

Executive Summary – Enforcement Matter – Case No. 65056

Oxy Vinyls, LP

RN100224674

Docket No. 2023-1659-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

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

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2023-1226-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 16, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$10,875

Amount Deferred for Expedited Settlement: \$2,175

Total Paid to General Revenue: \$4,350

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$4,350

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

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 7, 2023 through November 8, 2023

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

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RN100224674

Docket No. 2023-1659-AIR-E

Violation Information

Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the carbon monoxide ("CO") MAER of 2.20 pounds per hour ("lbs/hr") by a range from 0.10 lb/hr to 16.60 lbs/hr for a total of 11 hours on September 12, 2022 and September 13, 2022 for the Incinerator B Scrubber, Emissions Point Number ("EPN") IND101B, resulting in 49.40 pounds of unauthorized CO emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review ("NSR") Permit No. 3855B, Special Conditions No. 1, Federal Operating Permit O1324, General Terms and Conditions and Special Terms and Conditions No. 23, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Within 30 days, implement measures designed to comply with the CO hourly MAER for the Incinerator B Scrubber, EPN IND101B, and/or submit an administratively complete amendment application for NSR Permit No. 3855B to increase the CO hourly MAER for the Incinerator B Scrubber, EPN IND101B,
 - b. If a permit amendment application has been submitted, respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the amendment application for NSR Permit No. 3855B by any deadline specified in writing.
 - c. Within 45 days, submit written certification to demonstrate compliance with a.
 - d. If a permit amendment has been submitted, within 180 days, submit written certification to demonstrate that either the amendment for NSR Permit No. 3855B has been obtained or operations have ceased until authorization is obtained to demonstrate compliance.

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Oxy Vinyls, LP

RN100224674

Docket No. 2023-1659-AIR-E

Contact Information

TCEQ Attorney: N/A

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

TCEQ SEP Coordinator: Stuart Beckley, 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: Scott Halbrooks, Plant Manager, Oxy Vinyls, LP, 2400 Miller Cut Off Road, La Porte, Texas 77571

Anand Chrs Krishna, Vice President, Oxy Vinyls, LP, 2400 Miller Cut Off Road, La Porte, Texas 77571

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	27-Nov-2023	Screening	27-Nov-2023	EPA Due	
	PCW	2-Jul-2024				

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

CASE INFORMATION			
Enf./Case ID No.	65056	No. of Violations	1
Docket No.	2023-1659-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.

Compliance History	45.0% Adjustment	Subtotals 2, 3, & 7	\$3,375
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Notes	Enhancement for one NOV with same or similar violations, one NOV with dissimilar violations, and two orders containing a denial of liability. Reduction for two Notices of Intent to conduct an audit.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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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	\$1,153	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$10,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,875
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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	
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Final Penalty Amount	\$10,875
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,875
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,175
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$8,700
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Screening Date 27-Nov-2023

Docket No. 2023-1659-AIR-E

PCW

Respondent Oxy Vinyls, LP

Policy Revision 5 (January 28, 2021)

Case ID No. 65056

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100224674

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>)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 45%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same or similar violations, one NOV with dissimilar violations, and two orders containing a denial of liability. Reduction for two Notices of Intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 45%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 45%

Screening Date 27-Nov-2023 **Docket No.** 2023-1659-AIR-E **PCW**
Respondent Oxy Vinyls, LP *Policy Revision 5 (January 28, 2021)*
Case ID No. 65056 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100224674
Media Air
Enf. Coordinator Christina Ferrara

Violation Number 1

Rule Cite(s)
 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review Permit No. 3855B, Special Conditions No. 1, Federal Operating Permit O1324, General Terms and Conditions and Special Terms and Conditions No. 23, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the carbon monoxide ("CO") MAER of 2.20 pounds per hour ("lbs/hr") by a range from 0.10 lb/hr to 16.60 lbs/hr for a total of 11 hours on September 12, 2022 and September 13, 2022 for the Incinerator B Scrubber, Emissions Point Number ("EPN") IND101B, resulting in 49.40 pounds of unauthorized CO emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 2 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended for the instances of non-compliance that occurred on September 12, 2022 and September 13, 2022.

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 \$1,153 **Violation Final Penalty Total** \$10,875

This violation Final Assessed Penalty (adjusted for limits) \$10,875

Economic Benefit Worksheet

Respondent Oxy Vinyls, LP
Case ID No. 65056
Reg. Ent. Reference No. RN100224674
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	12-Sep-2022	1-Jan-2025	2.31	\$1,153	n/a	\$1,153

Notes for DELAYED costs

Estimated cost to implement measures designed to comply with the CO hourly MAER for the Incinerator B Scrubber, EPN IND101B. The Date Required is the first date of non-compliance 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

\$1,153

The TCEQ is committed to accessibility.

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Compliance History Report

Compliance History Report for CN600129126, RN100224674, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN600129126, Oxy Vinyls, LP **Classification:** SATISFACTORY **Rating:** 6.05

Regulated Entity: RN100224674, LA PORTE VCM PLANT **Classification:** SATISFACTORY **Rating:** 14.48

Complexity Points: 25 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 2400 MILLER CUT OFF ROAD, LA PORTE, HARRIS COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS PERMIT 1324 **AIR OPERATING PERMITS ACCOUNT NUMBER HG0193B**
AIR OPERATING PERMITS ACCOUNT NUMBER HG0194W **AIR OPERATING PERMITS PERMIT 1368**
AIR OPERATING PERMITS ACCOUNT NUMBER HG0193B **PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1011153**
AIR NEW SOURCE PERMITS PERMIT 3855B **AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0193B**
AIR NEW SOURCE PERMITS REGISTRATION 10633A **AIR NEW SOURCE PERMITS PERMIT 9B**
AIR NEW SOURCE PERMITS PERMIT 3283B **AIR NEW SOURCE PERMITS PERMIT 4517B**
AIR NEW SOURCE PERMITS REGISTRATION 14511B **AIR NEW SOURCE PERMITS REGISTRATION 13284B**
AIR NEW SOURCE PERMITS PERMIT 7647B **AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0194W**
AIR NEW SOURCE PERMITS REGISTRATION 76346 **AIR NEW SOURCE PERMITS AFS NUM 4820100320**
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX276 **AIR NEW SOURCE PERMITS EPA PERMIT PSDTX276M1**
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX276M2 **AIR NEW SOURCE PERMITS REGISTRATION 79211**
AIR NEW SOURCE PERMITS REGISTRATION 84936 **AIR NEW SOURCE PERMITS REGISTRATION 98979**
AIR NEW SOURCE PERMITS REGISTRATION 108279 **AIR NEW SOURCE PERMITS REGISTRATION 114434**
AIR NEW SOURCE PERMITS REGISTRATION 169900 **PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 12124**
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 31077 **WASTEWATER PERMIT WQ0002097000**
WASTEWATER EPA ID TX0070416 **AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0193B**
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG1024S **AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0193B**
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0194W **POLLUTION PREVENTION PLANNING ID NUMBER P00718**
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD070133319 **INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 31077**
TAX RELIEF ID NUMBER 20774 **TAX RELIEF ID NUMBER 20777**
TAX RELIEF ID NUMBER 20797 **TAX RELIEF ID NUMBER 20780**
TAX RELIEF ID NUMBER 20793

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

Date Compliance History Report Prepared: April 26, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 26, 2019 to April 26, 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: 02/11/2020 ADMINORDER 2019-0166-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GTC and STC No. 24 OP
NSR Special Condition 1 PERMIT
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event (Category A12.i.(6)).
- 2 Effective Date: 07/27/2023 ADMINORDER 2020-1239-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: NSR 3855B, Special Conditions 1 PERMIT
O1324, Special Condition (24) OP
Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event. Specifically, the Respondent released 313.18 lbs of VOC from the West Cooling Tower, Emissions Point Number ("EPN") COOLTWR, during an emissions event (Incident No. 270991) that began on October 24, 2017 and lasted 17 hours and 27 minutes. The emissions event occurred due to outside diameter mechanical damage that caused a tube leak on Tube No. 18 on Bottom Row No. 37, resulting in release to the atmosphere.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 1324, GTC and SRC No. 24 OP
NSR Permit 3855B, Special Conditions 1 PERMIT
Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions. Specifically, the Respondent released 225.60 lbs of VOC and 30.90 lbs of carbon monoxide ("CO") as fugitive emissions, during an emissions event (Incident No. 271304) that occurred on October 27, 2017 and lasted six hours and 52 minutes. The emissions event occurred due to a loose wire connection inside the PLC power supply cabinet that caused an electrical short, resulting in the release to the atmosphere.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 3855B, Special Condition No. 1 PERMIT
Special Terms and Conditions No. 23 OP
Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions. The Respondent released 81.59 lbs of ethylene, 117.73 lbs of EDC, and 6.21 lbs of CO as fugitive emissions, during an emissions event (Incident No. 352394) that occurred on March 9, 2021 and lasted 10 minutes. The emissions event occurred when a leak developed at the rupture disk on the Oxy Vent Knock-out drum, resulting in the release to the atmosphere.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 3855B, Special Condition No.1 PERMIT
Special Terms and Conditions No. 23 OP
Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event. The Respondent released 60.00 lbs of ethylene dichloride ("EDC") and 60.00 lbs of VCM as fugitive emissions, during an emissions event (Incident No. 354737) that occurred on April 25, 2021 and lasted 31 minutes. The emissions event occurred when a leak developed on the flange surface on the feed piping to the South VCM Column, resulting in the release to the atmosphere.

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

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 14, 2019	(1584979)
Item 2	June 19, 2019	(1584980)
Item 3	July 11, 2019	(1594034)
Item 4	August 12, 2019	(1600355)
Item 5	August 22, 2019	(1557565)
Item 6	September 19, 2019	(1607247)
Item 7	October 17, 2019	(1614101)
Item 8	November 19, 2019	(1619913)
Item 9	December 18, 2019	(1627272)
Item 10	January 16, 2020	(1634907)
Item 11	February 18, 2020	(1641522)
Item 12	March 16, 2020	(1648033)
Item 13	April 07, 2020	(1638190)
Item 14	April 08, 2020	(1654383)
Item 15	May 13, 2020	(1660948)
Item 16	June 18, 2020	(1667481)
Item 17	July 14, 2020	(1674430)
Item 18	August 18, 2020	(1681205)
Item 19	September 15, 2020	(1687774)
Item 20	October 13, 2020	(1694120)
Item 21	October 23, 2020	(1671235)
Item 22	November 17, 2020	(1715017)
Item 23	December 17, 2020	(1715018)
Item 24	January 14, 2021	(1715019)
Item 25	February 17, 2021	(1728082)
Item 26	March 18, 2021	(1728083)
Item 27	June 16, 2021	(1741335)
Item 28	August 12, 2021	(1757974)
Item 29	September 09, 2021	(1767217)
Item 30	September 27, 2021	(1690489)
Item 31	October 18, 2021	(1777682)
Item 32	November 16, 2021	(1784481)
Item 33	December 15, 2021	(1791511)
Item 34	January 18, 2022	(1799353)
Item 35	March 15, 2022	(1814237)
Item 36	April 18, 2022	(1820809)
Item 37	May 17, 2022	(1829641)
Item 38	June 16, 2022	(1835940)
Item 39	July 19, 2022	(1843139)
Item 40	August 08, 2022	(1653174)
Item 41	August 16, 2022	(1849307)
Item 42	September 15, 2022	(1857069)
Item 43	October 13, 2022	(1863426)
Item 44	November 10, 2022	(1870338)
Item 45	December 05, 2022	(1861538)
Item 46	December 13, 2022	(1876187)
Item 47	December 29, 2022	(1861719)
Item 48	January 26, 2023	(1861878)
Item 49	March 20, 2023	(1899386)
Item 50	April 17, 2023	(1906189)
Item 51	May 18, 2023	(1913345)
Item 52	June 19, 2023	(1919953)
Item 53	July 19, 2023	(1926921)
Item 54	July 21, 2023	(1847372)
Item 55	August 08, 2023	(1918121)
Item 56	August 17, 2023	(1933878)
Item 57	September 14, 2023	(1925963)

Item 58	September 15, 2023	(1940021)
Item 59	October 17, 2023	(1946863)
Item 60	December 19, 2023	(1962323)
Item 61	January 18, 2024	(1968913)
Item 62	January 30, 2024	(1943037)
Item 63	February 27, 2024	(1965819)

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 (1952551)
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

- 2 Date: 11/10/2023 (1924912)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 34 PERMIT
Special Term and Condition 23 OP
Description: Failure to fill diesel tanks one at a time. (Category B17)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter G 117.8100(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)
5C THSC Chapter 382 382.085(b)
Special Condition 28B(2) PERMIT
Special Term and Condition 23 OP
Description: Failure to take corrective action when the 24-hour span drift exceeded two times the amounts specified for the Continuous Emissions Monitoring System (CEMS) daily 24-hour span drift. (Category C1)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 24B PERMIT
Special Term and Condition 23 OP
Description: Failure to conduct weekly pH probe cleaning and calibration for Incinerator A Scrubber (EPN: IND101A). (Category B17)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 24B PERMIT
Special Term and Condition 23 OP
Description: Failure to conduct weekly pH probe cleaning and calibration for Incinerator B Scrubber (EPN: IND101B). (Category B17)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to report all deviations within the proper time frame. (Category B3)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 31E PERMIT
Special Terms and Conditions 1A and 23 OP
Description: Failure to prevent open-ended lines (OEL). (Category C10)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to maintain carbon dioxide (CO) concentration within permit limit for Cracking Furnace 103 (A Furnace) (EPN: IND103). (Category B13)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP
Description: Failure to maintain carbon dioxide (CO) concentration within permit limit for Cracking Furnace 107 (E Furnace) (EPN: IND107). (Category B13)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP
Description: Failure to maintain carbon dioxide (CO) concentration within permit limit for Cracking Furnace 108 (F Furnace) (EPN: IND108). (Category B13)

F. Environmental audits:

Notice of Intent Date: 10/10/2019 (1603906)
No DOV Associated

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

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
OXY VINYLs, LP
RN100224674

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2023-1659-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 Oxy Vinyls, LP (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 2400 Miller Cut Off Road in La Porte, Harris County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. 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 \$10,875 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$4,350 of the penalty and \$2,175 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 contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or conditions of this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$4,350 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During a record review for the Plant conducted from September 7, 2023 through November 8, 2023, an investigator documented that the Respondent failed to comply with the maximum allowable emissions rate ("MAER"), in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review ("NSR") Permit No. 3855B, Special Conditions No. 1, Federal Operating Permit O1324, General Terms and Conditions and Special Terms and Conditions No. 23, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the carbon monoxide ("CO") MAER of 2.20 pounds per hour ("lbs/hr") by a range from 0.10 lb/hr to 16.60 lbs/hr for a total of 11 hours on September 12, 2022 and September 13, 2022 for the Incinerator B Scrubber, Emissions Point Number ("EPN") IND101B, resulting in 49.40 pounds of unauthorized CO emissions.

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: Oxy Vinyls, LP, Docket No. 2023-1659-AIR-E" to:

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

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$4,350 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements at the Plant:
 - a. Within 30 days after the effective date of this Order, implement measures designed to comply with the CO hourly MAER for the Incinerator B Scrubber, EPN IND101B, and/or submit an administratively complete amendment application for NSR Permit No. 3855B to increase the CO hourly MAER for the Incinerator B Scrubber, EPN IND101B, in accordance with 30 TEX. ADMIN. CODE § 116.111, to:

Air Permits Division, MC 163
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. If a permit amendment application has been submitted, respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the amendment application for NSR Permit No. 3855B by any deadline specified in writing.
 - c. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision No. 3.a., as described in Ordering Provision No. 3.d.
 - d. If a permit amendment has been submitted, within 180 days after the effective date of this Order, submit written certification to demonstrate that either the amendment for NSR Permit No. 3855B has been obtained or operations have ceased until authorization is obtained, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. 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.
8. 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.

9. 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

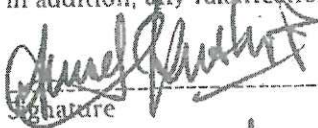
For the Commission _____ Date _____
 _____
For the Executive Director _____ Date 8/15/2024

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.

 _____ Date 7/8/24
Signature _____
ANAND KRISHNA _____
Name (Printed or typed) _____
Authorized Representative of _____
Oxy Vinyls, LP _____
Title Vice-President, HES&S

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: 2023-1659-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Oxy Vinyls, LP
Payable Penalty Amount:	\$8,700
SEP Offset Amount:	\$4,350
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO
Project Name:	<i>Clean Vehicles Partnership Project</i>
Location of SEP: Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

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

1. Project Description

a. Project

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

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

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

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

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

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

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

b. Environmental Benefit

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

c. Minimum Expenditure

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

2. Performance Schedule

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

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

3. **Records and Reporting**

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

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

4. **Failure to Fully Perform**

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

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

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

5. **Publicity**

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

6. **Recognition**

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

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

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