3,000

TOTAL \$23

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 CN604105007, RN100640283, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN604105007, Monument Chemical Port Arthur, LLC **Classification:** SATISFACTORY **Rating:** 0.68

Regulated Entity: RN100640283, KMTEX **Classification:** SATISFACTORY **Rating:** 0.68

Complexity Points: 18 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 2450 SOUTH GULFWAY DRIVE, PORT ARTHUR, JEFFERSON COUNTY, TEXAS

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0318G

AIR NEW SOURCE PERMITS REGISTRATION 162779

AIR NEW SOURCE PERMITS REGISTRATION 160817

ON SITE SEWAGE FACILITY PERMIT 1230126

WASTEWATER PERMIT WQ0003544000

WASTEWATER PERMIT WQ0015321001

AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0318G

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD988076295

INDUSTRIAL AND HAZARDOUS WASTE OTS REQUEST 42615

AIR NEW SOURCE PERMITS PERMIT 74398

AIR NEW SOURCE PERMITS REGISTRATION 159266

AIR NEW SOURCE PERMITS AFS NUM 4824500720

STORMWATER PERMIT TXR05FH92

WASTEWATER EPA ID TX0116360

WASTEWATER EPA ID TX0136034

POLLUTION PREVENTION PLANNING ID NUMBER P01790

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 23491

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXP490355772

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

Date Compliance History Report Prepared: April 23, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 23, 2019 to April 23, 2024

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

Name: Christina Ferrara

Phone: (512) 239-5081

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period? YES

2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

1 Effective Date: 10/01/2019 ADMINORDER 2018-0388-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 21(F) PERMIT

Description: Failure to conduct a performance test within 180 days after initial startup of Boilers 3 and 4, Emission point Numbers (EPN's) B-3 and B-4, respectively.

Classification: Minor

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 21(H) PERMIT

Description: Failure to submit performance test results to the Texas Commission of Environmental Quality (TCEQ) Regional Office with jurisdiction within 60 days of the performance test.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT
Special Condition 17 PERMIT

Description: Failure to demonstrate compliance with emissions rates for Boiler 3, Emission Point Number (EPN) B-3.

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT
Special Condition 17 PERMIT

Description: Failure to demonstrate compliance with emissions rates for Boiler 4, Emission Point Number (EPN) B-4.

Classification: Moderate

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

Rqmt Prov: Terms and Conditions PERMIT

Description: Failure to submit performance test results to the Texas Commission of Environmental Quality (TCEQ) Regional Office with jurisdiction within 60 days of the performance test.

Classification: Moderate

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

Rqmt Prov: 74398 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

2 Effective Date: 12/21/2023 ADMINORDER 2021-1157-MWD-E (Findings Order-Agreed Order Without 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: Effluent Limits PERMIT

Description: Failed to comply with permitted effluent limitations for total suspended solids and Enterococci

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 20, 2019	(1586563)
Item 2	June 19, 2019	(1587983)
Item 3	July 15, 2019	(1594826)
Item 4	July 16, 2019	(1571246)
Item 5	July 17, 2019	(1571699)
Item 6	July 19, 2019	(1595633)
Item 7	August 07, 2019	(1582055)
Item 8	August 20, 2019	(1601125)
Item 9	September 18, 2019	(1608747)
Item 10	October 10, 2019	(1608038)
Item 11	October 16, 2019	(1615622)
Item 12	October 18, 2019	(1614905)
Item 13	November 20, 2019	(1620693)
Item 14	December 16, 2019	(1628764)
Item 15	January 20, 2020	(1636380)
Item 16	February 18, 2020	(1642287)
Item 17	March 18, 2020	(1648798)

Item 18	April 14, 2020	(1655151)
Item 19	June 16, 2020	(1668246)
Item 20	July 13, 2020	(1675192)
Item 21	July 15, 2020	(1675910)
Item 22	July 21, 2020	(1659079)
Item 23	August 13, 2020	(1681966)
Item 24	September 15, 2020	(1689248)
Item 25	September 29, 2020	(1682702)
Item 26	October 16, 2020	(1695612)
Item 27	November 02, 2020	(1684181)
Item 28	December 15, 2020	(1719432)
Item 29	January 13, 2021	(1719433)
Item 30	January 15, 2021	(1717282)
Item 31	February 18, 2021	(1730361)
Item 32	February 19, 2021	(1732513)
Item 33	March 19, 2021	(1730362)
Item 34	April 19, 2021	(1730363)
Item 35	May 20, 2021	(1742462)
Item 36	July 20, 2021	(1753297)
Item 37	August 16, 2021	(1759369)
Item 38	August 19, 2021	(1758698)
Item 39	September 15, 2021	(1768772)
Item 40	September 17, 2021	(1755688)
Item 41	September 20, 2021	(1768010)
Item 42	October 18, 2021	(1778561)
Item 43	October 19, 2021	(1779958)
Item 44	November 15, 2021	(1786011)
Item 45	November 19, 2021	(1785228)
Item 46	December 19, 2021	(1793002)
Item 47	December 20, 2021	(1792263)
Item 48	January 17, 2022	(1800823)
Item 49	January 19, 2022	(1800114)
Item 50	February 10, 2022	(1807944)
Item 51	March 18, 2022	(1815743)
Item 52	April 19, 2022	(1822326)
Item 53	April 20, 2022	(1821555)
Item 54	May 19, 2022	(1831160)
Item 55	June 08, 2022	(1819277)
Item 56	June 17, 2022	(1836702)
Item 57	August 12, 2022	(1850048)
Item 58	September 20, 2022	(1858562)
Item 59	October 19, 2022	(1864172)
Item 60	November 18, 2022	(1871081)
Item 61	December 19, 2022	(1876936)
Item 62	January 18, 2023	(1884474)
Item 63	January 19, 2023	(1883747)
Item 64	February 17, 2023	(1891560)
Item 65	March 17, 2023	(1900132)
Item 66	March 24, 2023	(1881681)
Item 67	March 31, 2023	(1894618)
Item 68	April 17, 2023	(1906934)
Item 69	May 15, 2023	(1914088)
Item 70	May 19, 2023	(1914792)
Item 71	May 23, 2023	(1897308)
Item 72	June 19, 2023	(1920695)
Item 73	July 13, 2023	(1927679)
Item 74	August 17, 2023	(1934622)
Item 75	September 15, 2023	(1940798)
Item 76	October 17, 2023	(1947599)
Item 77	November 17, 2023	(1953989)
Item 78	December 19, 2023	(1963071)

Item 79 January 17, 2024 (1969648)
Item 80 February 23, 2024 (1965381)

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: 10/31/2023 (1953287)
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

F. Environmental audits:

Notice of Intent Date: 11/30/2023 (1944462)
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
MONUMENT CHEMICAL PORT
ARTHUR, LLC
RN100640283

§
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§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2023-1552-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 Monument Chemical Port Arthur, 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 custom chemical processing facility located at 2450 South Gulfway Drive 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 \$9,075 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$3,630 of the penalty and \$1,815 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, \$3,630 of the penalty shall be conditionally offset by the Plant'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 Plant'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 June 12, 2023, the Respondent removed the slip blind that re-established the vent path to the Vapor Combustion Unit control device and revised the Plant's equipment lock-out-tag-out and process startup review procedures in order to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 400778.

II. ALLEGATIONS

During a record review for the Plant conducted from August 28, 2023 through September 4, 2023, an investigator documented that the Respondent failed to prevent unauthorized emissions in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. 74398, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 1,441.80 pounds of volatile organic compounds from Tank 740, Emissions Point Number T-740, during an emissions event (Incident No. 400778) that began on April 16, 2023 and lasted 806 hours and 30 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: Monument Chemical Port Arthur, LLC, Docket No. 2023-1552-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 \$3,630 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

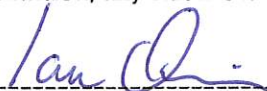
Date

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

5-22-2024

Date

IAN EDWINN

Name (Printed or typed)
Authorized Representative of
Monument Chemical Port Arthur, LLC

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: 2023-1552-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Monument Chemical Port Arthur, LLC
Payable Penalty Amount:	\$7,260
SEP Offset Amount:	\$3,630
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO
Project Name:	<i>Clean Vehicles Partnership Project</i>
Location of SEP: Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

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

1. Project Description

a. Project

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

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

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

Monument Chemical Port Arthur, LLC
Docket No. 2023-1552-AIR-E
Agreed Order - Attachment A

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

All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

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

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

b. Environmental Benefit

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

c. Minimum Expenditure

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

2. Performance Schedule

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

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

3. **Records and Reporting**

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

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

4. **Failure to Fully Perform**

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

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

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

5. **Publicity**

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

6. **Recognition**

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

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

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