

Executive Summary – Enforcement Matter – Case No. 64992

Nutrien US LLC

RN101865715

Docket No. 2023-1577-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Nutrien US, 9201 Farm Road 1551, Borger, Hutchinson 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: May 17, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$30,500

Total Paid to General Revenue: \$30,500

Total Due to General Revenue: \$0

Payment Plan: N/A

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: April 11, 2023 through August 2, 2023 and December 1, 2023

Date(s) of NOE(s): October 10, 2023 and December 8, 2023

Violation Information

Executive Summary – Enforcement Matter – Case No. 64992

Nutrien US LLC

RN101865715

Docket No. 2023-1577-AIR-E

1. Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not properly identify the release of 0.65 pound ("lb") of nitrogen oxides ("NOx") and 0.40 lb of ammonia ("NH3") from the Ammonia Emergency Flare, Emissions Point Number ("EPN") FL-1, and 244.17 lbs of NOx from the Reformer Furnace 101-B, EPN 2, on the final record for Incident No. 398163 [30 TEX. ADMIN. CODE §§ 101.201(b)(1)(G) and (H) and 122.143(4), Federal Operating Permit ("FOP") No. O1689, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 0.40 lb of NH3 and 0.32 lb of NOx from the Ammonia Emergency Flare, EPN FL-1, and 8,308.09 lbs of carbon monoxide from the Shift Converters, EPN SP-73, during an emissions event (Incident No. 398163) that began on March 30, 2023 and lasted 11 hours and 10 minutes [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 19778 and PSDTX1326, SC No. 1, FOP No. O1689, GTC and STC No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 216 lbs of NH3 from the Ammonia Emergency Flare, EPN FL-1, during an emissions event (Incident No. 408560) that began on August 20, 2023 and lasted 72 hours [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 19778 and PSDTX1326, SC No. 1, FOP No. O1689, GTC and STC No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On September 28, 2023, the Respondent provided the correct estimated total quantities for the compounds or mixtures from all emissions points for Incident No. 398163.

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Implement measures designed to ensure that all of the required information are identified on the final records for reportable emissions events;

ii. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 398163; and

iii. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 408560.

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Nutrien US LLC

RN101865715

Docket No. 2023-1577-AIR-E

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Trenton White, Enforcement Division, Enforcement Team 2, MC R-05, (903) 535-5155; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Charles Grant, Environmental & Lab Manager, Nutrien US LLC, 9201 Farm-to-Market Road 1551, Borger, Texas 79007

Bobby Franklin, General Manager, Nutrien US LLC, 9201 Farm-to-Market Road 1551, Borger, Texas 79007

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	16-Oct-2023		
	PCW	21-Feb-2024	Screening	26-Oct-2023
			EPA Due	

RESPONDENT/FACILITY INFORMATION				
Respondent	Nutrien US LLC			
Reg. Ent. Ref. No.	RN101865715			
Facility/Site Region	1-Amarillo	Major/Minor Source	Major	

CASE INFORMATION				
Enf./Case ID No.	64992	No. of Violations	3	
Docket No.	2023-1577-AIR-E	Order Type	1660	
Media Program(s)	Air	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Trenton White	
		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	\$15,250
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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	\$15,250
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Notes

Enhancement for two NOV's with same/similar violations, four orders containing a denial of liability, and Repeat Violator status. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,609
Estimated Cost of Compliance	\$21,750

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$30,500
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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	\$30,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$30,500
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral for orders in which the Respondent has two or more prior administrative penalty orders as set out in Tex. Water Code § 7.105(b)(2), (b)(4), and (b)(6).

PAYABLE PENALTY	\$30,500
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Screening Date

26-Oct-2023

Docket No.

2023-1577-AIR-E

PCW

Respondent

Nutrien US LLC

Case ID No.

64992

Reg. Ent. Reference No.

RN101865715

Media

Air

Enf. Coordinator

Trenton White

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)87%

>> Repeat Violator (Subtotal 3)

Yes

Adjustment Percentage (Subtotal 3)25%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7)0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same/similar violations, four orders containing a denial of liability, and Repeat Violator status. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)112%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

100%

Screening Date

26-Oct-2023

Docket No.

2023-1577-AIR-E

PCW

Respondent

Nutrien US LLC

Case ID No.

64992

Reg. Ent. Reference No.

RN101865715

Media

Air

Enf. Coordinator

Trenton White

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.201(b)(1)(G) and (H) and 122.143(4), Federal Operating Permit ("FOP") No. O1689, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 2.F, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not properly identify the release of 0.65 pound ("lb") of nitrogen oxides ("NOx") and 0.40 lb of ammonia ("NH3") from the Ammonia Emergency Flare, Emissions Point Number ("EPN") FL-1, and 244.17 lbs of nitrogen oxides ("NOx") from the Reformer Furnace 101-B, EPN 2, on the final record for Incident No. 398163.

Base Penalty

\$25,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

Percent

0.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

x

Percent

1.0%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment

\$24,750

\$250

Violation Events

Number of Violation Events

1

195

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

Notes

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

Violation Subtotal

\$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$129

Violation Final Penalty Total

\$500

This violation Final Assessed Penalty (adjusted for limits)

\$500

Economic Benefit Worksheet

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

Nutrien US LLC 64992 RN101865715 Air 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$1,500	14-Apr-2023	1-Dec-2024	1.64	\$123	n/a	\$123
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	14-Apr-2023	28-Sep-2023	0.46	\$6	n/a	\$6
Notes for DELAYED costs	Estimated costs to provide the correct estimated total quantities for the compounds or mixtures from all emission points for Incident No. 398163 (\$250) and to implement measures designed to ensure that all of the required information are identified on the final records for reportable emissions events (\$1,500). The Dates Required is the date the final record was due and the Final Dates are the date of compliance and the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$1,750	TOTAL	\$129
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Screening Date 26-Oct-2023		Docket No. 2023-1577-AIR-E		PCW	
Respondent Nutrien US LLC		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 64992		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN101865715					
Media Air					
Enf. Coordinator Trenton White					
Violation Number 2					
Rule Cite(s)		30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 19778 and PSDTX1326, SC No. 1, FOP No. O1689, GTC and STC No. 10, and Tex. Health & Safety Code § 382.085(b)			
Violation Description		Failed to prevent unauthorized emissions. Specifically, the Respondent released 0.40 lb of NH3 and 0.32 lb of NOx from the Ammonia Emergency Flare, EPN FL-1, and 8,308.09 lbs of carbon monoxide from the Shift Converters, EPN SP-73, during an emissions event (Incident No. 398163) that began on March 30, 2023 and lasted 11 hours and 10 minutes.			
Base Penalty				\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Release		Harm		
	Major	Moderate	Minor		
	Actual			x	
	Potential				
				Percent	30.0%
>>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 not exceed levels that are protective of human health or environmental receptors as a result of this violation.				
Adjustment				\$17,500	
				\$7,500	
Violation Events					
Number of Violation Events		1	1		Number of violation days
	daily				
	weekly				
	monthly	x			
	quarterly				
	semiannual				
	annual				
	single event				
				Violation Base Penalty	\$7,500
One monthly event is recommended.					
Good Faith Efforts to Comply		0.0%		Reduction \$0	
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary				
	Ordinary				
	N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.				
Violation Subtotal				\$7,500	
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		\$838	Violation Final Penalty Total		\$15,000
This violation Final Assessed Penalty (adjusted for limits)				\$15,000	

Economic Benefit Worksheet

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

Nutrien US LLC 64992 RN101865715 Air 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	30-Mar-2023	1-Dec-2024	1.68	\$838	n/a	\$838
Notes for DELAYED costs	Estimated cost to implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 398163. The Date Required is the date the emissions event began and the Final Date is the estimated date of compliance.						

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

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

Approx. Cost of Compliance	\$10,000	TOTAL	\$838
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Screening Date 26-Oct-2023		Docket No. 2023-1577-AIR-E		PCW	
Respondent Nutrien US LLC		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 64992		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN101865715					
Media Air					
Enf. Coordinator Trenton White					
Violation Number 3					
Rule Cite(s)		30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 19778 and PSDTX1326, SC No. 1, FOP No. O1689, GTC and STC No. 10, and Tex. Health & Safety Code § 382.085(b)			
Violation Description		Failed to prevent unauthorized emissions. Specifically, the Respondent released 216 lbs of NH3 from the Ammonia Emergency Flare, EPN FL-1, during an emissions event (Incident No. 408560) that began on August 20, 2023 and lasted 72 hours.			
		Base Penalty		\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Release		Harm		
	Major	Moderate	Minor		
	Actual			x	
	Potential				
		Percent		30.0%	
>>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 not exceed levels that are protective of human health or environmental receptors as a result of this violation.			
		Adjustment		\$17,500	
				\$7,500	
Violation Events					
Number of Violation Events		1	3	Number of violation days	
		daily			
		weekly			
		monthly	x		
		quarterly			
		semiannual			
		annual			
		single event			
		Violation Base Penalty \$7,500			
		One monthly event is recommended.			
Good Faith Efforts to Comply		0.0%		Reduction \$0	
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer			
		Extraordinary			
		Ordinary			
		N/A	x		
Notes		The Respondent does not meet the good faith criteria for this violation.			
		Violation Subtotal		\$7,500	
Economic Benefit (EB) for this violation					
Statutory Limit Test					
Estimated EB Amount		\$642		Violation Final Penalty Total \$15,000	
		This violation Final Assessed Penalty (adjusted for limits)		\$15,000	

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Nutrien US LLC 64992 RN101865715 Air 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	20-Aug-2023	1-Dec-2024	1.28	\$642	n/a	\$642
Notes for DELAYED costs	Estimated cost to implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 408560. The Date Required is the date the emissions event began and the Final Date is the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$10,000	TOTAL	\$642
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Compliance History Report

Compliance History Report for CN600128227, RN101865715, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN600128227, Nutrien US LLC

Classification: SATISFACTORY

Rating: 35.10

Regulated Entity: RN101865715, NUTRIEN US

Classification: SATISFACTORY

Rating: 35.10

Complexity Points: 27

Repeat Violator: YES

CH Group: 05 - Chemical Manufacturing

Location: 9201 Farm Road 1551, Borger, Hutchinson County, Texas 79007

TCEQ Region: REGION 01 - AMARILLO

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER
HW0004D

AIR NEW SOURCE PERMITS PERMIT 19778

AIR NEW SOURCE PERMITS ACCOUNT NUMBER
HW0004D

AIR NEW SOURCE PERMITS AFS NUM 4823300008

AIR NEW SOURCE PERMITS REGISTRATION 97017

AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX155

AIR NEW SOURCE PERMITS REGISTRATION 145045

AIR NEW SOURCE PERMITS REGISTRATION 172182

IHW CORRECTIVE ACTION SOLID WASTE

REGISTRATION # (SWR) 30770

UNDERGROUND INJECTION CONTROL PERMIT WDW351

UNDERGROUND INJECTION CONTROL PERMIT WDW439

WATER QUALITY NON PERMITTED ID NUMBER
R01ST0017

AIR EMISSIONS INVENTORY ACCOUNT NUMBER
HW0004D

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD081715302

INDUSTRIAL AND HAZARDOUS WASTE OTS REQUEST
42910

TAX RELIEF ID NUMBER 16588

TAX RELIEF ID NUMBER 20875

TAX RELIEF ID NUMBER 20873

TAX RELIEF ID NUMBER 20872

TAX RELIEF ID NUMBER 20872

TAX RELIEF ID NUMBER 20876

TAX RELIEF ID NUMBER 22662

TAX RELIEF ID NUMBER 22663

TAX RELIEF ID NUMBER 22658

TAX RELIEF ID NUMBER 25746

AIR OPERATING PERMITS PERMIT 1689

AIR NEW SOURCE PERMITS REGISTRATION 47469

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1326

AIR NEW SOURCE PERMITS REGISTRATION 92227

AIR NEW SOURCE PERMITS REGISTRATION 110548

AIR NEW SOURCE PERMITS REGISTRATION 105836

AIR NEW SOURCE PERMITS REGISTRATION 173477

AIR NEW SOURCE PERMITS REGISTRATION 173478

UNDERGROUND INJECTION CONTROL PERMIT WDW274

UNDERGROUND INJECTION CONTROL PERMIT WDW115

STORMWATER PERMIT TXR05EY07

WASTEWATER EPA ID TX0009105

POLLUTION PREVENTION PLANNING ID NUMBER
P00145

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30770

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXP490356021

TAX RELIEF ID NUMBER 19045

TAX RELIEF ID NUMBER 20871

TAX RELIEF ID NUMBER 20877

TAX RELIEF ID NUMBER 20874

TAX RELIEF ID NUMBER 22661

TAX RELIEF ID NUMBER 22664

TAX RELIEF ID NUMBER 22660

TAX RELIEF ID NUMBER 22659

Compliance History Period: September 01, 2018 to August 31, 2023

Rating Year: 2023

Rating Date: 09/01/2023

Date Compliance History Report Prepared: January 24, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 24, 2018 to January 24, 2023

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

Name: Trenton White

Phone: (903) 535-5155

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: 03/05/2020 ADMINORDER 2019-0359-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov: GTC OP
 SC No. 1 OP
 STC No. 8 OP
Description: Failure to prevent unauthorized emissions.
- 2 Effective Date: 04/27/2020 ADMINORDER 2018-0910-MLM-E (1660 Order-Agreed Order With Denial)
Classification: Major
Citation: 30 TAC Chapter 331, SubChapter D 331.63(h)
 40 CFR Chapter 270, SubChapter I, PT 270, SubPT A 270.1
Rqmt Prov: UIC Permit No. WDW115, Provision No. V.C OP
Description: Failure to maintain chemical or physical characteristics of the injected fluids within specified permit limits for the protection of the injection well, associated facilities, and injection zone and to ensure proper operation of the Plant.
Classification: Moderate
Citation: 30 TAC Chapter 331, SubChapter D 331.63(h)
 40 CFR Chapter 270, SubChapter I, PT 270, SubPT A 270.1
Rqmt Prov: UIC Permit No. WDW274, Provision No. V.C OP
Description: Failure to maintain chemical or physical characteristics of the injected fluids within specified permit limits for the protection of the injection well, associated facilities, and injection zone and to ensure proper operation of the Plant.
Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov: 1 PERMIT
 8 OP
Description: Failure to comply with the MAERs.
- 3 Effective Date: 04/20/2021 ADMINORDER 2019-1463-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov: FOP No. O1689 GTC and STC No. 2.F OP
Description: Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 245142 was due by October 6, 2016 at 9:28 a.m., but was not submitted until October 6, 2016 at 3:12 p.m.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
Rqmt Prov: FOP No. O1689, GTC and STC No. 8 OP
 MAERT, Special Condition No. 26 PERMIT
 NSR Permit 19778 and PSDTX1326, SC No. 1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 15,709.5 pounds

("lbs") of CO from the Shift Converters, EPN SP-73, during an emissions event (Incident No. 245142) that began on October 5, 2016 and lasted 28 hours and nine minutes. The Respondent did not provide a cause for the emissions event that resulted in the release to the atmosphere

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O1689, GTC and STC No. 8 OP

MAERT - Appendix 2 PERMIT

NSR Nos. 19778 and PSDTX1326, SC No. 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 285.18 lbs of ammonia as fugitive emissions, during an emissions event (Incident No. 254035) that began on March 9, 2017 and lasted one hour and 30 minutes. The emissions event occurred due to an equipment malfunction in the hydrogen unit, resulting in the release to the atmosphere.

Classification: Moderate

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

Rqmt Prov: General Terms and Conditions OP

Special Condition No. 12 OP

Description: Failed to submit a PCC within 30 days of any certification period. Specifically, the PCC for the January 1, 2018 through December 31, 2018 certification period was due by January 30, 2019, but was not submitted until October 4, 2019.

Classification: Moderate

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

Rqmt Prov: General Terms and Conditions OP

Description: Failed to report all instances of deviations. Specifically, the deviation report for the January 1, 2019 through June 30, 2019 reporting period did not include the NOE dated March 1, 2019.

Classification: Moderate

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

Rqmt Prov: FOP No. O1689, GTC and STC No. 8 OP

NSR Nos. 19778 and PSDTX1326, SC No. 1 PERMIT

Special Condition No. 1 PERMIT

Special Condition No. 6 OP

Description: Failed to comply with the MAER. Specifically, the Respondent exceeded the CO MAER of 60.16 tons per year ("tpy") based on a 12-month rolling period for the 12-month periods ending from June 2016 through May 2017 for the Shift Converters, EPN SP-73, resulting in 37.92 tons of unauthorized CO emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: FOP No. O1689, GTC and STC No. 8 OP

NSR Nos. 19778 and PSDTX1326, SC No. 1 PERMIT

Description: Failed to comply with the MAER. Specifically, the Respondent exceeded the NOx MAER of 5.00 tpy based on a 12-month rolling period for the 12-month periods ending from June 2016 through May 2017 for the Reformer Maintenance, EPN 2-MAINT, resulting in 3.13 tons of unauthorized NOx emissions.

4 Effective Date: 11/29/2021 ADMINORDER 2020-1379-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

NSR Permit 19778 PERMIT

SOP 1689 PERMIT

Special Conditions No. 1 PERMIT

Description: Failed to comply with the MAER. Specifically, the Respondent exceeded the particulate matter ("PM") MAER of 0.3 ton per year ("tpy") based on a 12-month rolling period for the 12-month periods ending from January 2018 through June 2020 for the Cooling Tower-Urea, EPN COOL-2, resulting in 4.08 tons of unauthorized PM emissions.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

NSR Permit 19778 PERMIT

SC No. 1 PERMIT

STC No. 10 OP

Description: Failed to comply with the MAER. Specifically, the Respondent exceeded the ammonia ("NH3") MAER of 7.24 tpy based on a 12-month rolling period for the 12-month periods ending from July 2019 through June 2020 for the Cooling Tower-Ammonia, EPN COOL-1, resulting in 2.62 tons of unauthorized NH3 emissions.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC OP

NSR Permit 19778 PERMIT

SC No. 1 PERMIT

SOP 1689 OP

Description: Failed to comply with the MAERs. Specifically, the Respondent exceeded the CO MAER of 0.02 tpy based on a 12-month rolling period and exceeded the NOx MAER of 0.03 tpy based on a 12-month rolling period for the 12-month periods ending from January 2019 through December 2019 for the Start-Up Heater, EPN H-5, resulting in 0.01 ton of unauthorized CO emissions and 0.01 ton of unauthorized NOx emissions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	February 16, 2018	(1470915)
Item 2	February 28, 2018	(1473120)
Item 3	August 01, 2018	(1505201)
Item 4	August 07, 2018	(1506459)
Item 5	September 27, 2018	(1513361)
Item 6	October 15, 2018	(1519948)
Item 7	October 24, 2018	(1523204)
Item 8	November 14, 2018	(1526476)
Item 9	January 11, 2019	(1513157)
Item 10	January 28, 2019	(1540199)
Item 11	February 07, 2019	(1541161)
Item 12	February 19, 2019	(1549263)
Item 13	July 19, 2019	(1579142)
Item 14	September 26, 2019	(1597201)
Item 15	December 16, 2019	(1616734)
Item 16	February 03, 2020	(1624307)
Item 17	March 23, 2020	(1625597)
Item 18	May 15, 2020	(1646964)
Item 19	June 26, 2020	(1658477)
Item 20	September 24, 2020	(1676772)
Item 21	October 27, 2020	(1650905)
Item 22	October 28, 2020	(1684817)

Item 23	November 09, 2020	(1684818)
Item 24	December 14, 2020	(1684819)
Item 25	December 23, 2020	(1697913)
Item 26	February 01, 2021	(1701159)
Item 27	February 09, 2021	(1698170)
Item 28	March 26, 2021	(1702594)
Item 29	July 27, 2021	(1746594)
Item 30	August 19, 2021	(1746437)
Item 31	September 28, 2021	(1763494)
Item 32	October 29, 2021	(1764653)
Item 33	November 01, 2021	(1771264)
Item 34	November 03, 2021	(1771499)
Item 35	November 23, 2021	(1774619)
Item 36	December 09, 2021	(1762073)
Item 37	January 27, 2022	(1781265)
Item 38	March 07, 2022	(1795257)
Item 39	October 28, 2022	(1834864)
Item 40	November 14, 2022	(1855142)

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: 07/13/2022 (1825523)		
	Self Report? NO	Classification: Moderate	
	Citation: 1689 OP		
	19778 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 comply with differential pressure requirements.		
	Self Report? NO	Classification: Moderate	
	Citation: 1689 OP		
	19778 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 comply with recirculation rate requirements.		
	Self Report? NO	Classification: Major	
	Citation: 1689 OP		
	19778 PERMIT		
	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	5C THSC Chapter 382 382.085(b)		
	Description: MAERT violation.		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)		
	30 TAC Chapter 122, SubChapter B 122.145(2)		
	5C THSC Chapter 382 382.085(b)		
	Description: Failure to include all instances of deviations in deviation reports.		
	Self Report? NO	Classification: Major	
	Citation: 1689 OP		
	19778 PERMIT		
	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	5C THSC Chapter 382 382.085(b)		
	Description: MAERT violation.		
	Self Report? NO	Classification: Major	
	Citation: 1689 OP		
	19778 PERMIT		
	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)		
	30 TAC Chapter 122, SubChapter B 122.143(4)		
	5C THSC Chapter 382 382.085(b)		
	Description: MAERT violation.		
	Self Report? NO	Classification: Moderate	
	Citation: 1689 OP		
	19778 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 comply with the NOx and CO hourly averages as specified in Permit 19778 SC 13.
 Self Report? NO Classification: Moderate
 Citation: 1689 OP
 19778 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 comply with monitoring requirements of the Cooling Towers (COOL-1) and (COOL-2) as specified in Permit 19778 SC 11E.
 Self Report? NO Classification: Moderate
 Citation: 1689 OP
 19778 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 comply with monitoring requirements of the Cooling Towers (COOL-1) and (COOL-2) as specified in Permit 19778 SC 11G.
 Self Report? NO Classification: Moderate
 Citation: 1689 OP
 19778 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 comply with the minimum circulation flow rates for the Granulator and Cooler Scrubbers (Unit 6) as specified in Permit 19778 SC 14B(1).
 Self Report? NO Classification: Moderate
 Citation: 1689 OP
 19778 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 comply with the annual flow monitoring calibration for the Granulator and Cooler Scrubbers (Unit 6) as specified in Permit 19778 SC 14(B)(2).
 Self Report? NO Classification: Moderate
 Citation: 1689 OP
 19778 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 comply with the specific gravity requirements for the Granulator Scrubber (Unit 6) as specified in Permit 19778 SC 14(C)(1).
 Self Report? NO Classification: Moderate
 Citation: 1689 OP
 19778 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 comply with the annual calibration of the specific gravity device for the Granulator and Cooler Scrubbers (Unit 6) as specified in Permit 19778 SC 14(C)(2).
 Self Report? NO Classification: Moderate
 Citation: 1689 OP
 19778 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 comply with the annual calibration of the temperature monitoring device for the Granulator and Cooler Scrubbers (Unit 6) as specified in Permit 19778 SC 14(D)(2).
 Self Report? NO Classification: Moderate
 Citation: 1689 OP
 19778 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 comply with the pressure monitoring device for the Granulator and Cooler Scrubbers (Unit 6) as specified in Permit 19778 SC 14(E)(2).

Self Report?	NO	Classification:	Moderate
Citation:	1689 OP 19778 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 comply with the annual calibration of the monitoring device for the Prilling Tower Scrubber (Unit 5) as specified in Permit 19778 SC 15C.		
Self Report?	NO	Classification:	Moderate
Citation:	1689 OP 19778 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 comply with the annual calibration of the flow monitoring device for the Prilling Tower Scrubber (Unit 5) as specified in Permit 19778 SC 15F.		
Self Report?	NO	Classification:	Moderate
Citation:	1689 OP 19778 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 comply with the provisions of Permit 19778 SC 22A regarding the triboelectric bag leak detection device (SC-101) and (SC-102).		
Self Report?	NO	Classification:	Moderate
Citation:	1689 OP 19778 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 comply with the provisions of Permit 19778 SC 27(B)(1) regarding a CEMS plan for the Reformer (Unit 2).		
Self Report?	NO	Classification:	Moderate
Citation:	1689 OP 19778 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 comply with visible emissions observations.		
Self Report?	NO	Classification:	Moderate
Citation:	1689 OP 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 Kb 60.112b(a)(3) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to comply with visible inspection of storage tank (UF-85 TNK).		
Self Report?	NO	Classification:	Moderate
Citation:	1689 OP 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 JJJJ 60.4245(a)(4) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to comply with the provisions of 40 CFR Part 60 Subpart JJJJ, §60.4245(a)(4).		
Self Report?	NO	Classification:	Moderate
Citation:	1689 OP 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 Db 60.48b(f)		
Description:	5C THSC Chapter 382 382.085(b)		
Description:	Failure to comply with the provisions of 40 CFR Part 60 Subpart Db, §60.48b(f).		
Self Report?	NO	Classification:	Moderate
Citation:	19778 PERMIT 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii) 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 comply with visible emissions observations and recordkeeping.		

Self Report? NO Classification: Moderate
Citation: 1689 OP
30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Description: Failure to comply with the visible emission limits required by the Federal
Operating Permit no. 1689.

F. Environmental audits:

Notice of Intent Date: 03/01/2022 (1802516)
Disclosure Date: 06/10/2022
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to complete daily inspections and cleanup of fugitive dust sources of urea granule and prill
product handling.

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
NUTRIEN US LLC
RN101865715

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

AGREED ORDER DOCKET NO. 2023-1577-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 Nutrien US LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 9201 Farm Road 1551 in Borger, Hutchinson 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 \$30,500 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$30,500 of the penalty.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.

7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that on September 28, 2023, the Respondent provided the correct estimated total quantities for the compounds or mixtures from all emissions points for Incident No. 398163.

II. ALLEGATIONS

1. During a record review for the Plant conducted from April 11, 2023 through August 2, 2023, an investigator documented that the Respondent:
 - a. Failed to identify all required information on the final record for a reportable emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(b)(1)(G) and (H) and 122.143(4), Federal Operating Permit ("FOP") No. O1689, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not properly identify the release of 0.65 pound ("lb") of nitrogen oxides ("NOx") and 0.40 lb of ammonia ("NH3") from the Ammonia Emergency Flare, Emissions Point Number ("EPN") FL-1, and 244.17 lbs of nitrogen oxides ("NOx") from the Reformer Furnace 101-B, EPN 2, on the final record for Incident No. 398163.
 - b. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 19778 and PSDTX1326, SC No. 1, FOP No. O1689, GTC and STC No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 0.40 lb of NH3 and 0.32 lb of NOx from the Ammonia Emergency Flare, EPN FL-1, and 8,308.09 lbs of carbon monoxide from the Shift Converters, EPN SP-73, during an emissions event (Incident No. 398163) that began on March 30, 2023 and lasted 11 hours and 10 minutes.
2. During a record review for the Plant conducted on December 1, 2023, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 19778 and PSDTX1326, SC No. 1, FOP No. O1689, GTC and STC No. 10, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 216 lbs of NH3 from the Ammonia Emergency Flare, EPN FL-1, during an emissions event (Incident No. 408560) that began on August 20, 2023 and lasted 72 hours.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Nutrien US LLC, Docket No. 2023-1577-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 undertake the following technical requirements at the Plant:
 - a. Within 30 days after the effective date of this Order:
 - i. Implement measures designed to ensure that all of the required information are identified on the final records for reportable emissions events;
 - ii. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 398163; and
 - iii. Implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 408560.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Air Section Manager
Amarillo Regional Office
Texas Commission on Environmental Quality
3918 Canyon Drive
Amarillo, Texas 79109-4933

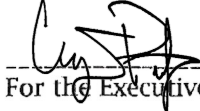
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in 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. Extension requests shall be sent to the Enforcement Division at the address listed above.
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



5/30/2024

For the Executive Director

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

Date



6/4/18/2024

Name (Printed or typed)
Authorized Representative of
Nutrien US LLC

Title

General Manager

☐ 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.