

Executive Summary – Enforcement Matter – Case No. 65619

Braskem America, Inc.

RN102888328

Docket No. 2024-0401-IWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Braskem America, 8811 Strang Road, located approximately 1,000 feet east of the intersection of Strang Road and State Highway 225, and approximately 3.5 miles northwest of La Porte, Harris County

Type of Operation:

Plastics manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2024-1241-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 22, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$39,375

Amount Deferred for Expedited Settlement: \$7,875

Total Paid to General Revenue: \$15,750

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$15,750

Name of SEP: Bayou Land Conservancy (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: December 20, 2023 and February 29, 2024

Date(s) of NOE(s): February 16, 2024

Executive Summary – Enforcement Matter – Case No. 65619
Braskem America, Inc.
RN102888328
Docket No. 2024-0401-IWD-E

Violation Information

1. Failed to comply with permitted effluent limitations for total suspended solids [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002107000, Effluent Limitations and Monitoring Requirements No. 1].
2. Failed to pay fees and/or any associated late fees for TCEQ Financial Administration Account No. 91011175 [30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By January 31, 2024, the Respondent implemented corrective measures at the Facility and achieved compliance with all permitted effluent limitations in TPDES Permit No. WQ0002107000.

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, within 30 days, submit payment for all outstanding assessed fees for TCEQ Financial Administration Account No. 91011175.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Samantha Smith, Enforcement Division, Enforcement Team 7, MC R-12, (512) 239-2099; 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: Bayou Land Conservancy, 8801 Gosling Road, Spring, Texas 77381

Respondent: Mark Nikolich, Chief Executive Officer, Braskem America, Inc., 1735 Market Street, Suite LL, Philadelphia, Pennsylvania 19103-7528

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	29-Feb-2024	Screening	29-Feb-2024	EPA Due	5-Mar-2024
	PCW	11-Mar-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	Braskem America, Inc.
Reg. Ent. Ref. No.	RN102888328
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	65619	No. of Violations	2
Docket No.	2024-0401-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Samantha Smith
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$22,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	100.0%	Adjustment	Subtotals 2, 3, & 7	\$22,500
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Notes: Enhancement for six months of self-reported effluent violations, one dissimilar NOV, four agreed orders containing a denial of liability, and two agreed orders without a denial of liability. Reduction for three notices of intended audits and one disclosure of violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$5,625
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$939
Estimated Cost of Compliance	\$15,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$39,375
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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	\$39,375
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$39,375
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DEFERRAL	20.0%	Reduction	Adjustment	-\$7,875
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$31,500
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Screening Date	29-Feb-2024	Docket No.	2024-0401-IWD-E	PCW
Respondent	Braskem America, Inc.			Policy Revision 5 (January 28, 2021)
Case ID No.	65619			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN102888328			
Media	Water Quality			
Enf. Coordinator	Samantha Smith			

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>)	6	30%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
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>)	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 157%

>> 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 six months of self-reported effluent violations, one dissimilar NOV, four agreed orders containing a denial of liability, and two agreed orders without a denial of liability.
Reduction for three notices of intended audits and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 157%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date	29-Feb-2024	Docket No.	2024-0401-IWD-E	PCW	
Respondent	Braskem America, Inc.			Policy Revision 5 (January 28, 2021)	
Case ID No.	65619			PCW Revision February 11, 2021	
Reg. Ent. Reference No.	RN102888328				
Media	Water Quality				
Enf. Coordinator	Samantha Smith				
Violation Number	1				
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0002107000, Effluent Limitations and Monitoring Requirements No. 1				
Violation Description	Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.				
Base Penalty				\$25,000	
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual			X	
	Potential				Percent 30.0%
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Total suspended solids were evaluated to determine whether the discharged amounts of pollutants exceeded protective levels. Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
Adjustment				\$17,500	
					\$7,500
Violation Events					
Number of Violation Events		3	153	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly	X		Violation Base Penalty \$22,500	
	semiannual				
	annual				
	single event				
Three quarterly events are recommended for the quarters containing the months of October 2022 and June, July, August, and September 2023.					
Good Faith Efforts to Comply		25.0%	Reduction		\$5,625
	Extraordinary		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Ordinary	X			
	N/A				
	Notes	The Respondent achieved compliance by January 31, 2024.			
Violation Subtotal				\$16,875	
Economic Benefit (EB) for this violation					Statutory Limit Test
Estimated EB Amount		\$939	Violation Final Penalty Total		\$39,375
This violation Final Assessed Penalty (adjusted for limits)				\$39,375	

Economic Benefit Worksheet

Respondent Braskem America, Inc.
Case ID No. 65619
Reg. Ent. Reference No. RN102888328
Media Water Quality
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)	\$15,000	31-Oct-2022	31-Jan-2024	1.25	\$939	n/a	\$939

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance, and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$15,000

TOTAL

\$939

Screening Date 29-Feb-2024 Respondent Braskem America, Inc. Case ID No. 65619 Reg. Ent. Reference No. RN102888328 Media Water Quality Enf. Coordinator Samantha Smith	Docket No. 2024-0401-IWD-E	PCW <small>Policy Revision 5 (January 28, 2021)</small> <small>PCW Revision February 11, 2021</small>
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Violation Number	2	
Rule Cite(s)		30 Tex. Admin. Code § 290.51(a)(6) and Tex. Water Code § 5.702
Violation Description	Failed to pay fees and/or any associated late fees for TCEQ Financial Administration Account No. 91011175.	

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	Percent 0.0%
	Potential	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	Percent 0.0%
Matrix Notes					

Adjustment \$25,000

\$0

Violation Events

Number of Violation Events 		Number of violation days
<div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">daily</div> <div style="border: 1px solid black; width: 50px; height: 15px;"></div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">weekly</div> <div style="border: 1px solid black; width: 50px; height: 15px;"></div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">monthly</div> <div style="border: 1px solid black; width: 50px; height: 15px;"></div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">quarterly</div> <div style="border: 1px solid black; width: 50px; height: 15px;"></div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">semiannual</div> <div style="border: 1px solid black; width: 50px; height: 15px;"></div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">annual</div> <div style="border: 1px solid black; width: 50px; height: 15px;"></div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">single event</div> <div style="border: 1px solid black; width: 50px; height: 15px;"></div> </div>		
Violation Base Penalty \$0		

All penalties and Interest will be determined by the Financial Administration Division at the next billing cycle.

Good Faith Efforts to Comply

	0.0%	
	Before NOE/NOV	NOE/NOV to EDP RP/Settlement Offer
Extraordinary	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
Ordinary	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
N/A	X	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
Notes	The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal \$0

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount \$0	Violation Final Penalty Total \$0
This violation Final Assessed Penalty (adjusted for limits) \$0	

Economic Benefit Worksheet

Respondent Braskem America, Inc.
Case ID No. 65619
Reg. Ent. Reference No. RN102888328
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

N/A

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

N/A

Approx. Cost of Compliance

\$0

TOTAL

\$0

<p>Braskem America, Inc.</p> <p>TPDES Permit No. WQ0002107000</p> <p>Case No. 65619</p> <p>Docket No. 2024-0401-IWD-E</p>	
Effluent Violation Table	
	<p>Total Suspended Solids</p> <p>Daily Average Loading</p>
Monitoring Period	Limit = 112 lbs/day
October 2022	112.64
June 2023	113.95
July 2023	115.46
August 2023	112.95
September 2023	112.62

lbs/day = pounds per day



Compliance History Report

Compliance History Report for CN603921271, RN102888328, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN603921271, Braskem America, Inc. **Classification:** SATISFACTORY **Rating:** 9.30

Regulated Entity: RN102888328, BRASKEM AMERICA **Classification:** SATISFACTORY **Rating:** 34.96

Complexity Points: 20 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 8811 Strang Road, approximately 1,000 feet east of the intersection of Strang Road and State Highway 225, and approximately 3.5 miles northwest of the City of La Porte, Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0825G
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1011175

AIR NEW SOURCE PERMITS REGISTRATION 5572C
AIR NEW SOURCE PERMITS REGISTRATION 41949

AIR NEW SOURCE PERMITS AFS NUM 4820100485
AIR NEW SOURCE PERMITS REGISTRATION 81336
AIR NEW SOURCE PERMITS REGISTRATION 163589
AIR NEW SOURCE PERMITS REGISTRATION 161961
PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 24175
WASTEWATER EPA ID TX0074276

POLLUTION PREVENTION PLANNING ID NUMBER
P06432
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 31010

AIR OPERATING PERMITS PERMIT 1424
AIR NEW SOURCE PERMITS PERMIT 5572B

AIR NEW SOURCE PERMITS REGISTRATION 40591
AIR NEW SOURCE PERMITS ACCOUNT NUMBER
HG0825G
AIR NEW SOURCE PERMITS REGISTRATION 70549
AIR NEW SOURCE PERMITS REGISTRATION 168370
AIR NEW SOURCE PERMITS REGISTRATION 152219
USED OIL ID NUMBER HOU00055
WASTEWATER PERMIT WQ0002107000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER
HG0825G
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD098200637
TAX RELIEF ID NUMBER 23969

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

Date Compliance History Report Prepared: July 11, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 11, 2019 to July 11, 2024

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

Name: Samantha Smith

Phone: (512) 239-2099

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: 07/20/2020 ADMINORDER 2019-1464-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: General Terms and Conditions OP

Special Condition 1 PERMIT
Special Terms and Conditions No. 11 OP

Description: Failure to prevent the release of unauthorized emissions. [Category A12.i.(6)]

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O1424 OP
STC No. 2.F OP

Description: Failed to identify all required information on the final record for a reportable emissions event

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 OP
Special Condition 1 PERMIT
STC No. 11 OP

Description: Failure to prevent unauthorized emissions. [Category A12.i.(6)]

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O1424 OP
STC No. 2.F OP

Description: Failed to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event

2 Effective Date: 09/22/2020 ADMINORDER 2020-0271-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: Special Condition 1 PERMIT
Special Condition 11 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 2.F PERMIT

Description: Failure to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not speciate the VOC and the estimated total quantities for those compounds on the final record for Incident No. 301143.

3 Effective Date: 01/19/2022 ADMINORDER 2020-1369-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter H 115.722(d)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC and STC Nos. 1.A and 11 OP
Special Condition 1 PERMIT

Description: Failure to operate the flare with a flame present at all times and failed to prevent unauthorized emissions that was discovered on December 5, 2017, TCEQ/STEERS Incident No. 273939. (Category A12.i.6)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
Rqmt Prov: FOP No. 01424, GTC and STC No. 2.F OP
Description: Failure to identify all required information on the final record for a reportable emissions event, TCEQ/STEERS Incident No. 273939. (Category C3).
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter H 115.722(d)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. 01424, GTC and STC Nos. 1.A and OP
Description: Failure to operate the flare with a flame present at all times and failed to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on January 18, 2018, TCEQ/STEERS Incident No. 276781.(Category A12.i.(6))
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
Description: Failure to submit a PCC within 30 days of any certification period. During a record review conducted on September 2, 2020 through September 30, 2020, an investigator documented that the PCC for February 3, 2019 through February 2, 2020 certification period was due by March 3, 2020, but was not submitted until September 30, 2020.
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 1 PERMIT
Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on January 17, 2018, TCEQ/STEERS Incident No. 276527 (Category A12.i.(6)).
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(F)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. 1424, GTC and STC No. 2F OP
Description: Failure to submit an accurate final record associated with an emissions event, TCEQ/STEERS Incident No. 276527 (Category C3). The Respondent did not identify propane and ethylene, the estimated total quantities of propane and ethylene, and the correct estimated duration of the emissions on the final record for Incident No. 276527.

4 Effective Date: 07/07/2023 ADMINORDER 2021-0874-AIR-E (Findings Order-Agreed Order Without 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: FOP 1424, GTC OP
FOP 1424, STC No. 11 OP
Special Condition 1 OP

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 530.00 lbs of VOC as fugitive emissions and released 59.98 lbs of carbon monoxide, 29.99 lbs of nitrogen oxides, and 108.86 lbs of VOC from the C Flare, Emissions Point Number 140, during an emissions event (Incident No. 307046) that occurred on April 23, 2019 and lasted two hours. The emissions event occurred when stress corrosion cracking caused a leak on a section of pipe

Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP 1424, GTC OP
FOP 1424, STC No. 1.A OP
FOP 1424, STC No. 11 OP
Special Conditions 1 PERMIT

Description: Failed to prevent unauthorized emissions and failed to limit the highly reactive volatile organic compounds ("HRVOC") emissions to 1,200 lbs or less per one-hour block period. Specifically, the Respondent released 107.70 lbs of volatile organic compounds ("VOC"), 1,911.90 lbs of HRVOC, 327.10 lbs of nitrogen oxides ("NOx"), and 653.10 lbs of carbon monoxide ("CO") from the C Flare, EPN 140, during an emissions event (Incident No. 355077) that occurred on April 29, 2021 and lasted three hours

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP 1424, GTC OP

FOP 1424, STC No. 1.A OP

FOP 1424, STC No. 11 OP

NSR 5572B, SC No. 1 PERMIT

Description: Failed to prevent unauthorized emissions and failed to limit the HRVOC emissions to 1,200 lbs or less per one-hour block period. Specifically, the Respondent released 1,975.30 lbs of HRVOC, 100.82 lbs of NOx, and 493.36 lbs of CO from the C Flare, EPN 140, during an emissions event (Incident No. 359264) that occurred on May 19, 2021 and lasted three hours and 12 minutes. The emissions event occurred when an arc fault at a transformer disconnect in the Plant's substation caused a loss of elect

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP 1424, STC No. 2.F OP

Description: Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 359264 was due by May 20, 2021 at 1:40 p.m., but was not submitted until May 30, 2021 at 12:01 a.m.

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 1424, GTC OP

FOP 1424, STC No. 11 OP

SC 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 660.17 lbs of CO, 93.60 lbs of NOx, and 1,107.00 lbs of VOC from the C Flare, EPN 140, during an emissions event (Incident No. 292022) that occurred on September 12, 2018 and lasted four hours. The emissions event occurred due to the failure of a solenoid in a piece of equipment associated with the C Boiler Burner Management System that tripped the circuit breaker located at the system's control panel and forced

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP 1424, GTC OP

FOP 1424, STC No. 2.F OP

Description: Failed to identify all required information on the final record for a reportable emissions event. Specifically, the Respondent did not identify the estimated total quantities for the speciated VOC on the final record for Incident No. 292022.

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 1424, GTC OP

FOP 1424, STC No. 11 OP

Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 171.90 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 320081) that occurred on August 31, 2019 and lasted one hour and nine minutes. The emissions event occurred due to a seal failure on the main Propylene Feed Pump for the C Line Production Unit, resulting in the release to the atmosphere.

5 Effective Date: 07/27/2023 ADMINORDER 2021-0475-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: FOP 1424, GTC OP
FOP 1424, STC No. 11 OP
Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 699 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 324550) that occurred on November 9, 2019 and lasted five hours and 59 minutes. The emissions event occurred due to the inadvertent removal of a Lok-ring cap that caused a transfer pipeline in the distillation section to become breached, 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 1424, GTC OP
FOP 1424, STC No. 11 OP
NSR Permit 5572B, SC No, 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,290.60 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 322265) that occurred on October 5, 2019 and lasted three hours. The emissions event occurred when an elevated in-service propylene pipe was cut into during a maintenance activity, 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 1424, GTC OP
FOP 1424, STC No. 11 OP
SPECIAL CONDITION NO. 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,041.52 lbs of carbon monoxide, 144.21 lbs of nitrogen oxides, and 1,482.08 lbs of VOC from the C Flare, Emissions Point Number 140, during an emissions event (Incident No. 288767) that occurred on July 20, 2018 and lasted five hours. The emissions event occurred due to a low water level switch being bumped which triggered a boiler shutdown, resulting in flaring.

6 Effective Date: 08/22/2023 ADMINORDER 2022-0102-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter H 115.722(d)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 5572B PERMIT
FOP 1424, GTC OP
FOP 1424, STC Nos. 1.A and 11 OP

Description: Failed to operate the flare with a flame present at all times and failed to prevent unauthorized emissions. Specifically, the Respondent released 421.60 pounds ("lbs") of volatile organic compounds ("VOC") from the C Flare, Emissions Point Number ("EPN") 140, during an emissions event (Incident No. 367554) that occurred on September 29, 2021 and lasted one hour. The emissions event occurred due to a sudden breakdown of the C Flare Pilots and when intense rain and high winds extinguished all thr

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: 5572B PERMIT
FOP 1424, GTC OP
FOP 1424, STC No. 11 OP

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 503.70 lbs of carbon monoxide, 241.10 lbs of nitrogen oxides, and 2,778.75 lbs of VOC from the C Flare, EPN 140, and 1,530.60 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 371186) that occurred on December 8, 2021 and lasted one hour and 56 minutes. The emissions event occurred when the head flange for Propylene Feed Filter F201B was not fully bolted before adjusting the isolation valve d

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	August 19, 2019	(1600427)	Item 31	September 23, 2021	(1690409)
Item 2	September 20, 2019	(1607332)	Item 32	September 27, 2021	(1690515)
Item 3	October 17, 2019	(1614209)	Item 33	November 12, 2021	(1784551)
Item 4	November 15, 2019	(1604627)	Item 34	November 17, 2021	(1691941)
Item 5	November 20, 2019	(1620002)	Item 35	December 17, 2021	(1791585)
Item 6	November 22, 2019	(1592334)	Item 36	February 22, 2022	(1795298)
Item 7	December 20, 2019	(1627349)	Item 37	March 11, 2022	(1814310)
Item 8	January 16, 2020	(1634982)	Item 38	May 18, 2022	(1829714)
Item 9	February 13, 2020	(1641597)	Item 39	June 20, 2022	(1836013)
Item 10	April 13, 2020	(1654458)	Item 40	August 19, 2022	(1849379)
Item 11	May 20, 2020	(1661029)	Item 41	September 09, 2022	(1857146)
Item 12	June 18, 2020	(1667558)	Item 42	December 12, 2022	(1876266)
Item 13	July 20, 2020	(1674507)	Item 43	January 13, 2023	(1883080)
Item 14	August 18, 2020	(1681279)	Item 44	February 11, 2023	(1890888)
Item 15	September 16, 2020	(1687853)	Item 45	March 10, 2023	(1899461)
Item 16	September 21, 2020	(1673233)	Item 46	April 14, 2023	(1906263)
Item 17	September 22, 2020	(1673211)	Item 47	April 28, 2023	(1853033)
Item 18	October 16, 2020	(1694202)	Item 48	May 09, 2023	(1913418)
Item 19	November 19, 2020	(1715239)	Item 49	June 17, 2023	(1920028)
Item 20	November 20, 2020	(1686288)	Item 50	June 21, 2023	(1789392)
Item 21	December 16, 2020	(1715240)	Item 51	July 07, 2023	(1846213)
Item 22	January 19, 2021	(1715241)	Item 52	August 04, 2023	(1968986)
Item 23	February 11, 2021	(1728308)	Item 53	August 29, 2023	(1924415)
Item 24	March 19, 2021	(1728309)	Item 54	September 06, 2023	(1869040)
Item 25	May 19, 2021	(1741445)	Item 55	September 14, 2023	(1925912)
Item 26	May 20, 2021	(1722819)	Item 56	October 04, 2023	(1931923)
Item 27	May 30, 2021	(1724449)	Item 57	November 16, 2023	(1879745)
Item 28	June 18, 2021	(1748071)	Item 58	December 10, 2023	(1962397)
Item 29	August 03, 2021	(1744993)	Item 59	February 15, 2024	(1978051)
Item 30	August 17, 2021	(1758043)	Item 60	March 20, 2024	(1984624)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 07/31/2023 (1933959)		
	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: 08/31/2023 (1940098)		
	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		
3	Date: 09/30/2023 (1946936)		
	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		
4	Date: 10/31/2023 (1952624)		
	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		

Date: 01/11/2024 (1924914)

Self Report? NO 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)
 FOP Special Term & Condition (ST&C) 11 OP
 NSR Special Condition (SC) 1 PERMIT

Description: Failure to prevent the tons per year (TPY) permit exceedance of volatile organic compounds (VOC) for Storage Tank D-104 [EPN: 46A] (Category B13)

Self Report? NO 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)
 FOP Special Term & Condition (ST&C) 11 OP
 NSR Special Condition (SC) 1 PERMIT

Description: Failure to prevent nitrogen oxide (NOx) and carbon monoxide (CO) tons per

year (TPY) exceedances for D Line Totally Enclosed Ground Flare (LPFLARE-3) [EPN: 202] (Category B13)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition (ST&C) 11 OP
 FOP Special Term & Condition (ST&C) 1A OP
 NSR Special Condition (SC) 19A PERMIT
 NSR Special Condition (SC) 3A PERMIT
 NSR Special Condition (SC) 4A PERMIT

Description: Failure to maintain the net heating value of 300 British Thermal Unit per standard cubic foot (BTU/scf) for FLARE-1 [EPN: 44] (Category C7)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition (ST&C) 11 OP
 FOP Special Term & Condition (ST&C) 1A OP
 NSR Special Condition (SC) 19A PERMIT
 NSR Special Condition (SC) 3A PERMIT
 NSR Special Condition (SC) 4A PERMIT

Description: Failure to maintain the net heating value of 300 British Thermal Unit per standard cubic foot (BTU/scf) for D Line Totally Enclosed Ground Flare (LPFLARE-3) [EPN: 202] (Category C7)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition (ST&C) 11 OP
 FOP Special Term & Condition (ST&C) 1A OP
 NSR Special Condition (SC) 19C PERMIT
 NSR Special Condition (SC) 3A PERMIT
 NSR Special Condition (SC) 4A PERMIT

Description: Failure to prevent visible emissions for more than 5 minutes in any 2-hour period from D Line Totally Enclosed Ground Flare (LPFLARE-3) [EPN: 202] (Category B13)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.126(7)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
 5C THSC Chapter 382 382.085(b)

FOP Special Term & Condition (ST&C) 11 OP
 FOP Special Term & Condition (ST&C) 1A OP
 NSR Special Condition (SC) 19B PERMIT
 Description: Failure to prevent pilot flame outages for FLARE-1 [EPN: 44] (Category C7)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition (ST&C) 11 OP
 FOP Special Term & Condition (ST&C) 1A OP
 NSR Special Condition (SC) 19A PERMIT
 NSR Special Condition (SC) 3A PERMIT
 NSR Special Condition (SC) 4A PERMIT
 Description: Failure to maintain the net heating value of 300 British Thermal Units per
 standard cubic foot (BTU/scf) for FLARE-2 [EPN: 140] (Category C7)
 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 & Condition (ST&C) 11 OP
 NSR Special Condition (SC) 21A PERMIT
 Description: Failure to perform the 2022 annual drift eliminator inspection for Cooling
 Tower 33011 [EPN: 33] (Category B1)
 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 & Condition (ST&C) 11 OP
 NSR Special Condition (SC) 21A PERMIT
 Description: Failure to perform the 2022 annual drift eliminator inspection for "C" Line
 Cooling Tower (C-TOWER) [EPN: 130] (Category B1)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition (ST&C) 11 OP
 FOP Special Term & Condition (ST&C) 1A OP
 NSR Special Condition (SC) 26E PERMIT
 NSR Special Condition (SC) 3C PERMIT
 Description: Failure to prevent Open Ended Lines (OELs) in volatile organic compound
 (VOC) and highly reactive volatile organic compound (HRVOC) service in "C"
 Line Fugitives [EPN: 150] (Category C10).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(E)(vi)
 30 TAC Chapter 115, SubChapter H 115.786(d)(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.486a(c)(5)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition (ST&C) 11 OP
 FOP Special Term & Condition (ST&C) 1A OP
 NSR Special Condition (SC) 28H PERMIT
 NSR Special Condition (SC) 3C PERMIT
 Description: Failure to list components on Delay of Repair (DOR) from "D" Line Fugitives
 [EPN: 204] (Category B3)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-7a(c)(2)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term & Condition (ST&C) 11 OP
 FOP Special Term & Condition (ST&C) 1A OP
 NSR Special Condition (SC) 3C PERMIT
 Description: Failure to conduct monthly monitoring for leaking components from "D" Line

	Fugitives [EPN: 204] (Category B1)		
Self Report?	NO	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) FOP Special Term & Condition (ST&C) 11 OP NSR Special Condition (SC) 1 PERMIT		
Description:	Failure to prevent volatile organic compounds (VOC) tons per year (TPY) exceedances for D Line Totally Enclosed Ground Flare (LPFLARE-3) [EPN: 202] (Category B13)		
6	Date: 03/31/2024 (1991147)		
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		
7	Date: 04/30/2024 (1997602)		
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

F. Environmental audits:

Notice of Intent Date: 07/11/2019 (1580758)
 Disclosure Date: 07/01/2020
 Viol. Moderate
 Classification:
 Citation: 40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.15(c)
 30 TAC Chapter 335, SubChapter H 335.261(a)
 Description: Failure to properly label universal waste batteries with accumulation date data.
 Viol. Moderate
 Classification:
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(2)
 Description: Failure to label hazardous waste drums in hazardous waste storage areas with date of accumulation.
 Viol. Moderate
 Classification:
 Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.16
 30 TAC Chapter 335, SubChapter E 335.112(a)
 Description: Failure to ensure employees complete annual review of hazardous waste rules.
 Viol. Moderate
 Classification:
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(e)
 Description: Failure to mark hazardous waste drum as full in the hazardous waste accumulation area.
 Viol. Moderate
 Classification:
 Citation: 30 TAC Chapter 290, SubChapter F 290.121
 Description: Failure to include accurate information in the Portable Water Monitoring Plan.

Notice of Intent Date: 03/24/2022 (1809779)
 No DOV Associated

Notice of Intent Date: 09/06/2022 (1847074)
 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
BRASKEM AMERICA, INC.
RN102888328

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2024-0401-IWD-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 Braskem America, Inc. (the "Respondent") under the authority of TEX. WATER CODE chs. 5, 7, and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a plastics manufacturing plant located at 8811 Strang Road, approximately 1,000 feet east of the intersection of Strang Road and State Highway 225, and approximately 3.5 miles northwest of the City of La Porte, Harris County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
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. WATER CODE chs. 5 and 26 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 \$39,375 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$15,750 of the penalty and \$7,875 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to Tex. Water Code § 7.067, \$15,750 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms

and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that by January 31, 2024, the Respondent implemented corrective measures at the Facility and achieved compliance with all permitted effluent limitations in Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002107000.

II. ALLEGATIONS

1. During a record review for the Facility conducted on December 20, 2023, an investigator documented that the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0002107000, Effluent Limitations and Monitoring Requirements No. 1, as shown in the effluent violation table below:

Effluent Violation Table	
	Total Suspended Solids Daily Average Loading
Monitoring Period	Limit = 112 lbs/day
October 2022	112.64
June 2023	113.95
July 2023	115.46
August 2023	112.95
September 2023	112.62

lbs/day = pounds per day

- During a record review for the Facility conducted on February 29, 2024, an investigator documented that the Respondent failed to pay fees and/or any associated late fees for TCEQ Financial Administration Account No. 91011175, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702.

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:

- 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: Braskem America, Inc., Docket No. 2024-0401-IWD-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

- The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$15,750 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.
- The Respondent shall, within 30 days after the effective date of this Order, submit payment for all outstanding assessed fees for TCEQ Financial Administration Account

- No. 91011175. The payment shall be sent to the address listed in Ordering Provision No. 1.
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 Facility 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.
 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

For the Executive Director

Date

12/30/2024

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Mark Nikolic

Name (Printed or typed)
Authorized Representative of
Braskem America, Inc.

Date

12/12/2024

Title

CEO

☐ 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: 2024-0401-IWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Braskem America, Inc.
Payable Penalty Amount:	\$31,500
SEP Offset Amount:	\$15,750
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Bayou Land Conservancy
Project Name:	<i>Lake Houston Watershed-Western Watershed Protection Project</i>
Total Project Budget:	\$3,420,000
Location of SEP:	Harris and Montgomery Counties; San Jacinto River Basin; and Gulf Coast Aquifer

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 **Bayou Land Conservancy** for the *Lake Houston Watershed - Western Watershed Protection Project* (the “Project”). Third-Party Administrator has identified approximately 500 acres along the West Fork of the San Jacinto River, Spring Creek, Cypress Creek, and Lake Creek for property acquisition or acquisition of perpetual conservation easements in accordance with Subchapter A, Chapter 183, Texas Natural Resources Code. The goal of this Project is to protect the floodplain within the western tributaries of the Lake Houston Watershed. The Project is to conduct certain due diligence activities and to purchase land or conservation easements in perpetuity from private and public landowners. Third-Party Administrator shall also conduct restoration work as necessary on properties placed under a conservation easement or owned by the Third-Party Administrator. The Third-Party Administrator shall conduct habitat restoration and enhancement, including removing invasive species and planting native vegetation. Restoration activities will be conducted by a contractor and will take place on property protected by a conservation easement or owned by the Third-Party Administrator. The Project will be done 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 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 solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

B. Environmental Benefit

Rapid development in the Lake Houston Watershed has led to removal of the natural riparian buffers along the waterways, which jeopardizes the air and water quality. Spring Creek, Cypress Creek, Lake Creek, and the West Fork of the San Jacinto River are major water sources for Lake Houston, which is Houston's primary source of drinking water. When land is cleared and developed within these floodplains, the water becomes more turbid and often has increased E. coli bacteria and other negative water quality contaminants.

Lands permanently preserved with conservation easements maintain vegetated banks and wooded floodplains to allow river overflow. When floodwater passes through the floodplain, the vegetated substrates are not eroded away, and the banks are maintained. Preserving the natural vegetated banks will help maintain water quality in this area. Additionally, many of the properties Third-Party Administrator will secure with conservation easements will be open to the public for low-impact recreational uses, and wildlife will benefit from connected habitat and undisturbed access to critical water sources.

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 Third-Party Administrator. The Respondent shall make the check payable to **Bayou Land Conservancy SEP** and shall mail the contribution with a copy of the Agreed Order to:

Bayou Land Conservancy
Attention: Becky Martinez, Conservation Director
8801 Gosling Road
Spring, Texas 77381

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 send a copy of the check and transmittal letter to the SEP Coordinator by mail or electronic mail, at:

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