

Executive Summary – Enforcement Matter – Case No. 65373

Covestro LLC

RN100209931

Docket No. 2024-0219-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Covestro Industrial Park Baytown Plant, 8500 West Bay Road, Baytown, Chambers County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 22, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,275

Amount Deferred for Expedited Settlement: \$2,655

Total Paid to General Revenue: \$5,310

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$5,310

Name of SEP: Barbers Hill Independent School District (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 9, 2024

Date(s) of NOE(s): January 24, 2024

Executive Summary – Enforcement Matter – Case No. 65373

Covestro LLC

RN100209931

Docket No. 2024-0219-AIR-E

Violation Information

Failed to prevent unauthorized emissions. Specifically, the Respondent released 4,120.00 pounds of anhydrous ammonia as fugitive emissions, during an emissions event (Incident No. 409030) that began on August 27, 2023 and lasted ten hours and 28 minutes [30 TEX. ADMIN CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 22197, Special Conditions No. 1, Federal Operating Permit No. O2102, General Terms and Conditions and Special Terms and Conditions No. 15, 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, submit written documentation to demonstrate actions taken to prevent the reoccurrence of emissions events due to the same or similar causes as Incident No. 409030; and
 - 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

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

SEP Third-Party Administrator: Griffith, Moseley, Johnson & Associates, Inc., 2901 Turtle Creek Drive, Suite 445, Port Arthur, Texas 77642

Respondent: Jeffrey Bolton, Vice President, Covestro LLC, 8500 West Bay Road, Baytown, Texas 77523

Ramon J. Simon, Director of Regulatory Affairs, Covestro LLC, 8500 West Bay Road, Baytown, Texas 77523

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	31-Jan-2024	Screening	31-Jan-2024	EPA Due	
	PCW	15-May-2025				

RESPONDENT/FACILITY INFORMATION	
Respondent	Covestro LLC
Reg. Ent. Ref. No.	RN100209931
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	65373	No. of Violations	1
Docket No.	2024-0219-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	\$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	77.0% Adjustment	Subtotals 2, 3, & 7	\$5,775
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Notes: Enhancement for eight NOV's with the same or similar violations, one NOV with dissimilar violations, one order containing a denial of liability, and one order without a denial of liability. Reduction for environmental management systems in place for one year or more.

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	\$542	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$5,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$13,275
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$13,275
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$13,275
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,655
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$10,620
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Screening Date 31-Jan-2024

Docket No. 2024-0219-AIR-E

PCW

Respondent Covestro LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 65373

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100209931

Media Air

Enf. Coordinator Trenton White

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>)	8	40%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	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	Yes	-10%
	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) 77%

>> 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 eight NOVs with the same or similar violations, one NOV with dissimilar violations, one order containing a denial of liability, and one order without a denial of liability. Reduction for environmental management systems in place for one year or more.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 77%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 77%

Screening Date 31-Jan-2024 **Docket No.** 2024-0219-AIR-E **PCW**
Respondent Covestro LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 65373 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100209931
Media Air
Enf. Coordinator Trenton White

Violation Number

Rule Cite(s) 30 Tex. Admin Code §§ 116.115(c) and 122.143(4), New Source Review Permit No. 22197, Special Conditions No. 1, Federal Operating Permit No. O2102, General Terms and Conditions and Special Terms and Conditions No. 15, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 4,120.00 pounds of anhydrous ammonia as fugitive emissions, during an emissions event (Incident No. 409030) that began on August 27, 2023 and lasted ten hours and 28 minutes.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text" value="30.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One monthly event is recommended.

Good Faith Efforts to Comply Reduction

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

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

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Covestro LLC
Case ID No. 65373
Reg. Ent. Reference No. RN100209931
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	27-Aug-2023	27-Oct-2025	2.17	\$542	n/a	\$542

Notes for DELAYED costs

Estimated cost to submit written documentation to demonstrate actions taken to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 409030. 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 \$5,000

TOTAL \$542



Compliance History Report

Compliance History Report for CN601544042, RN100209931, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN601544042, Covestro LLC

Classification: SATISFACTORY

Rating: 2.41

Regulated Entity: RN100209931, COVESTRO INDUSTRIAL PARK BAYTOWN PLANT

Classification: SATISFACTORY

Rating: 2.79

Complexity Points: 45

Repeat Violator: NO

CH Group: 05 - Chemical Manufacturing

Location: 8500 West Bay Road in Baytown, Chambers County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER CI0016S
AIR OPERATING PERMITS PERMIT 2100
AIR OPERATING PERMITS PERMIT 2102
AIR OPERATING PERMITS PERMIT 2104
AIR OPERATING PERMITS PERMIT 3674
AIR NEW SOURCE PERMITS REGISTRATION 32017
AIR NEW SOURCE PERMITS PERMIT 34017
AIR NEW SOURCE PERMITS REGISTRATION 35748
AIR NEW SOURCE PERMITS REGISTRATION 40214
AIR NEW SOURCE PERMITS REGISTRATION 43879
AIR NEW SOURCE PERMITS REGISTRATION 44965
AIR NEW SOURCE PERMITS REGISTRATION 49695

AIR OPERATING PERMITS PERMIT 1390
AIR OPERATING PERMITS PERMIT 2101
AIR OPERATING PERMITS PERMIT 2103
AIR OPERATING PERMITS PERMIT 2529
AIR NEW SOURCE PERMITS PERMIT 32835
AIR NEW SOURCE PERMITS PERMIT 33665
AIR NEW SOURCE PERMITS PERMIT 35148
AIR NEW SOURCE PERMITS PERMIT 39943
AIR NEW SOURCE PERMITS REGISTRATION 41110
AIR NEW SOURCE PERMITS REGISTRATION 44256
AIR NEW SOURCE PERMITS REGISTRATION 47877
AIR NEW SOURCE PERMITS ACCOUNT NUMBER CI0016S

AIR NEW SOURCE PERMITS REGISTRATION 15373
AIR NEW SOURCE PERMITS PERMIT 2006A
AIR NEW SOURCE PERMITS PERMIT 2035A
AIR NEW SOURCE PERMITS PERMIT 7870
AIR NEW SOURCE PERMITS REGISTRATION 14068
AIR NEW SOURCE PERMITS PERMIT 22197
AIR NEW SOURCE PERMITS REGISTRATION 52109
AIR NEW SOURCE PERMITS REGISTRATION 70871
AIR NEW SOURCE PERMITS REGISTRATION 88112
AIR NEW SOURCE PERMITS REGISTRATION 94889
AIR NEW SOURCE PERMITS REGISTRATION 102772
AIR NEW SOURCE PERMITS REGISTRATION 102770
AIR NEW SOURCE PERMITS REGISTRATION 101928
AIR NEW SOURCE PERMITS REGISTRATION 101921
AIR NEW SOURCE PERMITS REGISTRATION 102156
AIR NEW SOURCE PERMITS REGISTRATION 102764
AIR NEW SOURCE PERMITS REGISTRATION 102780
AIR NEW SOURCE PERMITS REGISTRATION 102743
AIR NEW SOURCE PERMITS REGISTRATION 102176
AIR NEW SOURCE PERMITS REGISTRATION 102174
AIR NEW SOURCE PERMITS REGISTRATION 101924
AIR NEW SOURCE PERMITS REGISTRATION 101920
AIR NEW SOURCE PERMITS REGISTRATION 102768
AIR NEW SOURCE PERMITS REGISTRATION 102158
AIR NEW SOURCE PERMITS REGISTRATION 102736
AIR NEW SOURCE PERMITS REGISTRATION 102737
AIR NEW SOURCE PERMITS REGISTRATION 102162
AIR NEW SOURCE PERMITS REGISTRATION 102153
AIR NEW SOURCE PERMITS REGISTRATION 102767
AIR NEW SOURCE PERMITS REGISTRATION 108482

AIR NEW SOURCE PERMITS PERMIT 2005
AIR NEW SOURCE PERMITS REGISTRATION 2033E
AIR NEW SOURCE PERMITS PERMIT 2141
AIR NEW SOURCE PERMITS REGISTRATION 10789
AIR NEW SOURCE PERMITS REGISTRATION 17110
AIR NEW SOURCE PERMITS REGISTRATION 25130
AIR NEW SOURCE PERMITS AFS NUM 4807100009
AIR NEW SOURCE PERMITS REGISTRATION 84249
AIR NEW SOURCE PERMITS REGISTRATION 93699
AIR NEW SOURCE PERMITS REGISTRATION 99904
AIR NEW SOURCE PERMITS REGISTRATION 102179
AIR NEW SOURCE PERMITS REGISTRATION 102766
AIR NEW SOURCE PERMITS REGISTRATION 102735
AIR NEW SOURCE PERMITS REGISTRATION 101923
AIR NEW SOURCE PERMITS REGISTRATION 101929
AIR NEW SOURCE PERMITS REGISTRATION 102157
AIR NEW SOURCE PERMITS REGISTRATION 101922
AIR NEW SOURCE PERMITS REGISTRATION 102754
AIR NEW SOURCE PERMITS REGISTRATION 102732
AIR NEW SOURCE PERMITS REGISTRATION 102777
AIR NEW SOURCE PERMITS REGISTRATION 102178
AIR NEW SOURCE PERMITS REGISTRATION 101925
AIR NEW SOURCE PERMITS REGISTRATION 102155
AIR NEW SOURCE PERMITS REGISTRATION 102734
AIR NEW SOURCE PERMITS REGISTRATION 102769
AIR NEW SOURCE PERMITS REGISTRATION 102745
AIR NEW SOURCE PERMITS REGISTRATION 102181
AIR NEW SOURCE PERMITS REGISTRATION 102180
AIR NEW SOURCE PERMITS REGISTRATION 102733
AIR NEW SOURCE PERMITS REGISTRATION 118069

AIR NEW SOURCE PERMITS REGISTRATION 116084
AIR NEW SOURCE PERMITS REGISTRATION 120435
AIR NEW SOURCE PERMITS REGISTRATION 105392
AIR NEW SOURCE PERMITS REGISTRATION 134864
AIR NEW SOURCE PERMITS REGISTRATION 104837
AIR NEW SOURCE PERMITS REGISTRATION 152009
AIR NEW SOURCE PERMITS REGISTRATION 162021
AIR NEW SOURCE PERMITS PERMIT AMOC206
AIR NEW SOURCE PERMITS REGISTRATION 168448
AIR NEW SOURCE PERMITS REGISTRATION 167754
AIR NEW SOURCE PERMITS REGISTRATION 162350
AIR NEW SOURCE PERMITS REGISTRATION 169948
AIR NEW SOURCE PERMITS REGISTRATION 169953
AIR NEW SOURCE PERMITS REGISTRATION 167177
AIR NEW SOURCE PERMITS REGISTRATION 156997
AIR NEW SOURCE PERMITS REGISTRATION 157819
AIR NEW SOURCE PERMITS REGISTRATION 172989
AIR NEW SOURCE PERMITS REGISTRATION 169808
AIR NEW SOURCE PERMITS REGISTRATION 176720
AIR NEW SOURCE PERMITS REGISTRATION 168011
AIR NEW SOURCE PERMITS REGISTRATION 170893
AIR NEW SOURCE PERMITS REGISTRATION 170594
AIR NEW SOURCE PERMITS REGISTRATION 169947
AIR NEW SOURCE PERMITS REGISTRATION 169955
AIR NEW SOURCE PERMITS REGISTRATION 167659
AIR NEW SOURCE PERMITS REGISTRATION 178985
AIR NEW SOURCE PERMITS REGISTRATION 177778
AIR NEW SOURCE PERMITS REGISTRATION 178954

IHW CORRECTIVE ACTION SOLID WASTE
REGISTRATION # (SWR) 30603
WASTEWATER EPA ID TX0002798

POLLUTION PREVENTION PLANNING ID NUMBER
P00427
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30603

Compliance History Period: September 01, 2019 to August 31, 2024
09/01/2024

Date Compliance History Report Prepared: May 15, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 15, 2020 to May 15, 2025

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: 06/20/2023 ADMINORDER 2022-1626-AIR-E (1660 Order-Agreed Order With Denial)
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 & Conditions OP

Description: Failure to report all instances of deviations. Specifically, the deviation report for the April 1, 2018

AIR NEW SOURCE PERMITS REGISTRATION 140775
AIR NEW SOURCE PERMITS REGISTRATION 135780
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX879
AIR NEW SOURCE PERMITS PERMIT 32770
AIR NEW SOURCE PERMITS PERMIT AMOC125
AIR NEW SOURCE PERMITS REGISTRATION 150287
AIR NEW SOURCE PERMITS REGISTRATION 162020
AIR NEW SOURCE PERMITS REGISTRATION 166484
AIR NEW SOURCE PERMITS PERMIT AMOC179
AIR NEW SOURCE PERMITS PERMIT AMOC190
AIR NEW SOURCE PERMITS REGISTRATION 169942
AIR NEW SOURCE PERMITS REGISTRATION 169298
AIR NEW SOURCE PERMITS REGISTRATION 164465
AIR NEW SOURCE PERMITS REGISTRATION 151632
AIR NEW SOURCE PERMITS PERMIT AMOC164
AIR NEW SOURCE PERMITS REGISTRATION 170009
AIR NEW SOURCE PERMITS REGISTRATION 168458
AIR NEW SOURCE PERMITS REGISTRATION 173261
AIR NEW SOURCE PERMITS REGISTRATION 175662
AIR NEW SOURCE PERMITS REGISTRATION 169867
AIR NEW SOURCE PERMITS REGISTRATION 176998
AIR NEW SOURCE PERMITS REGISTRATION 170030
AIR NEW SOURCE PERMITS REGISTRATION 168075
AIR NEW SOURCE PERMITS REGISTRATION 174162
AIR NEW SOURCE PERMITS REGISTRATION 179796
AIR NEW SOURCE PERMITS REGISTRATION 177355
AIR NEW SOURCE PERMITS REGISTRATION 179873
PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 75002
WASTEWATER PERMIT WQ0001499000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER
CI0016S
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50173
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD058260977

Rating Year: 2024

Rating Date:

through September 30, 2018 reporting period did not include the deviations for failing to perform weekly calibrations for the NSCR CEMS, failing to maintain records for the quarterly visible emissions observations for the Soda Ash Solution Tank and Soda Ash Scrubber, and failing to maintain records for the quarterly visible emissions observations for the Residue Storage Silo and Residue Loadin

- 2 Effective Date: 12/18/2024 ADMINORDER 2019-1310-AIR-E (Findings Order-Agreed Order Without Denial)
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 Special Term & Condition (ST&C) 15 OP
NSR Special Condition (SC) 1 PERMIT
Description: Failure to comply with the MAER and throughput limit, (EPN: FT612T2102) (Category A8 gc 2) The Respondent exceeded the VOC MAER of 0.33 ton per year based on a 12- month rolling period and the storage tank throughput limit represented in Appendix F dated December 14, 2015 for the 12-month periods ending from October 2016 through October 2017 for the Crude Nitrobenzene Tank, EPN TK-2102, resulting in 0.38 ton of unauthorized VOC emissions.
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.132(d)(4)(C)
30 TAC Chapter 122, SubChapter B 122.132(e)(4)(C)
30 TAC Chapter 122, SubChapter B 122.142(d)
30 TAC Chapter 122, SubChapter B 122.142(e)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: FOP General Terms and Conditions OP
FOP Special Term & Condition (ST&C) 19 OP
Description: Failure to submit certified progress reports consistent with the compliance schedule progress report. (Category B3)
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: FOP General Terms and Conditions OP
Description: Failure to report all instances of deviations. (Category B3). The deviation reports for the October 1, 2015 through March 31, 2016, April 1, 2016 through September 30, 2016, October 1, 2016 through March 31, 2017, and April 1, 2017 through September 30, 2017 reporting periods did not include the deviation for failing to submit the compliance schedule certified progress report for Unit ID No. FL612L2006
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: O2101, Special Condition (15) OP
Special Conditions (1 and 9) PERMIT
Description: Failure to comply with the MAER and throughput limit (Unit ID: FV09509900). (CATEGORY A12.i.6 Violation)
Classification: Major
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: Special Condition 7A PERMIT
Special Term & Condition 15 OP
Description: Failure to comply with the throughput limit (Unit ID: FT09054800). (CATEGORY A12.i.6 Violation) The Respondent exceeded the storage tank throughput limit represented in Appendix C of the amendment application dated July 26, 2012 for NSR Permit No. 2005 by 11,132,861 gallons from June 11, 2014 through September 30, 2017 for Storage Tank 090 548, resulting in less than 20.00 lbs of unauthorized volatile organic compounds ("VOC") emissions.
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: Special Condition 7A PERMIT
Special Term & Condition 15 OP
Description: Failure to comply with the throughput limit (Unit ID: FT08107600). (CATEGORY A12.i.6 Violation) The Respondent exceeded the storage tank throughput limit represented in Appendix C of the amendment application

dated July 26, 2012 for NSR Permit No. 2005 by 4,383,931 gallons from April 1, 2014 through September 30, 2017 for the MDA II Vent Scrubber (Storage Tanks 081-045, 081-076, and 081-159), resulting in less than 20.00 lbs of unauthorized ammonia ("NIB") emissions.

Classification: Minor

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 & Conditions OP

Description: Failure to submit PCC in the required timeframe (Category B3).

Classification: Minor

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

Rqmt Prov: General Terms & Conditions OP

Description: Failure to report all instances of deviation. The deviation reports for the April 1, 2017 through September 30, 2017 reporting period, the October 1, 2017 through March 31, 2018 reporting period. and for the April 1, 2018 through September 30, 2018 reporting period did not include all the deviations.

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: Special Condition 7A PERMIT
Special Term & Condition 15 OP

Description: Failure to comply with the throughput limit of Tank 091 010 (EPN: FT00910100) (Category A12(i)(6)).

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. 15 OP
Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

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: O2100, Special Condition (10) OP
Special Condition (5) PERMIT

Description: Failure to comply with the throughput limit for the Line 6 Extruder Melt Pot (EPN: FT16409500) (Category A8, Criterion 2).

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: Failure to report all instances of deviation (Category B3). The deviation report for the October 1, 2019 through March 31, 2020 reporting period did not include the deviation for failing to comply with the Multranol 12-month rolling average throughput limit for the line 6 Extruder Melt Pot.

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: Special Condition 1 PERMIT
Special Terms and Conditions 15 OP

Description: Failure to comply with the MAERs. During a record review for the Plant conducted from May 10, 2021 through May 17, 2021, an investigator documented that during a stack test completed on April 2, 2020, the Respondent exceeded the nitrogen oxides ("NOx") MAER of 11.41 lbs/hr by 3.21 lbs/hr and the hydrochloric acid ("HCl") MAER of 0.04 lb/hr by 0.78 lb/hr for the Vapor Combustor No. 1, EPN FF87826211.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	June 16, 2020	(1666545)
Item 2	July 16, 2020	(1673503)
Item 3	August 10, 2020	(1680277)
Item 4	October 20, 2020	(1693194)
Item 5	October 21, 2020	(1678202)
Item 6	November 11, 2020	(1712274)
Item 7	December 14, 2020	(1712275)
Item 8	January 12, 2021	(1712276)
Item 9	February 17, 2021	(1725330)
Item 10	March 15, 2021	(1725331)
Item 11	April 13, 2021	(1703075)
Item 12	April 19, 2021	(1725332)
Item 13	May 18, 2021	(1739982)
Item 14	May 20, 2021	(1722693)
Item 15	June 17, 2021	(1747538)
Item 16	July 12, 2021	(1751644)
Item 17	October 08, 2021	(1776590)
Item 18	December 10, 2021	(1790581)
Item 19	January 12, 2022	(1798378)
Item 20	February 10, 2022	(1806255)
Item 21	March 21, 2022	(1813316)
Item 22	April 14, 2022	(1819890)
Item 23	May 19, 2022	(1828733)
Item 24	June 20, 2022	(1835017)
Item 25	July 20, 2022	(1842226)
Item 26	August 12, 2022	(1848362)
Item 27	October 19, 2022	(1862514)
Item 28	November 18, 2022	(1869430)
Item 29	December 19, 2022	(1875274)
Item 30	January 19, 2023	(1882098)
Item 31	February 16, 2023	(1889916)
Item 32	March 16, 2023	(1898471)
Item 33	April 11, 2023	(1886622)
Item 34	April 18, 2023	(1905261)
Item 35	May 18, 2023	(1912447)
Item 36	June 16, 2023	(1919045)
Item 37	July 03, 2023	(1926011)
Item 38	August 15, 2023	(1932977)
Item 39	September 15, 2023	(1939111)
Item 40	September 19, 2023	(1945963)
Item 41	November 13, 2023	(1951655)
Item 42	December 15, 2023	(1961412)
Item 43	January 16, 2024	(1968012)
Item 44	February 19, 2024	(1977075)
Item 45	March 19, 2024	(1983640)
Item 46	April 19, 2024	(1990170)
Item 47	June 17, 2024	(2003577)
Item 48	July 20, 2024	(2011131)
Item 49	August 19, 2024	(2016735)
Item 50	September 20, 2024	(2023752)
Item 51	October 17, 2024	(2029876)
Item 52	November 20, 2024	(2036197)
Item 53	November 22, 2024	(2010818)
Item 54	December 16, 2024	(2042308)
Item 55	December 30, 2024	(2028123)
Item 56	January 15, 2025	(2049135)
Item 57	February 18, 2025	(2040780)
Item 58	February 21, 2025	(2056703)
Item 59	March 20, 2025	(2065269)

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: 05/15/2024 (1956258)
Self Report? NO Classification: Minor
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)
FOP Special Term and Condition 17 OP
NSR Special Condition 16 PERMIT
Description: Failure to maintain minimum required scrubber flow rate in Unit ID (FC612C2007) (Category C4)
- 2 Date: 05/20/2024 (1956275)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(2)
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)
FOP O-2101 ST&C 15 OP
Description: Failure to maintain liquid flow rate at or above 9 gallons per minute (gpm) for MDAII scrubber Unit ID: FV081066HD (control device FS08106600) (Category C4).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-2101 ST&C 15 OP
Description: Failure to prevent outlet gas temperature exceeding 39 degrees Celsius for Unit ID FV081066HD (control device FS08106600) (Category C4).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)
5C THSC Chapter 382 382.085(b)
Description: Failure to conduct the 2021 annual audio visual olfactory (AVO) for Unit IDs: FT0800400 and FT08510000 (Category C3).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146(d)(2)
5C THSC Chapter 382 382.085(b)
FOP O-2101 ST&C 16 OP
FOP O-2101 ST&C 1A OP
Description: Failure to maintain daily average for feed rate to Unit ID: PRO-TDZ (Category C4).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.112(e)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-2101 ST&C 1A OP
Description: Failure to control volatile organic compound (VOC) emissions from tanks (FT09001000, FT09004000 and FT09206500) (Category C4).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(2)
5C THSC Chapter 382 382.085(b)
FOP O-2101 ST&C 1A OP
Description: Failure to control volatile organic compound (VOC) and hazardous air pollutants (HAP) emissions from process vents (FV090HCI03 and FV090HCI04) (Category C4).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
FOP O-2101 ST&C 16 OP
NSR 2005 SC 16E PERMIT
Description: Failure to prevent open-ended lines (OEL) (Category C10).
- 3 Date: 05/20/2024 (1956257)
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)
5C THSC Chapter 382 382.085(b)
FOP Special Term and Condition 1A PERMIT
FOP Special Term and Condition 9 PERMIT
NSR Special Condition 29E PERMIT
Description: Failure to prevent Open Ended Lines (OEL) at the unit (FUG75000000).
(Category C10)

4

Date: 06/03/2024 (1956316)
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)
FOP, Special Term and Condition 14 OP
FOP, Special Term and Condition 15 OP
NSR, Special Condition 4 PERMIT
Description: Failure to maintain temperature limit of 940 °C for Central Thermal Oxidizer
(CTO) [EPN: FV87820115]. (Category C4)
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)
FOP, Special Term and Condition 14 OP
FOP, Special Term and Condition 15 OP
NSR, Special Condition 9A1 PERMIT
Description: Failure to maintain temperature limit of 935 °C for Vapor Combustor #1
(VC1) [EPN: FF87826211]. (Category C4)
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)
FOP, Special Term and Condition 14 OP
FOP, Special Term and Condition 15 OP
NSR, Special Condition 9A(1) PERMIT
Description: Failure to maintain temperature limit of 945 °C for Vapor Combustor #2
(VC2) [EPN: FF87826303]. (Category C4)
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)
FOP, Special Term and Condition 14 OP
FOP, Special Term and Condition 15 OP
NSR, Special Condition 8 PERMIT
Description: Failure to discharge emissions to Central Thermal Oxidizer (CTO) [EPN
FV87820115]. (Category C4)
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)
FOP, Special Term and Condition 14 OP
NSR, Special Condition 1 PERMIT
Description: Failure to prevent exceedance of permitted limit of emissions for Vent [Unit
ID: FV055ST001]. (Category B13)
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)
FOP, Special Term and Condition 14 OP
FOP, Special Term and Condition 15 OP
NSR, Special Condition 1 PERMIT
Description: Failure to prevent exceedance of permitted limit of 0.04 lbs/hr for
hydrochloric acid (HCl) for Vapor Combustor #1 (VC1) [EPN: FF87826211].
(Category B13)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(2)
5C THSC Chapter 382 382.085(b)
FOP, Special Term and Condition 1A OP
Description: Failure to comply with required process vent provisions for DNT/SAC [EPN:
FV022ST005]. (Category C4)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(2)
5C THSC Chapter 382 382.085(b)
FOP, Special Term and Condition 1A OP

Description: Failure to comply with required process vent provisions for SAC [EPN: FV045ST004]. (Category C4)

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)
FOP, Special Term and Condition 14 OP
FOP, Special Term and Condition 15 OP
NSR, Special Condition 1 PERMIT

Description: Failure to prevent exceedance of permitted limit of 4.43 lbs/hr for nitrogen oxide (NOx) for Central Thermal Oxidizer (CTO) [EPN: FV87820115]. (Category B13)

Self Report? NO Classification: Minor

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)
FOP, Special Term and Condition 15 OP
NSR, Special Condition 12 PERMIT

Description: Failure to monitor the ammonium hydroxide injection rate for to the CTO (EPN: FV87820115). (Category C1)

Self Report? NO Classification: Minor

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)
FOP, Special Term and Condition 14 OP
NSR, Special Condition 9(B)(1) PERMIT

Description: Failure to maintain the minimum temperature of the NSCR (EPN: FV87826152) (Category C4).

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)
FOP, Special Term and Condition 14 OP
FOP, Special Term and Condition 15 OP
NSR, Special Condition 1 PERMIT

Description: Failure to prevent exceedances of NOx (in lbs/hr) for Non-Selective Catalyst Reduction (NSCR) [EPN: FV87826152]. (Category B13)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(e)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, Special Term and Condition 1A OP

Description: Failure to control volatile organic compound (VOC) emissions from tanks (Unit ID's: FV06506800, FV06507600, and FV06509200). (Category C4)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2455(a)
5C THSC Chapter 382 382.085(b)
FOP, Special Term & Condition 1A OP

Description: Failure to control volatile organic compound (VOC) emissions from process vents (FV06020500, FV06078500, and FV0650HCL01). (Category C4)

5 Date: 01/17/2025 (2028114)

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 14E OP
Special Term and Condition 13 OP
Special Term and Condition 1A OP

Description: Failure to prevent an open-ended lines (OELs) on Fugitive Unit (EPN: Makrolon) (Category C10).

6 Date: 01/24/2025 (2028143)

Self Report? NO Classification: Minor

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 13C OP

Description: Failure to conduct cooling water TDS sample analysis for the week of
08/22/2023 week (EPN: FC81000005).

7

Date: 02/26/2025 (2028173)

Self Report? NO Classification: Minor

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 10E PERMIT
Special Term and Condition 15 PERMIT

Description: Failure to prevent open-ended lines (OEL) for Fugitive Unit (EPN: FUG)
(Category C10).

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 4 PERMIT
Special Term and Condition 15 PERMIT

Description: Failure to maintain temperature within permitted limits for Central Thermal
Oxidizer (CTO) (EPN: FV87820115) (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 9A(1) PERMIT
Special Term and Condition 15 PERMIT

Description: Failure to maintain temperature within permitted limits for Vapor Combustor
#2 (VC2) (EPN: FF87826303) (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 1 PERMIT
Special Term and Condition 15 PERMIT

Description: Failure to prevent exceedance of the Maximum Allowable Emissions Rate
(MAER) pounds per hour (lbs/hr) limit for volatile organic compounds (VOC)
from the Non-Selective Catalyst Reduction (NSCR) (EPN: FF87826152)
(Category B13).

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 9(B)(1) PERMIT
Special Term and Condition 15 PERMIT

Description: Failure to maintain temperature limit for Non-Selective Catalyst Reduction
(NSCR) (EPN: FV87826152) (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 1 PERMIT
Special Term and Condition 15 PERMIT

Description: Failure to prevent exceedance of the Maximum Allowable Emission Rate
(MAER) pounds per hour (lbs/hr) limit for nitrogen oxide (NOx) from the
Central Thermal Oxidizer (CTO) (EPN: FV87820115) (Category B13).

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 13B(2) PERMIT
Special Term and Condition 15 PERMIT

Description: Failure to conduct weekly Continuous Emissions Monitoring Systems (CEMS)
calibration for Non-Selective Catalyst Reduction (NSCR) (EPN: FV878261152)
(Category C1).

8

Date: 02/26/2025 (2028171)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(1)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)
 5C THSC Chapter 382 382.085(b)
 SPECIAL CONDITION 16E PERMIT
 SPECIAL TERMS AND CONDITIONS 1A AND 16 OP

Description: Failure to prevent open-ended lines (OELs) (Category C10).
 Self Report? NO Classification: Minor
 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 7C(1) PERMIT
 SPECIAL TERM AND CONDITION 16 OP

Description: Failure to conduct weekly total dissolved solids (TDS) monitoring for the MDA Cooling Tower (EPN: FC830WK010) (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 4C PERMIT
 SPECIAL TERM AND CONDITION 16 OP

Description: Failure to maintain the permitted water flow rate to the Vent Scrubber (EPN: FS08211000) (Category B17).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(e)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SPECIAL TERM AND CONDITION 16 OP

Description: Failure to control volatile organic compound (VOC) emissions from Storage Tanks (EPNs: FT09001000, FT09004000, and FT09206500) (Category B17).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(2)
 SPECIAL TERM AND CONDITION 16 OP

Description: Failure to control volatile organic compound (VOC) and hazardous air pollutant (HAP) emissions from process vents (EPNs: FV090HCl03 and FV090HCl04) (Category B17).

9 Date: 02/26/2025 (2028172)

Description: Failure to prevent an open-ended line (OEL) (Category C10).
 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 29E PERMIT
 SPECIAL TERM AND CONDITION 1 OP
 SPECIAL TERM AND CONDITION 14 OP

Description: Failure to adhere to appropriate operation requirements during loading operations for the Loading Stations (Emission Point Numbers (EPN): FL72005800 and FC70005000) (Category B18(g)(1)).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(A)
 30 TAC Chapter 115, SubChapter C 115.214(a)(1)(B)
 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 12 PERMIT
 SPECIAL TERM AND CONDITION 1 OP
 SPECIAL TERM AND CONDITION 14 OP

Description: Failure to maintain records of weekly visual, audible, and/or olfactory (AVO) walk-through inspections of the Barge Dock, Tank Farm, and Carbon Absorption System (CAS) (Category C1).

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

1	ENVIRONMENTAL MANAGEMENT SYSTEM	30 TAC CERTIFIED
2	ENVIRONMENTAL MANAGEMENT SYSTEM	30 TAC CERTIFIED

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
COVESTRO LLC
RN100209931

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2024-0219-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 Covestro 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 8500 West Bay Road in Baytown, Chambers County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE Ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$13,275 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$5,310 of the penalty and \$2,655 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount 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 requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$5,310 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of 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 on January 9, 2024, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 Tex. Admin Code §§ 116.115(c) and 122.143(4), New Source Review Permit No. 22197, Special Conditions No. 1, Federal Operating Permit No. O2102, General Terms and Conditions and Special Terms and Conditions No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 4,120.00 pounds of anhydrous ammonia as fugitive emissions, during an emissions event (Incident No. 409030) that began on August 27, 2023 and lasted ten hours and 28 minutes.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Covestro LLC, Docket No. 2024-0219-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 an SEP as set forth in Section I, Paragraph No. 4. The amount of \$5,310 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, submit written documentation to demonstrate actions taken to prevent the reoccurrence of emissions events due to the same or similar causes as Incident No. 409030.
 - 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. 3.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
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

Krista Mello-Jurack

For the Executive Director

09/20/2025

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.

Ramon J. Simon

Signature

7-9-25

Date

Ramon J. Simon

Name (Printed or typed)
Authorized Representative of
Covestro LLC

NA Director Regulatory Affairs

Title

If mailing address has changed, please check this box and provide the new address below:

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.

Attachment A
Docket Number: 2024-0219-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Covestro LLC
Payable Penalty Amount:	\$10,620
SEP Offset Amount:	\$5,310
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Barbers Hill Independent School District
Project Name:	<i>Alternative Fuel School Bus Replacement</i>
Total Project Budget:	\$1,590,000
Location of SEP:	Chambers County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The 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 **Barbers Hill Independent School District** for the *Alternative Fuel School Bus Replacement* program (the “Project”). The Project is to reduce carbon monoxide (“CO”), nitrogen oxides (“NO_x”), particulate matter (“PM”), and volatile organic compounds (“VOCs”) emissions by replacing older school buses with new propane-fueled buses. The Third-Party Administrator is obligated to ensure that each Replacement Bus purchased has an engine that meets 2010 EPA Standards. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations.

The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ. 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 able to be spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The Respondent’s signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner 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 a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a new 2010 ultra-low emission model, passengers’ exposures to NO_x may be reduced by 98 percent; VOCs by 93 percent; CO by 83 percent; and PM by 99 percent.

C. Minimum Expenditure

Covestro LLC
Docket No. 2024-0219-AIR-E
Agreed Order - Attachment A

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 **Barbers Hill ISD SEP** and shall mail the contribution with a copy of the Agreed Order to:

Megan Gallien, Chief Financial Officer
Griffith, Moseley, Johnson & Associates, Inc.
2901 Turtle Creek Drive, Suite 445
Port Arthur, Texas 77642

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail or email 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
SEPReports@tceq.texas.gov

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 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
Office of Legal Services Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this 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.