

Executive Summary – Enforcement Matter – Case No. 64134
Blue Cube Operations LLC
RN108772245
Docket No. 2024-0416-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Unauthorized emissions which are excessive emissions events

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Blue Cube Operations, 2301 North Brazosport Boulevard, Freeport, Brazoria County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2024-0306-AIR-E, 2022-1122-AIR-E, and 2021-0622-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 28, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$50,000

Total Paid to General Revenue: \$25,000

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$25,000

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

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 3, 2022 through February 9, 2023

Date(s) of NOE(s): May 15, 2023

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Docket No. 2024-0416-AIR-E

Violation Information

Failed to prevent unauthorized emissions. The emissions event was determined to be an excessive emissions event [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 93978, Special Conditions No. 1, Federal Operating Permit No. O2204, 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 a corrective action plan ("CAP") in accordance with the TCEQ letter dated May 15, 2023 to address the excessive emissions event (Incident No. 383437) that began on July 14, 2022;
 - b. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the CAP submittals in connection with the excessive emissions event that began on July 14, 2022 within 15 days after the date of such requests, or by any other deadline specified in writing;
 - c. Within 45 days, submit written certification to demonstrate compliance with a.;
 - d. Upon Executive Director approval of the CAP, implement the CAP to address the excessive emissions event (Incident No. 383437) that began on July 14, 2022 in accordance with the approved schedule; and
 - e. Within 15 days after the completion of the CAP implementation, submit written certification to demonstrate compliance with d.

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Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Mackenzie Mehlmann, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2572; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

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

Respondent: William A. Chidester, Environmental, Health, and Safety Leader, Blue Cube Operations LLC, 2301 North Brazosport Boulevard, Freeport, Texas 77541-3203

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	22-May-2023		
	PCW	14-May-2024	Screening	2-Jun-2023
			EPA Due	

RESPONDENT/FACILITY INFORMATION				
Respondent	Blue Cube Operations LLC			
Reg. Ent. Ref. No.	RN108772245			
Facility/Site Region	12-Houston	Major/Minor Source	Major	

CASE INFORMATION				
Enf./Case ID No.	64134	No. of Violations	1	
Docket No.	2024-0416-AIR-E	Order Type	Findings	
Media Program(s)	Air	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Mackenzie Mehlmann	
		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	\$50,000
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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	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes

Since the enhancement for eight NOV's with same or similar violations and three orders containing a denial of liability and the reduction for 62 Notices of intent to conduct an audit and 40 Disclosures of Violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,236
Estimated Cost of Compliance	\$10,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$50,000
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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	\$50,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$50,000
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$50,000
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Screening Date

2-Jun-2023

Docket No.

2024-0416-AIR-E

PCW

Respondent

Blue Cube Operations LLC

Case ID No.

64134

Reg. Ent. Reference No.

RN108772245

Media

Air

Enf. Coordinator

Mackenzie Mehlmann

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	8	40%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	62	-62%
	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>)	40	-80%
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)0%

>> Repeat Violator (Subtotal 3)

NoAdjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory PerformerAdjustment Percentage (Subtotal 7)0%

>> Compliance History Summary

Compliance History Notes

Since the enhancement for eight NOVs with same or similar violations and three orders containing a denial of liability and the reduction for 62 Notices of intent to conduct an audit and 40 Disclosures of Violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%0%

Screening Date	2-Jun-2023	Docket No.	2024-0416-AIR-E	PCW
Respondent	Blue Cube Operations LLC	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	64134	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN108772245			
Media	Air			
Enf. Coordinator	Mackenzie Mehlmann			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit No. 93978, Special Conditions No. 1, Federal Operating Permit No. O2204, 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 6,741.00 pounds of ethylene dichloride as fugitive emissions, during an emissions event (Incident No. 383437) that began on July 14, 2022 and lasted 28 hours and 10 minutes. The emissions event was determined to be an excessive emissions event.			
Base Penalty			\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual	x		
Potential				
Percent			100.0%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
Percent			0.0%	
Matrix Notes	Based on the Air Quality Analysis Audit performed on the air dispersion modeling provided by the Respondent, human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of this violation.			
Adjustment			\$0	
			\$25,000	
Violation Events				
Number of Violation Events		2	2 Number of violation days	
	daily	x		
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event			
Violation Base Penalty			\$50,000	
Two daily events are recommended.				
Good Faith Efforts to Comply		0.0%	Reduction	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary				
N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal			\$50,000	
Economic Benefit (EB) for this violation				
Statutory Limit Test				
Estimated EB Amount	\$1,236	Violation Final Penalty Total	\$50,000	
This violation Final Assessed Penalty (adjusted for limits)			\$50,000	

Economic Benefit Worksheet

Respondent Blue Cube Operations LLC
Case ID No. 64134
Reg. Ent. Reference No. RN108772245
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	14-Jul-2022	1-Jan-2025	2.47	\$1,236	n/a	\$1,236
Notes for DELAYED costs	Estimated cost to implement an approved corrective action plan to address the excessive emissions event (Incident No. 383437) that began on July 14, 2022. The Date Required is the date the emissions event began and the Final Date is the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$10,000	TOTAL	\$1,236
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Compliance History Report

Compliance History Report for CN604930784, RN108772245, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN604930784, Blue Cube Operations LLC	Classification: SATISFACTORY	Rating: 1.00
Regulated Entity:	RN108772245, Blue Cube Operations	Classification: SATISFACTORY	Rating: 2.63
Complexity Points:	34	Repeat Violator: NO	
CH Group:	05 - Chemical Manufacturing		
Location:	2301 North Brazosport Boulevard, Freeport, Brazoria County, Texas		
TCEQ Region:	REGION 12 - HOUSTON		

ID Number(s):

AIR OPERATING PERMITS PERMIT 2204
AIR OPERATING PERMITS PERMIT 2214
AIR OPERATING PERMITS PERMIT 2214
AIR OPERATING PERMITS PERMIT 1388
AIR OPERATING PERMITS ACCOUNT NUMBER BLA044R
AIR OPERATING PERMITS PERMIT 2208
AIR NEW SOURCE PERMITS REGISTRATION 143935
AIR NEW SOURCE PERMITS REGISTRATION 169381
AIR NEW SOURCE PERMITS REGISTRATION 170521
AIR NEW SOURCE PERMITS REGISTRATION 169842
AIR NEW SOURCE PERMITS REGISTRATION 169350
AIR NEW SOURCE PERMITS PERMIT 19720
AIR NEW SOURCE PERMITS REGISTRATION 80624
AIR NEW SOURCE PERMITS REGISTRATION 119476
AIR NEW SOURCE PERMITS PERMIT 94403
AIR NEW SOURCE PERMITS PERMIT 141127
AIR NEW SOURCE PERMITS REGISTRATION 23387
AIR NEW SOURCE PERMITS PERMIT 104152
AIR NEW SOURCE PERMITS REGISTRATION 107036
AIR NEW SOURCE PERMITS PERMIT 4020
AIR NEW SOURCE PERMITS REGISTRATION 82587
AIR NEW SOURCE PERMITS REGISTRATION 110553
AIR NEW SOURCE PERMITS PERMIT 19041
AIR NEW SOURCE PERMITS PERMIT 3301
AIR NEW SOURCE PERMITS REGISTRATION 137679
AIR NEW SOURCE PERMITS PERMIT 48479
AIR NEW SOURCE PERMITS REGISTRATION 137821
AIR NEW SOURCE PERMITS PERMIT 104092
AIR NEW SOURCE PERMITS PERMIT 48478
AIR NEW SOURCE PERMITS REGISTRATION 123092
AIR NEW SOURCE PERMITS PERMIT 48892
AIR NEW SOURCE PERMITS REGISTRATION 120405
AIR NEW SOURCE PERMITS REGISTRATION 101933
AIR NEW SOURCE PERMITS REGISTRATION 107132
AIR NEW SOURCE PERMITS PERMIT 5661
AIR NEW SOURCE PERMITS REGISTRATION 137816
AIR NEW SOURCE PERMITS REGISTRATION 115831
AIR NEW SOURCE PERMITS PERMIT 83789
AIR NEW SOURCE PERMITS REGISTRATION 98440
AIR NEW SOURCE PERMITS REGISTRATION 153529
AIR NEW SOURCE PERMITS REGISTRATION 154379

AIR OPERATING PERMITS PERMIT 2207
AIR OPERATING PERMITS PERMIT 2208
AIR OPERATING PERMITS PERMIT 2202
AIR OPERATING PERMITS PERMIT 2204
AIR OPERATING PERMITS PERMIT 2207
AIR NEW SOURCE PERMITS AFS NUM 4803900765
AIR NEW SOURCE PERMITS REGISTRATION 143783
AIR NEW SOURCE PERMITS REGISTRATION 169821
AIR NEW SOURCE PERMITS REGISTRATION 170658
AIR NEW SOURCE PERMITS REGISTRATION 169443
AIR NEW SOURCE PERMITS PERMIT 143689
AIR NEW SOURCE PERMITS REGISTRATION 140541
AIR NEW SOURCE PERMITS PERMIT 22743
AIR NEW SOURCE PERMITS REGISTRATION 32546
AIR NEW SOURCE PERMITS REGISTRATION 140223
AIR NEW SOURCE PERMITS PERMIT 4022
AIR NEW SOURCE PERMITS REGISTRATION 92334
AIR NEW SOURCE PERMITS REGISTRATION 82007
AIR NEW SOURCE PERMITS REGISTRATION 109512
AIR NEW SOURCE PERMITS PERMIT 83699
AIR NEW SOURCE PERMITS REGISTRATION 78008
AIR NEW SOURCE PERMITS REGISTRATION 131239
AIR NEW SOURCE PERMITS PERMIT 93978
AIR NEW SOURCE PERMITS PERMIT 2606
AIR NEW SOURCE PERMITS PERMIT 4021
AIR NEW SOURCE PERMITS PERMIT 5340
AIR NEW SOURCE PERMITS PERMIT 9044
AIR NEW SOURCE PERMITS REGISTRATION 49187
AIR NEW SOURCE PERMITS REGISTRATION 137416
AIR NEW SOURCE PERMITS PERMIT 3434
AIR NEW SOURCE PERMITS REGISTRATION 98434
AIR NEW SOURCE PERMITS REGISTRATION 120549
AIR NEW SOURCE PERMITS REGISTRATION 129598
AIR NEW SOURCE PERMITS REGISTRATION 96527
AIR NEW SOURCE PERMITS PERMIT 3302
AIR NEW SOURCE PERMITS PERMIT 5339
AIR NEW SOURCE PERMITS PERMIT 48715
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AIR NEW SOURCE PERMITS REGISTRATION 151394
AIR NEW SOURCE PERMITS REGISTRATION 153799
AIR NEW SOURCE PERMITS REGISTRATION 152173

AIR NEW SOURCE PERMITS REGISTRATION 150294
AIR NEW SOURCE PERMITS REGISTRATION 151773
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AIR NEW SOURCE PERMITS REGISTRATION 169789
AIR NEW SOURCE PERMITS REGISTRATION 168396
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AIR NEW SOURCE PERMITS REGISTRATION 163630
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AIR NEW SOURCE PERMITS REGISTRATION 167858
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AIR NEW SOURCE PERMITS REGISTRATION 113594
AIR NEW SOURCE PERMITS REGISTRATION 149011
AIR NEW SOURCE PERMITS REGISTRATION 150830
AIR NEW SOURCE PERMITS REGISTRATION 149692
AIR NEW SOURCE PERMITS REGISTRATION 146977
AIR NEW SOURCE PERMITS REGISTRATION 150762
AIR NEW SOURCE PERMITS REGISTRATION 150623
AIR NEW SOURCE PERMITS REGISTRATION 148451
AIR NEW SOURCE PERMITS REGISTRATION 160123
AIR NEW SOURCE PERMITS REGISTRATION 160424

AIR NEW SOURCE PERMITS	REGISTRATION	156861
AIR NEW SOURCE PERMITS	REGISTRATION	157136
AIR NEW SOURCE PERMITS	REGISTRATION	158919
AIR NEW SOURCE PERMITS	REGISTRATION	155917
AIR NEW SOURCE PERMITS	REGISTRATION	160125
AIR NEW SOURCE PERMITS	REGISTRATION	155732
AIR NEW SOURCE PERMITS	REGISTRATION	161493
AIR NEW SOURCE PERMITS	REGISTRATION	161007
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AIR NEW SOURCE PERMITS	REGISTRATION	159136
AIR NEW SOURCE PERMITS	REGISTRATION	158177
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AIR NEW SOURCE PERMITS	REGISTRATION	157005
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AIR NEW SOURCE PERMITS	REGISTRATION	160380
AIR NEW SOURCE PERMITS	REGISTRATION	173984
AIR NEW SOURCE PERMITS	REGISTRATION	174663
AIR NEW SOURCE PERMITS	REGISTRATION	170297
AIR NEW SOURCE PERMITS	REGISTRATION	174758
AIR NEW SOURCE PERMITS	REGISTRATION	167696
AIR NEW SOURCE PERMITS	REGISTRATION	171827
AIR NEW SOURCE PERMITS	REGISTRATION	175150
AIR NEW SOURCE PERMITS	REGISTRATION	172023
AIR NEW SOURCE PERMITS	REGISTRATION	174955
AIR NEW SOURCE PERMITS	REGISTRATION	172255
AIR NEW SOURCE PERMITS	REGISTRATION	174861
AIR NEW SOURCE PERMITS	REGISTRATION	175085
AIR NEW SOURCE PERMITS	REGISTRATION	172966
AIR NEW SOURCE PERMITS	REGISTRATION	174354
AIR NEW SOURCE PERMITS	REGISTRATION	173007
AIR NEW SOURCE PERMITS	REGISTRATION	171598
AIR NEW SOURCE PERMITS	REGISTRATION	174293
AIR NEW SOURCE PERMITS	REGISTRATION	173741
AIR NEW SOURCE PERMITS	REGISTRATION	171574
AIR NEW SOURCE PERMITS	REGISTRATION	174513
AIR NEW SOURCE PERMITS	REGISTRATION	174662
AIR NEW SOURCE PERMITS	REGISTRATION	175515
AIR NEW SOURCE PERMITS	REGISTRATION	174562
AIR NEW SOURCE PERMITS	REGISTRATION	170143
AIR NEW SOURCE PERMITS	REGISTRATION	173202
AIR NEW SOURCE PERMITS	REGISTRATION	173399
AIR NEW SOURCE PERMITS	REGISTRATION	172412
AIR NEW SOURCE PERMITS	REGISTRATION	171291
AIR NEW SOURCE PERMITS	REGISTRATION	170194
AIR NEW SOURCE PERMITS	REGISTRATION	174117
AIR NEW SOURCE PERMITS	REGISTRATION	172215
AIR NEW SOURCE PERMITS	REGISTRATION	172757
AIR NEW SOURCE PERMITS	REGISTRATION	175447
AIR NEW SOURCE PERMITS	REGISTRATION	174314
AIR NEW SOURCE PERMITS	REGISTRATION	169511

AIR NEW SOURCE PERMITS REGISTRATION 174836
AIR NEW SOURCE PERMITS REGISTRATION 174276
AIR NEW SOURCE PERMITS REGISTRATION 174241
AIR NEW SOURCE PERMITS REGISTRATION 172087
AIR NEW SOURCE PERMITS REGISTRATION 172622
AIR NEW SOURCE PERMITS REGISTRATION 173740
AIR NEW SOURCE PERMITS REGISTRATION 174821
AIR NEW SOURCE PERMITS REGISTRATION 41179
AIR NEW SOURCE PERMITS REGISTRATION 47352
AIR NEW SOURCE PERMITS REGISTRATION 55411
AIR NEW SOURCE PERMITS REGISTRATION 147312

STORMWATER PERMIT TXR1514PF

POLLUTION PREVENTION PLANNING ID NUMBER
P09721

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 96081

TAX RELIEF ID NUMBER 23708

TAX RELIEF ID NUMBER 23162

TAX RELIEF ID NUMBER 23160

AIR NEW SOURCE PERMITS REGISTRATION 171872
AIR NEW SOURCE PERMITS REGISTRATION 175053
AIR NEW SOURCE PERMITS REGISTRATION 170903
AIR NEW SOURCE PERMITS REGISTRATION 171505
AIR NEW SOURCE PERMITS REGISTRATION 173356
AIR NEW SOURCE PERMITS REGISTRATION 173661
AIR NEW SOURCE PERMITS REGISTRATION 23075
AIR NEW SOURCE PERMITS REGISTRATION 43960
AIR NEW SOURCE PERMITS REGISTRATION 49235
AIR NEW SOURCE PERMITS REGISTRATION 50576

IHW CORRECTIVE ACTION SOLID WASTE

REGISTRATION # (SWR) 96081

AIR EMISSIONS INVENTORY ACCOUNT NUMBER
BLA044R

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXR000083481

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50411

TAX RELIEF ID NUMBER 24509

TAX RELIEF ID NUMBER 23161

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

Date Compliance History Report Prepared: March 05, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 05, 2019 to March 05, 2024

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

Name: Mackenzie Mehlmann

Phone: (512) 239-2572

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: 05/19/2020 ADMINORDER 2019-1429-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 122.146(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Special Terms and Conditions No. 20 OP
Description: Failure to submit a PCC within 30 days of any certification period.

- 2 Effective Date: 04/18/2022 ADMINORDER 2021-0011-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
NSR Permit No 19041 Special Condition 1 PERMIT
Special Terms and Conditions No. 16 OP
Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 5.00 pounds ("lbs") of ethylene dichloride, 1.00 lb of hydrogen chloride ("HCl"), and 2.00 lbs of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 271914) that occurred on November 5, 2017 and lasted five minutes. The emissions event occurred due to moisture in the pressure transmitter that caused the pressure transmitter plug to fail.
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. 26 OP

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 3,439.48 lbs of VOC, 2,990.38 lbs of CO, and 501.15 lbs of nitrogen oxides from Flare Stack 101, Emissions Point Number ("EPN") B70F1, during an emissions event (Incident No. 276597). The emissions event occurred due to freezing temperatures that caused moisture in the externally supplied utility air line to condense, resulting in the loss of instrumentation and in flaring.

Classification: Moderate

Citation: 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: GTC OP
 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 correct estimated total quantity of CO and the proper authorization on the final record for Incident No. 276597.

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 Conditions 1 PERMIT
 STC No. 21 OP

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 76.30 lbs of VOC, 553.50 lbs of ethylene dichloride, and 1,278.80 lbs of HCl as fugitive emissions, during an emissions event (Incident No. 341984). The emissions event occurred due excess chlorine that was present during the chlorine removal process following the shut down of the R-7 Reactor and caused an overpressure event, 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: GTC OP
 SC No. 6 PERMIT
 STC No. 21 OP

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 8,570 lbs of chlorodifluoromethane as fugitive emissions, during an emissions event (Incident No. 280972) that occurred on March 25, 2018 and lasted eight hours. The emissions event occurred when the retaining nut holding the valve internals in place became loose that caused refrigerant to leak, resulting in the release to the atmosphere.

Classification: Minor

Citation: 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: GTC OP
 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 proper authorization on the final record for Incident No. 280972.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)
 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: GTC OP
 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 all emissions points, the compounds or mixtures for all emissions points, and the total estimated quantities for those compounds or mixtures for all emissions points on the final record for Incident No. 341984.

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. 16 OP

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 227 lbs of chlorine as fugitive emissions, during an emissions event (Incident No. 289618) that occurred on August 4, 2018 and lasted eight hours and 15 minutes. The emissions event occurred due to internal corrosion on the pressure transmitter located on the chlorine header in Unit 5 that caused a leak, resulting in the release to the atmosphere.

3 Effective Date: 04/18/2022 ADMINORDER 2020-1083-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP
Special Term & Condition 1A OP

Description: Failed to operate each monitoring system at least 95% of the time when the cooling tower is operational, averaged over a calendar year. Specifically, Cooling Tower 2320 operated continuously during calendar year 2019 but the flow meter had 1,447.75 downtime hours during the months of January 2019, February 2019, and May 2019, resulting in Cooling Tower 2320 being monitored for only 83% of the time in calendar year 2019.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(a)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms & Conditions OP

Description: Failed to obtain authorization prior to constructing or modifying a source of air contaminants. Specifically, the Respondent operated a stationary internal combustion engine intermittently from July 1, 2017 through April 25, 2019 without obtaining the proper authorization.

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: Failed to report all instances of deviations. Specifically, the deviation report for the April 1, 2018 through September 30, 2018 reporting period did not include the deviations for failing to authorize a stationary internal combustion engine and for failing to maintain monthly emissions records for the V-401A Storage Tank.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.144(1)(A)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC OP

Special Term & Condition 3A(iv)(1) OP

Description: Failed to conduct quarterly visible emissions observations. Specifically, the Respondent did not conduct quarterly visible emissions observations for Cooling Tower 320 and Cooling Tower 2320 from the first quarter of 2012 through the first quarter of 2019.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(i)
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 7 PERMIT

Special Term & Condition 16 OP

Description: Failed to maintain records containing the information and data sufficient to demonstrate compliance with the permit. Specifically, the Respondent did not maintain monthly emissions records for the V-401A Storage Tank.

B. Criminal convictions:

N/A

N/A

Item 1	August 05, 2019	(1580661)
Item 2	November 14, 2019	(1579387)
Item 3	January 21, 2020	(1618497)
Item 4	June 15, 2020	(1656993)
Item 5	July 10, 2020	(1652831)
Item 6	September 30, 2020	(1677369)
Item 7	October 21, 2020	(1626277)
Item 8	May 28, 2021	(1711053)
Item 9	June 17, 2021	(1692475)
Item 10	October 15, 2021	(1633826)
Item 11	November 08, 2021	(1644592)
Item 12	May 06, 2022	(1812588)
Item 13	July 14, 2022	(1819496)
Item 14	February 24, 2023	(1880482)
Item 15	March 02, 2023	(1880524)
Item 16	March 07, 2023	(1745642)
Item 17	April 21, 2023	(1868774)
Item 18	May 19, 2023	(1896928)
Item 19	August 17, 2023	(1860735)
Item 20	August 30, 2023	(1888652)
Item 21	September 20, 2023	(1925382)
Item 22	October 11, 2023	(1924879)
Item 23	November 06, 2023	(1923832)
Item 24	November 13, 2023	(1939018)
Item 25	December 29, 2023	(1950419)

1	Date:	05/04/2023	(1812314)	
	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) 5C THSC Chapter 382 382.085(b) NSR #19041, Special Condition 1 PERMIT		
	Description:	Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on March 17, 2022, TCEQ/STEERS Incident No. 376435. [Category B13].		
2	Date:	05/23/2023	(1880525)	
	Self Report?	NO		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) General Terms and Conditions OP		
	Description:	Failure to report all instances of deviations for the reporting period of April 1, 2016 through September 30, 2016 (Category B3)		
	Self Report?	NO		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) General Terms and Conditions OP		
	Description:	Failure to report all instances of deviations for the reporting period of October 1, 2016 through March 31, 2017 (Category B3).		
	Self Report?	NO		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) General Terms and Conditions OP		

Description: Failure to report all instances of deviations for the reporting period of April 1, 2017 through September 30, 2017 (Category B3).
Self Report? NO 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)
General Terms and Conditions OP

Description: Failure to report all instances of deviations for the reporting period of October 1, 2017 through March 31, 2018 (Category B3).
Self Report? NO 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)
General Terms and Conditions OP

Description: Failure to report all instances of deviations for the reporting period of April 1, 2018 through September 30, 2018 (Category B3).
Self Report? NO 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)
General Terms and Conditions OP

Description: Failure to report all instances of deviations for the reporting period of October 1, 2018 through March 31, 2019 (Category B3).
Self Report? NO 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)
General Terms and Conditions OP

Description: Failure to report all instances of deviations for the reporting period of April 1, 2019 through September 30, 2019 (Category B3).
Self Report? NO 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)
General Terms and Conditions OP

Description: Failure to report all instances of deviations for the reporting period of October 1, 2019 through March 31, 2020 (Category B3).
Self Report? NO 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)
General Terms and Conditions OP

Description: Failure to report all instances of deviations for the reporting period of April 1, 2020 through September 30, 2020 (Category B3).
Self Report? NO 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)
General Terms and Conditions OP

Description: Failure to report all instances of deviations for the reporting period of October 1, 2020 through March 31, 2021 (Category B3).
Self Report? NO 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)
General Terms and Conditions OP

Description: Failure to report all instances of deviations for the reporting period of April 1, 2021 through September 30, 2021 (Category B3).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter K 106.262(a)(3)
30 TAC Chapter 116, SubChapter B 116.110(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 17 OP

Description: Failure to authorize six components installed on the Fugitive Unit (EPN: OC5U5FU7) within 10 days (Category B18(g)(1)).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.129(a)(2)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 12 OP

Description: Failure to include the loading activity (EPN: A24ECLR1) in the Notification of Compliance Status report (Category C3).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 2F OP

Description: Failed to complete a completed final record for two non-reportable emissions events within 14 days (Category C3).

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 16 OP

Description: Failed to prevent exceedance of carbon monoxide (CO) and nitrogen oxide (NOx) emissions for FTB-402 Throx (EPN: OC5U5B402) (Category B13).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 15 OP

Description: Failed to maintain combustion temperature for FTB-402 Throx (EPN: OC5U5B402) within permitted limits (Category B17).

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 63.114(a)(4)(ii)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP
Special Term and Condition 1E OP

Description: Failed to have an operating flow rate meter on FTB-401 Throx (EPN: OC5U5B401) (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)
Special Condition 1 PERMIT
Special Term and Condition 16 OP

Description: Failure to prevent exceedance of carbon monoxide (CO) emissions for FTB-401 Throx (EPN: OC5U5B401) (Category B13).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.262(a)(3)
30 TAC Chapter 116, SubChapter B 116.110(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 17 OP

Description: Failure to submit a PBR for additional fugitive components within 10 days for Fugitive (EPN: A40ECFU2) (Category B18(g)(1)).

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 PERMIT
Special Term and Condition 16 OP

Description: Failed to maintain combustion temperature for FTB-401 Throx (EPN: OC5U5B401) within permitted limits (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 13B PERMIT
Special Term and Condition 16 OP

Description: Failed to maintain the minimum oxygen concentration percent level for FTB-402 Throx (EPN: OC5U5B402) within permitted limits.

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 23C(2) PERMIT
Special Term and Condition 16 OP

Description: Failed to conduct weekly total dissolved solids (TDS) samples for Cooling Tower (EPN: OC5U5CT1) (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)
Special Condition 23C(2) PERMIT
Special Term and Condition 16 OP
Description: Failed to conduct weekly total dissolved solids (TDS) samples for Cooling Tower (EPN: OC5U5CT2) (Category C1).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 16 OP
Description: Failed to maintain the representation value of the flow rate for Cooling Tower (EPN: OC5U5CT2).

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 21 PERMIT
Special Term and Condition 16 OP
Description: Failure to recycle volatile organic compound (VOC) wastewater within six hours for RCL Stripper (EPN: OC5T444) (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)
Special Condition 21 PERMIT
Special Term and Condition 16 OP
Description: Failure to recycle volatile organic compound (VOC) wastewater within six hours for RCL Stripper (EPN: OC5T445) (Category C4).

3

Date: 05/25/2023 (1880521)

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 5 PERMIT
Special Term and Condition 14 OP
Description: Failure to perform quarterly visible emissions observations (VEOs) according to the requirements of Method 22. (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 1 PERMIT
Special Term and Condition 14 OP
Description: Failure to maintain emissions within permit limit for Cooling Tower CT-8500 (EPN: B8CT8500). (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 16D(1) PERMIT
Special Term and Condition 14 OP
Description: Failure to analyze weekly Total Dissolved Solids (TDS) samples according to the required method from CT-201 Cooling Tower (EPN: B6CT201) and CT-401 Cooling Tower (EPN: B6CT401). (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)
Special Condition 11 PERMIT
Special Term and Condition 14 OP
Description: Failure to analyze weekly Total Dissolved Solids (TDS) samples according to the required method from Cooling Tower CT-8500 (EPN: B8C7CT8500). (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)
Special Condition 11O(6) PERMIT
Special Term and Condition 14 OP

Description: Failure to analyze weekly Total Dissolved Solids (TDS) samples according to the required method from Cooling Tower CT-901 (EPN: A13CT901). (Category C1)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter C 122.222(k)(2)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to submit a Title V Off-Permit Notification. (Category B3)

Self Report? NO Classification: Moderate

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

Description: Failure to report all deviations in the Deviation Report (DR) dated April 27, 2017. (Category B3)

Self Report? NO Classification: Moderate

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

Description: Failure to report all deviations in the Deviation Report (DR) dated October 23, 2017. (Category B3)

Self Report? NO Classification: Moderate

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

Description: Failure to report all deviations in the Deviation Report (DR) dated April 25, 2018. (Category B3)

Self Report? NO Classification: Moderate

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

Description: Failure to report all deviations in the Deviation Report (DR) dated October 24, 2018. (Category B3)

Self Report? NO Classification: Moderate

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

Description: Failure to report all deviations in the Deviation Report (DR) dated April 24, 2019. (Category B3)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report all deviations in the Deviation Report (DR) dated October 23, 2019. (Category B3)

Self Report? NO Classification: Moderate

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

Description: Failure to report all deviations in the Deviation Report (DR) dated April 28, 2020. (Category B3)

Self Report? NO Classification: Moderate

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

Description: Failure to report all deviations in the Deviation Report (DR) dated October 27, 2020. (Category B3)

Self Report? NO Classification: Moderate

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

Description: Failure to report all deviations in the Deviation Report (DR) dated April 30, 2021. (Category B3)

Self Report? NO Classification: Moderate

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

Description: Failure to report all deviations in the Deviation Report (DR) dated October 21, 2021. (Category B3)

4

Date: 05/31/2023 (1880519)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.345(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition, 1A OP

Description: Failure to submit written notification of completion of stack testing within fifteen days.

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, 18(E) PERMIT
Special Term and Condition, 21 OP

Description: Failure to conduct fugitive monitoring for Fugitive Emission Units (EPN: A30CMFU02) within the required timeframe.

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, 7 PERMIT
Special Terms and Conditions, 1A and 21 OP

Description: Failure to perform calibration checks of flowmeters for EPN S-20 Scrubber (Unit ID: B15SV20) (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)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)(i)
5C THSC Chapter 382 382.085(b)
Special Term and Condition, 21 OP

Description: Failure to conduct annual fugitive monitoring for Fugitive Emission Units (Unit ID: A16CMFU03) within the required time frame.

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, 21 OP

Description: Failure to prevent exceedance of the MAER for EPN T-2 Scrubber (Unit ID: A16S1) (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 Conditions, 8(E) and 9 PERMIT
Special Term and Condition, 21 OP

Description: Failure to conduct weekly fugitive monitoring for Fugitive Emission Units (Unit ID: A16CMFU03) within the required time frame (Category C4).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
5C THSC Chapter 382 382.085(b)
Special Term and Condition, 2(F) OP

Description: Failure to create the final non-reportable emission event record by the deadline (Category C3).

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, 18(E) PERMIT
Special Term and Condition, 21 OP
Description: Failure to conduct fugitive monitoring for Fugitive Emission Units (Unit ID: A28CMFUST) within fifteen days after discovery (Category C4).

5 Date: 08/09/2023 (1880830)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(d)(1)(i)(D)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.990(c)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.996(d)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 3D PERMIT
Special Term and Condition 1A OP
Description: Failure to maintain minimum daily desorption factor of Hazardous Organic National Emission Standard for Hazardous Air Pollutants (HON) and Organic Liquid Distribution (OLD) for Pressure Swing Adsorption System for Dock A-22 (PSAS A-22) (EPN: A22CB1CB2). (Category B18(g)(1))
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 3 PERMIT
Special Term and Condition 21 OP
Description: Failure to prevent exceedance of hourly fill rate for Storage Tank TK-22 (EPN: A40ST22). (Category C4)
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 11C(2) PERMIT
Special Term and Condition 21 OP
Description: Failure to analyze weekly total dissolved solid (TDS) sample for CT-201 Cooling Tower (EPN: OC3CT201) within the required timeframe. (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)
Special Condition 5 PERMIT
Special Term and Condition 21 OP
Description: Failure to prevent exceedance of daily temperature limit for Storage Tank TK-20 (EPN: A40ST20). (Category B18(g)(1))
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-4(b)(2)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP
Description: Failure to conduct monitoring in response to pressure relief devices for Dock A8 Process Fugitives (EPN: A30MRFU6) within five days of a release. (Category B1)

6 Date: 08/16/2023 (1881470)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(2)(ii)(A)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 4C PERMIT
Special Term and Condition 1A OP
Special Term and Condition 1F OP
Special Term and Condition 27 OP
Description: Failure to prevent an exceedance of the daily average operating temperature limit for FS-865 Flare (EPN: 23F865) during start-up. (Category C4)
Self Report? NO Classification: Minor
Citation: 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 63.163(b)
5C THSC Chapter 382 382.085(b)
Special Condition 4D PERMIT

Special Term and Condition 1A OP
Special Term and Condition 1F OP
Special Term and Condition 27 OP

Description: Failure to conduct monthly monitoring of two pumps at Allyl Chloride and Allyl PDC Process Fugitives (EPN: B68FU1). (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)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b)(2)(i)
5C THSC Chapter 382 382.085(b)
Special Condition 4E PERMIT
Special Term and Condition 1A OP
Special Term and Condition 1J OP
Special Term and Condition 27 OP

Description: Failure to perform annual calibrations of a pressure transmitter and two thermocouples for F-210 Thermal Treatment Unit Scrubber Vent Stack (EPN: B19S2). (Category B1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to collect and analyze samples during the highly reactive volatile organic compound (HRVOC) analyzer downtime period for Cooling Tower (EPN: B21CT960). (Category B1)

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 22E(2) PERMIT
Special Term and Condition 27 OP

Description: Failure to monitor two open ended lines (OELs) at SOHO Fugitive Area (EPN: B34FU01) within the 72-hour deadline. (Category C1)

Self Report? NO Classification: Moderate

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

Description: Failure to report two instances of deviations for the period of April 01, 2021 through September 30, 2021. (Category B3)

Self Report? NO Classification: Minor

Citation: 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 63.168(b)
5C THSC Chapter 382 382.085(b)
Special Condition 19F PERMIT
Special Condition 20 PERMIT
Special Condition 4D PERMIT
Special Term and Condition 1A OP
Special Term and Condition 1G OP
Special Term and Condition 27 OP

Description: Failure to conduct quarterly monitoring of 24 fugitive components at B-2300 Loading Rack Fugitives (EPN: B23FU8). (Category C1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 13D PERMIT
Special Condition 36 PERMIT
Special Term and Condition 1A OP
Special Term and Condition 27 OP

Description: Failure to prevent the loss of more than 5% valid data for Cooling Tower (EPN: B21CT960). (Category B3)

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Date: 01/23/2024 (1936778)

Self Report? NO Classification: Minor

Citation: 104092 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Description: Failure to prevent unauthorized emissions to the atmosphere during an

emissions event that was discovered on September 18, 2023, TCEQ/STEERS Incident No. 410075. Blue Cube Operations withdrew a claim of affirmative defense for this event. EIC [Category B18.g(13)]

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Date: 02/13/2024 (1944806)

Self Report? NO Classification: Minor

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 VV 60.482-2(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 5D PERMIT
Special Term and Condition 1A OP
Special Term and Condition 20 OP

Description: Failure to conduct monthly monitoring for fugitive components for Pumps (EPNs: A18CMFU01A, A18CMFU01B, and B15TCFU2B) (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)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-4(b)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2346(a)(4)(v)(C)
40 CFR Part 60, Subpart VV 60.482-4(b)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 3B PERMIT
Special Term and Condition 1A OP
Special Term and Condition 20 OP

Description: Failure to monitor pressure relief device after a release for Fugitive Unit (EPN: A16CMFU03) within five days of leak (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)
Special Condition 4(A)(1) PERMIT
Special Term and Condition 20 OP

Description: Failure to calibrate gas chromatograph to the standards required in permit (Category C1).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
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 9F PERMIT
Special Term and Condition 1A OP
Special Term and Condition 20 PERMIT

Description: Failure to conduct quarterly monitoring for fugitive components for Fugitive Unit (EPN: B15TCFU2B) (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 14B PERMIT
Special Term and Condition 20 OP

Description: Failure to perform the daily calibration drift assessments for the continuous emission monitoring system (CEMS) for carbon adsorption system (EPN: B15CB100) (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)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2378(a)
5C THSC Chapter 382 382.085(b)
Special Condition 3B PERMIT
Special Condition 4E PERMIT
Special Condition 5 PERMIT
Special Condition 6 PERMIT
Special Condition 9A PERMIT
Special Term and Condition 20 OP

Description: Failure to maintain the operations desorption factor for Pressure Swing Adsorption (PSA) 111 and PSA 211 (EPN: A22CB1CB2) (Category B18(g)(1)).

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 10(C)(1) PERMIT
Special Condition 10(C)(2) PERMIT
Special Term and Condition 20 OP

Description: Failure to prevent exceedance of maintenance, start up, shutdown events on a rolling 12-month basis (EPN: A18MSSB) (Category 17).

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 6 PERMIT
Special Term and Condition 20 OP

Description: Failure to continuously route emissions to control device for V-4004 Trichlor Storage Tank (EPN: A30TCST004) (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 6 PERMIT
Special Term and Condition 20 PERMIT

Description: Failure to continuously route emissions to control device for V-4006 Trichlor Storage Tank (EPN: A30TCST006) (Category B13).

Self Report? NO Classification: Moderate

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

Description: Failure to report all instances of deviations for the reporting period of October 1, 2022 through March 31, 2023 (Category B3).

Self Report? NO Classification: Moderate

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

Description: Failure to report all instances of deviations for the reporting period of April 1, 2022 through September 30, 2022 (Category B3).

F. Environmental audits:

Notice of Intent Date: 05/16/2018 (1485708)
Disclosure Date: 04/26/2019
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 106, SubChapter U 106.478
Description: Failure to authorize one portable diesel storage tank that remained stationary greater than 12 months.

Notice of Intent Date: 09/28/2018 (1524413)
Disclosure Date: 04/23/2019
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)
Description: Failure to identify and monitor 243 valves, 886 connectors, 15 relief valves, and 3 pumps as required.
Disclosure Date: 10/11/2019
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to identify 5 screwed connectors as being greater than 2".
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
Description: Failure to perform visible observations on cooling tower OC3CT201.

Notice of Intent Date: 10/08/2018 (1524408)
Disclosure Date: 04/22/2019
Viol. Moderate
Classification:
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.8(c)(6)

Description: Failure to set the daily calibration set points/alarms at 5 ppmv propane as listed in the Epoxy 1 PSA CEMS Quality assurance Plan Appendix F Procedure 1, Section 4.1.

Notice of Intent Date: 10/17/2018 (1525323)

Disclosure Date: 04/23/2019

Viol. Moderate

Classification:

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

Description: Failure to demonstrate compliance with the hourly emission rate limits for two engines (EPN BSTGRFW1 AND BSRGEGFW2). The facility was recording total run time hours.

Viol. Moderate

Classification:

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

Description: Failure to demonstrate compliance with the 12 month rolling emission rate limits for EPN BSTST101, BSRPSR2, BSRST4. The facility was calculating annual emissions on calendar year frequency instead of a 12 month rolling period.

Notice of Intent Date: 12/03/2018 (1533002)

Disclosure Date: 10/15/2019

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

Description: Failure to perform visible emissions observations for cooling towers B68CT950, B21CT960, and B62CT301.

Notice of Intent Date: 01/14/2019 (1548434)

Disclosure Date: 12/19/2019

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 106, SubChapter D 106.122

30 TAC Chapter 106, SubChapter E 106.141

30 TAC Chapter 106, SubChapter J 106.244

30 TAC Chapter 106, SubChapter K 106.265

30 TAC Chapter 106, SubChapter K 106.266

30 TAC Chapter 106, SubChapter N 106.333

30 TAC Chapter 106, SubChapter P 106.371

30 TAC Chapter 106, SubChapter P 106.372

30 TAC Chapter 106, SubChapter P 106.373

30 TAC Chapter 106, SubChapter S 106.432

30 TAC Chapter 106, SubChapter S 106.433

Description: Failure to maintain permit by rule documentation to demonstrate compliance with 30 TAC 106 authorizations for the following: Bench scale laboratory equipment; batch mixing; ovens, barbecue pits and cookers; handheld and manually operated machines; vacuum cleaning systems; water based adhesive mixers; cooling water units; industrial gases; refrigeration systems; dipping tanks and containers; surface coat facility.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 115, SubChapter E 115.468(b)(2)

Description: Failure to maintain records required by 30 TAC 115.468(b)(2) to demonstrate continuous compliance with the exemption criteria in 30 TAC 115.461(d)(7).

Notice of Intent Date: 01/29/2019 (1548461)

Disclosure Date: 04/15/2019

Viol. Minor

Classification:

Citation: 40 CFR Chapter 82, SubChapter C, PT 82, SubPT F 82.166(o)

Description: Failure to document the full charge capacity of each of the industrial Process Refrigeration systems in accordance with one of the four options within 40 CFR 82 Subpart F.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT M 61.144(b)(3)

Description: Failure to document sufficient information used for process wastewater group determinations by process knowledge for the A-1800 and A-2400 blocks.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(b)

Description: Failure to keep records demonstrating the total annual benzene concentration and flow rate for waste streams generated from the process contain greater than 10% water.

Viol. Major

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)

Description: Failure to demonstrate compliance with requirements of the determination of response factors for each of the chemical compounds that are measured in the Leak Detection and Repair program.

Disclosure Date: 10/11/2019

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

Description: Failure to perform visible observations on a cooling tower.

Notice of Intent Date: 03/08/2019 (1553058)

Disclosure Date: 04/23/2019

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Failure to accurately report NOx emissions from the hydrogen flare due to an error in the NOx emission formula within the air emission reporting tool. The unreported emissions represent approximately 5% of the facility wide annual total.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

Description: Failure to perform quarterly visible emissions observations on the equipment listed below during the third quarter of 2018. The observations were delayed due to an unplanned plant outage and performed later during the first week of the fourth quarter.

Viol. Moderate

Classification:

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

Description: Failure to operate the chlorine monitor on T-206B per manufacturer's recommendation. The chlorine monitor's low voltage alarm was set below the minimum recommended value, thus not alerting the plant when the voltage fell below the minimum recommended voltage. The monitor was also operated at a voltage below the minimum voltage recommendation.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

Description: Failure to conduct visible emission observations for the Chlorine 4 equipment units B22SV8 and B22SV9 at the appropriate time. Observations were conducted earlier than one hour after sunrise during two instances.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

Description: Failure to conduct visible emission observations for the Chlorine 3 equipment units B6SV8, B6SV9, B6SV10, B6SV11, B6SV12, B6SV13, B6SV14, B6SV15, B6SV16, and B6SV17 at the appropriate time. Observations were conducted earlier than one hour after sunrise.

Disclosure Date: 05/23/2019

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

Description: Failure to perform visible emission observations on four cooling towers (B6CT201, B6CT401, B22CT201, B22CT401).

Disclosure Date: 10/22/2019

Viol. Moderate

Classification:

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

Description: Failure to perform annual inspections of drift eliminators within a year from the previous inspection date for the cooling towers; B6CT201, B6CT401, and B22CT401.

Viol. Moderate

Classification:

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

Description: Failure to perform annual calibrations on liquid flow monitoring devices within a year from the previous calibration date for the following scrubbers; B6SV6, B6SV7, B6SV8.

Notice of Intent Date: 04/01/2019 (1554973)

Disclosure Date: 10/15/2019

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.354
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)

Description: Failure to monitor and/or report 5 valves and 5 connectors. These components were not included in the % leaker calculations.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Description: Failure to accurately record visible emissions observations as required by Title V Permit O2207.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

Description: Failure to perform visible observations on cooling tower B52CT1.

Notice of Intent Date: 04/17/2019 (1557095)

Disclosure Date: 10/16/2019

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.116(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT W 63.524(a)

Description: Failure to route process vents containing epichlorohydrin to the Pressure Swing Absorber (PSA) during certain times.

Viol. Moderate

Classification:

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

Description: Failure to conduct stack sampling of SC-157 Scrubber Vent as required by NSR Permit 104092.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.354
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)

Description: Failure to monitor and report 2 valves, 198 connectors, and 32 pumps as required. These components were also not included in the % leaker calculations.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)

Description: Failure to accurately represent 94connector fugitive classifications in NSR permit No.104092

Notice of Intent Date: 04/29/2019 (1559094)

No DOV Associated

Notice of Intent Date: 04/30/2019 (1559109)

Disclosure Date: 09/11/2019

Viol. Moderate

Classification:

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

Description: Failure to estimate the emissions from the use of a vacuum truck to empty an anhydrous HCL line. the activity was recorded, but the estimated emissions of less than 0.01 lb VOC were omitted from the record.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to include all citations in the Title V Deviation Report dated October 29, 2018. Deviation Item # 5 did not include all applicable citations.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)

Description: Failure to report a violation for a tank temporarily not routed to control in the HON Report submitted on November 19, 2019.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.10(b)(1)
30 TAC Chapter 101, SubChapter A 101.10(b)(2)

Description: Failure to report in the Title V Deviation report dated April 24, 2019 the unauthorized emission of <.01lb of VOC from a < 1 gallon spill occurring on March 22, 2019, A final record was also not created.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.10(b)(1)
30 TAC Chapter 101, SubChapter A 101.10(b)(2)

Description: Failure to correctly report the pound per day emissions for the ozone season for every emission source at the Trichloroethylene and HCL Adsorption plants that emitted in 2016 and 2017. The tool used

to transfer the data to state data base had a calculation error.

Viol. Moderate
Classification:
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
Description: Failure to repair, isolate the leak or use a leak collection system within one hour of detection a leak from a component in HCL service.

Viol. Minor
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)
Description: Failure to correctly document the creation and closure of open ended lines during maintenance of the E-6 reboiler.

Viol. Moderate
Classification:
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1056
40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1057
Description: Failure to identify fugitive components on a small vessel as being subject to RCRA BB requirements.

Viol. Moderate
Classification:
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1056
40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1057
Description: Failure the equip an open-ended line on a small vessel with an appropriately sized cap, blind flange, plug, or second valve to seal the line. the Open ended line has a cap/cover, but upon examination it was found not to be tight-fitting.

Notice of Intent Date: 06/12/2019 (1577954)
Disclosure Date: 10/07/2019

Viol. Moderate
Classification:
Citation: 30 TAC Chapter 111, SubChapter A 111.111
Description: Failure to maintain quarterly visible emission logs for the firewater pump engine (EPN A70ECGE503) and NPA Lab vents for two quarters in 2016 and two quarters in 2017.

Viol. Moderate
Classification:
Citation: 30 TAC Chapter 115, SubChapter B 115.112(e)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT AAAA 60.1100(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2338(b)(1)
Description: Failure to update applicability determinations for storage tanks (EPN A70ST401A) after 2010 vessel operation change.

Viol. Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to comply with existing Periodic Monitoring requirement in the Title V permit O-02204 for EPN-A70AT401A. The periodic monitoring requirement as listed in the permit does not match the design of this tank.

Viol. Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.720
30 TAC Chapter 115, SubChapter H 115.725
Description: Failure to test, monitor, and maintain records for a vent gas stream in Highly-Reactive Volatile Organic Compounds (HRVAC) service.

Disclosure Date: 04/16/2020

Viol. Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.781
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)
Description: Failure to monitor fugitive components as required. Specifically, three components (one valve and two connectors) were tagged in the field, but not included in the LDAR database and four valves and eight connectors were in the LDAR database, but not monitored due to misclassification.

Disclosure Date: 07/21/2020

Viol. Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.480
40 CFR Part 60, Subpart VV 60.487
Description: Failure to incorporate NSPS VV applicability into Title V permit No. O-2204 and submit the associated semi-annual reports.

Notice of Intent Date: 06/28/2019 (1579420)
No DOV Associated

Notice of Intent Date: 07/01/2019 (1579234)

Disclosure Date: 10/09/2019

Viol. Major

Citation: 30 TAC Chapter 115, SubChapter H 115.722
30 TAC Chapter 115, SubChapter H 115.722(c)

Description: Failure to test, monitor, and maintain records for gas streams in Highly Reactive Volatile Organic Compounds (HRVOC) service.

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

Description: Failure to isolate, repair, or contain a leak more than one hour after discovery. A review of the HCL and CL2 Audit, Visual, and Olfactory (AVO) written leak log showed recordkeeping errors which indicate a first attempt to, repair, or contain a leak occurred more than one hour after discovery.

Viol. Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)(5)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(1)

Description: Failure to include accurate information in semi-annual HON Report. The May 2019 semi-annual HON report incorrectly stated that the unit does not have any pressure relieve valves (PVRs) in HON service which vent directly to the atmosphere. The report did not include all instances of malfunctions to a HON control device, including recent which do not result in a specific HON reportable event.

Viol. Moderate

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

Description: Failure to accurately track Maintenance, Startup, and Shutdown (MSS) emissions. Several issues were identified in the Tool used to track MSS emissions within the unit including calculation errors and rolling total emissions not calculating for all pollutants.

Viol. Minor

Viol.
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

Description: Failure to recorded the date, time and location on several occasions during quarterly visible emissions monitoring checks.

Viol. Minor

Classification:
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

Description: Failure to perform the quarterly visible emissions checks for four startup heaters within the process unit.

Viol. Moderate

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

Description: Failure to implement compliance requirements for four startup heaters subject to the NOx MECT and control requirements.

Disclosure Date: 04/17/2020

Viol. Moderate

Classification:
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7490
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7540
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DDDDD 63.7550

Description: Failure to identify applicability standard for catoxid reactor startup heaters in Title V permit. Specifically, the facility has identified that the catoxid reactor startup heaters are subject to the MACT standard for Boilers and Process Heaters and the facility has not completed the required bi-annual tune-ups nor has the facility submitted the required bi-annual report for these sources.

Viol. Moderate

Classification:
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Dc 60.40c

Description: Failure to identify applicability standard for FTO startup heaters and catoxid reactor startup heaters in Title V permit. Specifically, the facility has identified that the FTO startup heaters and catoxid reactor startup heaters are subject to NSPS Subpart Dc as steam generating units.

Viol. Major

Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.111

Description: Failure to authorize FTO and Catoxid REactor startup heaters in NSR permit 19041.

Viol. Moderate

Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.111

Description: Failure to include ethylene in the VOC composition basis for ne cooling tower on site (EPN OC5CT4).

Disclosure Date: 07/24/2020

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT B 63.50
40 CFR Chapter 63, SubChapter C, PT 63, SubPT B 63.51
40 CFR Chapter 63, SubChapter C, PT 63, SubPT B 63.52
40 CFR Chapter 63, SubChapter C, PT 63, SubPT B 63.53
40 CFR Chapter 63, SubChapter C, PT 63, SubPT B 63.54
40 CFR Chapter 63, SubChapter C, PT 63, SubPT B 63.55
40 CFR Chapter 63, SubChapter C, PT 63, SubPT B 63.56

Description: Failure to determine MACT applicability for Catoxid Reactors. The Catoxid Reactors are an emissions source of Hazardous Air Pollutants (HAPs), specifically HCL, yet are not currently subject to any promulgated MACT standard in 40 CFR Part 63.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.480
40 CFR Part 60, Subpart VV 60.487

Description: Failure to determine NSPS applicability for fugitive components. The facility has determined the equipment associated with unloading of certain HAPs is subject to the Organic Liquid Distribution (OLD) MACT and NSPS VV.

Notice of Intent Date: 07/18/2019 (1580944)

No DOV Associated

Notice of Intent Date: 08/01/2019 (1589841)

Disclosure Date: 11/21/2019

Viol. Moderate

Classification:

Citation: 25 TAC Chapter 295, SubChapter H 295.182

Description: Failure to report diesel fuel for the following storage locations: B6201, A-1200, B-2414, B-2300, B-6804, OC-501, A-7001, A-1800, and B-1502.

Viol. Moderate

Classification:

Citation: 25 TAC Chapter 295, SubChapter H 295.182

Description: Failure to report chlorodifluoromethane for the following storage locations: A-1800, B-6201, A-1200, B-2414, OC-301, OC-900, B-2300, B-1500, B-5201, B-6804, B-7510, OC-501, and A-7001.

Viol. Moderate

Classification:

Citation: 25 TAC Chapter 295, SubChapter H 295.182

Description: Failure to report Safety-Kleen 105 Solvent-MS for the following storage locations: OC-501.

Viol. Moderate

Classification:

Citation: 25 TAC Chapter 295, SubChapter H 295.182

Description: Failure to report 1,1,1,2-Tetrafluoroethane for the following storage locations: OC-301.

Viol. Moderate

Classification:

Citation: 25 TAC Chapter 295, SubChapter H 295.182

Description: Failure to report 4-Methoxyphenol for the following storage location: A-1800. As a result of this finding, 4-Methoxyphenol exceeded the maximum inventory threshold of 10,000 pounds.

Viol. Moderate

Classification:

Citation: 25 TAC Chapter 295, SubChapter H 295.182

Description: Failure to report Nalco 3DT230 for the following storage location: B-1500

Viol. Moderate

Classification:

Citation: 25 TAC Chapter 295, SubChapter H 295.182

Description: Failure to report accurate inventory of chlorodifluoromethane stored at the B-2800 storage location.

Notice of Intent Date: 08/05/2019 (1589813)

Disclosure Date: 04/17/2020

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.10(b)(1)

Description: Failure to include PM and VOC emissions associated with some maintenance activities in annual Emissions Inventory. Specifically, emissions from welding operations and some aerosol can usage were not reported.

Notice of Intent Date: 09/11/2019 (1597537)
No DOV Associated

Notice of Intent Date: 09/13/2019 (1597552)
Disclosure Date: 01/21/2020

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.10(e)

Description: Failure to include fugitive emissions from some non-monitored components in the 2015, 2016, 2017, and 2018 annual emissions reports.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter F 101.201

30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to report all instances of deviations on Title V Deviation report. Specifically, an accumulation of polymer in the vent header to the A22PSA control device restricted vent flow and caused the relief devices on Epichlorohydrin tanks V-4003 (ST4003) and V-4005 (ST4005) to lift and release to the atmosphere intermittently.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter F 101.201

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2346(a)(4)(vi)

Description: Failure to create final event records within 14 days for unauthorized emissions events associated with activation of relief devices on tanks V-4003 (ST4300) and V-4005 (ST4005). Specifically, an accumulation of polymer in the vent header to the A22PSA control device restricted vent flow and caused the relief devices on Epichlorohydrin tanks V-4003 (ST4003) and V-4005 (ST4005) to lift and release to the atmosphere intermittently.

Notice of Intent Date: 09/26/2019 (1598486)

Disclosure Date: 04/23/2020

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.354

40 CFR Part 60, Subpart VV 60.482-7

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)

Description: Failure to monitor or report fugitive components. Specifically, 9 valves and 22 connectors were identified as not being monitored as required and/or not reported or included in the % leaker calculations for fugitive area associated with EPN B34FU01.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)

30 TAC Chapter 116, SubChapter B 116.116(b)

Description: Failure to include all fugitive components in the fugitive area in permit representations for EPN B34FU01.

Notice of Intent Date: 09/23/2019 (1599202)

Disclosure Date: 03/30/2020

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)(1)

Description: Failure to accurately represent the fugitive emission from piping components in HCL service for NSR Permit No. 83699. A review of the fugitive emission piping components in HCL service revealed that the component count and chemical phase used to calculate fugitive emissions was incorrect, thus resulting in an inaccurate HCL fugitive emissions estimate.

Disclosure Date: 08/31/2020

Viol. Major

Classification:

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

30 TAC Chapter 116, SubChapter B 116.111(a)(1)

Description: Failure to represent particulate matter (PM) emissions from cellulose loading activity for NSR Permit No. 83699 and conduct associated quarterly visible emissions observations.

Viol. Major

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)(1)

Description: Failure to represent particulate matter (PM) emissions from diatomaceous earth loading activity for NSR Permit No. 83699.

Notice of Intent Date: 01/21/2020 (1624908)

Disclosure Date: 04/17/2020

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.10(b)(1)

30 TAC Chapter 101, SubChapter A 101.10(b)(2)

Description: Failure to correctly report the ozone season pound per day emissions for the 2018 emission inventory, failure to correctly report methylene chloride emissions from tank NV-351 for the 2018 emissions inventory, and failure to correctly report chloroform emissions from tank NV-352 for the 2018 emission inventory.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2382(d)(2)(i)

Description: Failure to accurately report emissions from Tanks NV-351 and NV-352 in the 2019 MACT EEEE NOCS.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to correctly report an emission event in the Title V Deviation Report submitted on 9/19/2019. The facility experienced a release from a filter seal on Filter Pot FFL-33 and released 75 lb of methylene chloride. The Title V Deviation Report incorrectly reported this release as 75 lb of VOC.

Viol. Moderate

Classification:

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

Description: Failure to record that a corrective action on a leak from a valve in AqHCI service was taken within an hour. The leak log documented the valve was isolated, but did not document that the action was taken no later than one hour after detecting the leak.

Viol. Major

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)(1)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to accurately represent the emissions from the A16S1 Throx in the NSR Permit application for permit 5340. The waste gas combustion emissions for the A 16S 1 TH ROX are based on the lower heating value of the materials being combusted. The emission factors used for the permit are from AP-42, Compilation of Air Pollutant Emission Factors, US EPA, Section 1.4, Table 1.4-1, which states that the emissions should be based on the higher heating value of the materials being combusted.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)(1)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to list methylene chloride, methyl chloroform, and perchloroethylene in the NSR 5340 MAERT for EPN A16S1 (Throx). These contaminants were included in the voe emissions instead of listing them separately.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(2)

Description: Failure to include loading rack A24CEPUHW (Process Area Wagon Loading) in the Semi-Annual reports for MACT Subpart G (HON) from 2018 and 2019.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(1)

Description: Failure to perform a 10-year inspection on internal floating roof tank A30CMST10 (NV-11).

Notice of Intent Date: 02/13/2020 (1632838)

Disclosure Date: 10/16/2020

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.151(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.9(h)

Description: Failure to include storage tanks PT-9 and PT-21 in the HON MACT NOCS.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.115

30 TAC Chapter 122, SubChapter B 122.142(b)

Description: Failure to correctly cite regulatory applicability for applicability for equipment listed in the Title V Permit No. O1388 .

Notice of Intent Date: 03/06/2020 (1639930)

Disclosure Date: 10/26/2020

Viol. Minor

Classification:

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(1)
30 TAC Chapter 115, SubChapter C 115.215
30 TAC Chapter 115, SubChapter C 115.217(a)(1)

Description: Failure to locate documentation for the basis of the vapor pressure data used to determine compliance for Regulation V loading operations (Units B23, B39, B62 and B68).
Specifically, the documentation of approved test methods or standard references was not available.
In addition, the vapor pressure data referenced incorrect temperatures.

Notice of Intent Date: 05/14/2020 (1650766)

No DOV Associated

Notice of Intent Date: 05/14/2020 (1657013)

Disclosure Date: 04/21/2021

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.354
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)

Description: Failure to identify 10 valves and 69 connectors as being in steam service. Specifically, a total of 10 valves and 69 connectors were incorrectly identified as being in steam service, however, they are actually in VOC service and are not being monitored as required.

Notice of Intent Date: 07/27/2020 (1670538)

No DOV Associated

Notice of Intent Date: 08/07/2020 (1676904)

Disclosure Date: 10/23/2020

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(3)

Description: Failure to include all required PRVs in the monitoring plan for atmospheric vented PRVs in HRVOC service. Specifically, PRV ID 469707 and 469717 were not included in this document.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.8(e)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.8(e)(5)

Description: Failure to submit the CO CEMS RATA 60 days before scheduled test date. Specifically, the January 2019 CO CEMS RATA notification to the regulatory agency was not submitted at least 60 days prior as required by 40 CFR 63.8(e)(2).

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

Description: Failure to obtain authorization for a portable diesel tank operating as a permanent tank.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

Description: Failure to maintain hourly and annual load rates of Allyl Chloride below permit limits. Specifically, the hourly and annual loading rates of Allyl Chloride are being exceeded at load spot B68LR1 due to incorrect permit calculations.

Disclosure Date: 01/22/2021

Viol. Major

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter B 116.110(b)

Description: Failure to obtain authorization for the loading of hot oil, compressor oil, and Isopar. Specifically, hot oil and compressor oil were discovered to be loaded into isocontainers and/or drums without being permitted. In addition, Isopar was discovered to be loaded at EPN B68LR1 instead of Nopar 12, both which are heavy solvents.

Disclosure Date: 07/20/2021

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)

Description: Failure to monitor and/or report valves and connectors are required. Specifically, 57 valves and 171

connectors were identified as not being monitored as required and/or reported or included in the % leaker calculations.

Notice of Intent Date: 08/18/2020 (1671426)

Disclosure Date: 10/23/2020

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.10(b)(2)

Description: Failure to report MSS SOHO emissions (PROB34) in the emission inventory for the years of 2018 and 2019.

Viol. Major

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

Description: Failure to obtain authorization for a portable diesel tank was discovered to be operating as a permanent tank.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172(f)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2485(f)

Description: Failure to complete the closed vent system annual AVO inspection on time. During 2019, it was completed on 9/19/2019 and in 2020 it was not completed until 9/24/2020.

Disclosure Date: 04/20/2021

Viol. Moderate

Classification:

Citation:

30 TAC Chapter 116, SubChapter B 116.110(b)

30 TAC Chapter 116, SubChapter B 116.116(b)(1)

Description: Failure to represent BO Heavies, Crude Telone, Crude Allyl, Epi heavies and Lites, and Epoxidized Soybean oil loading at B23 in permit. Proper capturing of efficiency of 100% was also not represented in the permit.

Viol. Moderate

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1207(j)(1)

Description: Failure to maintain flowmeter cut off process control. Specifically, HWC MACT instrumentation flowmeter had process control code issues not triggering an Automatic Waste Feed Cut Off during plugging/low flow/failure due to being below L/G criteria.

Disclosure Date: 07/20/2021

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.354

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)

Description: Failure to accurately classify and monitor components. Approximately 4500 fugitive components were identified with either incorrect chemical state and/or EPN association and/or stream composition in the fugitive database. Approximately 200 components were missing some regulatory citations and some are not monitored as required and/or reported in the leaker calculations.

Disclosure Date: 10/18/2021

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(A)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(B)

30 TAC Chapter 116, SubChapter F 116.615(4)

30 TAC Chapter 116, SubChapter F 116.615(5)

Description: Failure to submit notifications on time as required for construction progress and start-up for Standard Permit 160427 and for NSR 104098 project 315467.

Notice of Intent Date: 09/25/2020 (1684743)

Disclosure Date: 10/21/2020

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)(1)

Description: Failure to authorize emissions from a loading facility. This deviation was not report in the previous reporting period.

Disclosure Date: 03/25/2021

Viol. Major

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)(1)

Description: Failure to authorize emissions from a loading product sample station and failure to equip a sampling station with a closed-purge, closed-loop, or closed-vent system per HON-MACT sampling requirements.

Notice of Intent Date: 10/06/2020 (1684740)

Disclosure Date: 04/05/2021

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)

Description: Failure to represent emissions from sample stations in NSR Permit No. 4022.

Viol. Major

Classification:

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)

30 TAC Chapter 116, SubChapter B 116.111(a)(1)

Description: Failure to represent particulate matter emissions from cellulose loading activity for NSR No 4022 and failure to perform quarterly visible emissions observations.

Notice of Intent Date: 10/22/2020 (1684741)

No DOV Associated

Notice of Intent Date: 10/29/2020 (1691738)

Disclosure Date: 10/27/2021

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 335, SubChapter R 335.503(a)(1)

30 TAC Chapter 335, SubChapter C 335.62

Description: Failure to properly classify waste streams from laboratory sinks that are routed to the on-site wastewater treatments facility owned by a third party.

Notice of Intent Date: 11/10/2020 (1697566)

No DOV Associated

Notice of Intent Date: 01/28/2021 (1701989)

Disclosure Date: 04/27/2021

Viol. Moderate

Classification:

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

Description: Failure to conduct quarterly visible emissions checks as required. Specifically, a visible emissions check was missed for turbine GT-63 (FIN B246PGT63) in 4th Quarter 2020 and one for turbine GT-61 (FIN B246PGT61) in 1st Quarter 2021.

Viol. Moderate

Classification:

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

Description: Failure to conduct visible emission checks. Specifically, visible emissions checks were completed less than one hour after sunrise for turbines GT-61 (FIN B246PGT61), GT-63 (FIN B246PGT63), GT-66 (FIN B246PGT66) and GT-67 (FIN B246PGT67).

Viol. Moderate

Classification:

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

Description: Failure to follow the Method 22 requirements for monthly visible emissions checks. Specifically, The facility has not followed the requirements of EPA Method 22 for the required monthly visible emissions checks for turbines GT-66 (EPN B24S4) and GT67 (EPN B24S5) as required by the NSR Permit 94403.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Failure to report emissions of ammonia from turbines GT-66 (FIN B246PGT66), GT-67 (FIN B246PGT67) and Fugitives (FIN B246PFU1) in the Annual Emissions Inventory for the 2018, 2019 and 2020 Reporting Years.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Failure to acutely report NOx emissions from turbines. Specifically, the facility reported different NOx emissions for turbines GT-37 (FIN A123PGT37), GT-61 (FIN B246PGT61), GT-63 (FIN B246PGT63), GT-66 (FIN B246PGT66) and GT-67 (FIN B246PGT67) in the Annual Emissions Inventory and annual Mass Emission Cap and Trade reports for the 2018, 2019 and 2020 Reporting Years.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 122, SubChapter B 122.132(d)(2)

Description: Failure to correctly identify the two oil water separators FINs A123PSP3A and B246PLR02A in Power 3

and Power 6, respectively.
Disclosure Date: 07/22/2021
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to use EPA Method 9 for opacity measurements as required by NSR 3914b Special Condition 3.
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 122, SubChapter B 122.132(d)(2)
Description: Failure to identify the correct monitoring and testing requirements for compliance with NSPS Subpart GG for FINs B246PGT61, B246PGT63, B246PGT66 & B246PGT67 in Title V Permit O-2214.
Disclosure Date: 10/07/2021
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.115
30 TAC Chapter 116, SubChapter F 116.617(d)
Description: Failure to operate two turbines, FIN B245PGT61 ANF B246PGT63, consistent with application representations related to power output and NSR Permit 9044 Special Condition 2 which limited these two turbines to 70 MWe.

Notice of Intent Date: 03/04/2021 (1704555)
No DOV Associated

Notice of Intent Date: 04/04/2021 (1708030)
Disclosure Date: 10/18/2021
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(A)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.114(a)(1)(ii)
Description: Failure to properly monitor and record catalyst inlet temperature for Catalytic Oxidizer (EPN OC3SC1) and temperature differential across the catalyst bed.

Notice of Intent Date: 04/23/2021 (1722035)
No DOV Associated

Notice of Intent Date: 05/25/2021 (1723856)
Disclosure Date: 10/07/2021
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 122, SubChapter C 122.241(b)
Description: Failure to identify the correct NOx control regulation exemption citation on Title V O2202 for emission source (FIN) BSRSGEFW1.
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 122, SubChapter C 122.241(b)
Description: Failure to identify the correct NOx emissions averaging period in the application to renew Title V Permit O2214 for emissions sources (FIN) A123PGT37, B246PGT61, B246PGT63, B246PGT66 & B246PGT67.
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 117, SubChapter B 117.300(1)
Description: Failure to comply with applicable NOx control regulations for emission sources (FINs) A16CETX01 and A16CTX02.
Viol. Moderate
Classification:
Citation: 30 TAC Chapter 101, SubChapter A 101.10
Description: Failure to report NOx emissions accurately in the 2020 reporting Year Annual Emissions Inventory (AEI) for the following emission sources (FINs) - B19G1T210, B70ALT02, OC5U5B01, & OC5U5B02.

Notice of Intent Date: 06/07/2021 (1724265)
Disclosure Date: 07/27/2021
Viol. Moderate
Classification:
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.122(g)(2)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2470(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.985(a)
Description: Failure to calculate daily average operating parameter limit correctly for desorption factor on PSA 111 & 211 located at the A22 block.

Viol. Moderate
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to follow requirements of NSR 93978 Special Conditions 13.D, which limits "Difficult to Monitor" (DTM) and "Unsafe to Monitor" (UTM) to only valves. The DMT and UTM classifications have been applied to connectors.

Viol. Moderate
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to operate consistent with underlying representations in NSR 93978. Specifically, NSR 93978 Amendment in 2018 included representations that components classified as "difficult to monitor" (DTM) would be monitored on a quarterly frequency and took the emission reduction credit for quarterly monitoring; all components designated as DTM are on an annual monitoring frequency.
Disclosure Date: 09/29/2021

Viol. Moderate
Classification:
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to list accurate tank shell height in Table 7 for Tanks V-5010, V-5020 and V-5030 in NSR 93978. Specifically, the tank shell height was listed as 48 feet, but the tanks are taller. There is not an emissions impact related to this discrepancy.

Viol. Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.122(c)(1)
Description: Failure to properly represent the vent control device for tanks V-501 in the HON NOCS.

Viol. Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116(a)(1)
Description: Failure to maintain fill rate below the maximum hourly filling rate represented in the permit application. Specifically, the fill rates on tanks T-4002, T-4003, and T-4005 were exceeded during some tank-to-tank transfers.
Disclosure Date: 04/25/2022

Viol. Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.10
Description: Failure to report emissions associated with loading of recovered solvents from A22 PSA for reporting year 2020. Specifically, the loading throughput amount were represented as zero for the 2020 reporting year emission calculations.

Viol. Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.10
Description: Failure to include fugitive emissions from 649 components in AEI reporting for EPN A22FU1 from NSR permit 19720. The emissions were incorrectly reposted under the wrong company information.

Viol. Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.10
Description: Failure to report fugitive emissions from 120 components under the correct EPNS in Annual Emission Inventory (AEI) reporting for reporting years 2018 - 2021.

Viol. Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to follow the fugitive monitoring requirements for EPNs A50FU3 and A35FU6 for connectors represented in NSR 93978. Specifically, the representation identified that quarterly monitoring was required for all connectors, however the monitoring schedule was revised to a less frequent monitoring schedule.

Notice of Intent Date: 07/01/2021 (1738337)
Disclosure Date: 10/15/2021
Viol. Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to complete quarterly Cylinder Gas Audits (CGA) more than two months apart for boilers B-901 and B-902 in second quarter 2021. CGAs were completed during 1Q 2021 on 2/26/2021 and then on 4/13/2021 and 4/14/2021 during 2Q 2021.

Notice of Intent Date: 08/03/2021 (1750582)
Disclosure Date: 10/15/2021
Viol. Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)(2)(v)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.102(a)(4)

Rqmt Prov: PERMIT SC 5
OP Special Conditions 1F and 21

Description: Failure to implement the Organic NESHAP (HON) Startup, Shutdown, and Malfunction (SSM) Plan. The facility did not have a record that the HON SSM Plan was implemented during CMPU startup and shutdown events since May 2020.

Viol. Moderate

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

Rqmt Prov: PERMIT SC 1
OP SC 21

Description: Failure to keep records that demonstrate compliance with the unit maintenance, startup, and shutdown (MSS) emissions permit provision requiring Attachment A activity emissions tracking and annual emissions revalidation.

Viol. Moderate

Viol.

Citation:

Classification: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(1)

Rqmt Prov: OP SC 1 and 21
PERMIT SC 5D, 15C, and 21B

Description: Failure to make complete entries in the logs and database for the fugitive leak inspections programs. Inspection entries were made in the appropriate logs and database, but entries were missing data or information.

Viol. Moderate

Classification:

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

Rqmt Prov: PERMIT SC 10, 13, and 14
OP SC 21

Description: Failure to keep 5 years of instrument calibration records and/or make complete record entries for the THROX Unit and Scrubber Instrument.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 111, SubChapter A 111.111

Rqmt Prov: OP SC 3

Description: Failure to demonstrate that all quarterly visible emission observations of the unit cooling tower emission source were completed from 2019 to the most recent quarter.

Viol. Moderate

Classification:

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

Rqmt Prov: OP SC 2E

Description: Failure to accurately report Methyl Chloride emissions in the emissions inventory reports. The Methyl Chloride vent flow meter to the Throx Unit was not working.

Viol. Moderate

Classification:

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

Rqmt Prov: PERMIT GC 1 AND SC 1
OP SC 21

Description: Failure to operate a THROX Unit at the hourly natural gas rates represented in the permit application and failure to maintain NOx emissions within MEART limits. It was discovered that the permit application calculations represent the average hourly natural gas rate and not the maximum instantaneous hourly rate.

Disclosure Date: 04/25/2022

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)(1)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.166(a)

Description: Failure to equip product sampling stations with a closed-purge, closed-loop, or closed vent system per HON MACT sampling connection system.

Disclosure Date: 10/12/2022

Viol. Minor

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP SC 1.G. & 21
PERMIT SC Nos. 5.D., 18, 19, & 20

Description: Failed to monitor 1,407 fugitive components, 202 fugitive components were found to be identified as out of service in the LDAR database and were not being monitored. 1,115 fugitive components did not have identification tags and were not monitored.

Notice of Intent Date: 08/06/2021 (1755123)
No DOV Associated

Notice of Intent Date: 09/17/2021 (1763805)

Disclosure Date: 04/25/2022

Viol. Moderate

Classification:

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

Description: Failure to determine opacity of emissions as prescribed by EPA Test Method 22 for nine hydrogen stacks (EPNs B6SV9 through B6SV17). The facility was determining opacity of emissions at the required frequency, but not correctly applying the EPA Test method 22 requirement..

Viol. Moderate

Classification:

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

Description: Failure to complete audit visual and olfactory (AVO) checks on equipment in chlorine service in six occasions. The facility did not have complete records to demonstrate that AVO checks were performed as required.

Disclosure Date: 08/04/2022

Viol. Moderate

Classification:

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

Rqmt Prov: OP SC 14

PERMIT SC 16.D.

Description: Failure to analyze cooling tower TDS as required for the Chlorine 3 Unit cooling tower CT-201A/B.

Viol. Moderate

Classification:

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

Rqmt Prov: OP SC 14

PERMIT SC 8.D.

Description: Failure to analyze cooling tower TDS for the Chlorine 3 Unit cooling tower CT-201A/B.

Notice of Intent Date: 11/04/2021 (1774098)

Disclosure Date: 04/26/2022

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.354

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)

Rqmt Prov: PERMIT Special Condition 22 & 23, 28VHP & 28CNT

Description: Failure to properly monitor approximately 15 relief devices. Some were incorrectly classified as connectors, and some had incorrect designations that exempted the components from Method 21 monitoring requirements in the fugitive monitoring database.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.354

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)

Rqmt Prov: PERMIT Special Condition 22 & 23, 28VHP & 28CNT

Description: Failure to properly classify approximately 29 pumps as leakless or exempt dual-mechanical seal design in our fugitive database. These components are therefore monitored and incorrectly included in % leaker calculations.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.354

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)

Rqmt Prov: PERMIT Special Condition 22A

Description: Failure to properly identify equipment excluded from fugitive monitoring requirements.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.354

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)

Rqmt Prov: PERMIT Special Condition 22 H and J

Description: Failure to properly document records of physical inspections and equipment leaks, repair and

re-monitoring for leaks discovered via audio, visual and olfactory means during operating personnel walk-through.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter F 115.534
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)

Rqmt Prov: PERMIT Special Condition 22 E

Description: Failure to monitor some new and reworked piping connections within 15 days of the components being returned to service.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160(a)

Rqmt Prov: PERMIT Special Condition 22 & 23, 28VHP & 28CNT

Description: Failure to identified in the field 700 fugitive components that were not properly tagged and monitored in the fugitive database. These components are therefore not included in the % leaker calculations.

Notice of Intent Date: 01/25/2022 (1788668)

Disclosure Date: 10/21/2022

Viol. Minor

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)

Rqmt Prov: PERMIT SC27, 28

Description: Failed to properly identify and/or monitor approximately 131 components. Specifically, some components are not included in the database, some are incorrectly classified, some have tagging discrepancies, and some have incorrect designations in the fugitive monitoring database.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)

Rqmt Prov: PERMIT SC 27, 28

Description: Failed to properly identify 433 components excluded from the fugitive monitoring requirements.

Notice of Intent Date: 02/07/2022 (1789984)

No DOV Associated

Notice of Intent Date: 03/10/2022 (1802494)

Disclosure Date: 10/12/2022

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT SC 11.E

OP STC 14

Description: Failed to use a representative sample from the cooling tower feed water to analyze for TDS. The samples used for TDS analysis were being collected from the cooling tower water discharge line which supplies cooling water to the plant.

Notice of Intent Date: 03/16/2022 (1804886)

No DOV Associated

Notice of Intent Date: 04/21/2022 (1811034)

Disclosure Date: 10/13/2022

Viol. Minor

Classification:

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

Rqmt Prov: PERMIT SC 3

Description: Failed to complete LDAR monitoring for three valves and 27 connectors in light liquid service according to the requirements of the permit and affected regulations.

Disclosure Date: 04/12/2023

Viol. Minor

Classification:

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

Rqmt Prov: PERMIT SC 3

Description: Failed to complete LDAR monitoring for three valves and 27 connectors in light liquid service according to the requirements of the permit and affected regulations.

Notice of Intent Date: 05/11/2022 (1813126)

Disclosure Date: 10/13/2022

Viol. Minor

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2346(c)

Description: Failed to appropriately monitor all valves and pumps in organic liquid service for more than 300 hours per year. Specifically, LDAR monitoring of 51 valves and two pumps in Methylene Chloride and Carbon Tetrachloride services were not properly monitored as required by the Organic Liquids Distribution (Non-Gasoline) MACT after mistakenly labeling the components as not being in liquid service.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(e)

Description: Failed to conduct LDAR monitoring for 23 valves and one pump in Carbon Tetrachloride service as required by NSPS VV after mistakenly labeling the components as not being in VOC service for more than 300 hours per year.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.352

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC 24

Description: Failed to monitor 51 valves and two pumps as required by the NSR Permit condition because the components were mistakenly labeled as not being in VOC service for more than 300 hours per year.

Viol. Moderate

Classification:

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

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT SC 18.B

OP STC 15

Description: Failed to achieve the minimum combustion zone temperatures for the Flameless Thermal Oxidizer (FTO) No. 2 (EPN OC5S02) for two periods on 1/3/21 and 5/8/21. Specifically, the temperatures were below the minimum allowable value set by prior stack testing and required by periodic monitoring and these items were not previously identified or reported as Title V Deviations in the applicable periods.

Viol. Moderate

Classification:

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

30 TAC Chapter 116, SubChapter B 116.116

Description: Failed to maintain the EDC Cracking Furnace F-201 (EPN OC5S201H) below the allowable hourly natural gas fuel flow and firing rate on several occasions on 2/6 and 2/7/22. Additionally, this matter was not previously identified or reported as a Title V Deviation.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146(b)(1)

Description: Failed to identify the presence of HON Group 2 Wastewater streams on the HON NOCS from three existing process strippers.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.352

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC 24

Description: Failed to complete LDAR monitoring of 74 valves and 232 connectors as required by the permit and associated regulations.

Disclosure Date: 04/13/2023

Viol. Minor

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2346(c)

Description: Failed to appropriately monitor all valves and pumps in organic liquid service for more than 300 hours per year. Specifically, LDAR monitoring of 51 valves and two pumps in Methylene Chloride and Carbon Tetrachloride services were not properly monitored as required by the Organic Liquids Distribution (Non-Gasoline) MACT after mistakenly labeling the components as not being in liquid service.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(e)

Description: Failed to conduct LDAR monitoring for 23 valves and one pump in Carbon Tetrachloride service as

required by NSPS VV after mistakenly labeling the components as not being in VOC service for more than 300 hours per year.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC 24

Description: Failed to monitor 51 valves and two pumps as required by the NSR Permit condition because the components were mistakenly labeled as not being in VOC service for more than 300 hours per year.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT SC 18.B

OP STC 15

Description: Failed to achieve the minimum combustion zone temperatures for the Flameless Thermal Oxidizer (FTO) No. 2 (EPN OC5S02) for two periods on 1/3/21 and 5/8/21. Specifically, the temperatures were below the minimum allowable value set by prior stack testing and required by periodic monitoring and these items were not previously identified or reported as Title V Deviations in the applicable periods.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116

Description: Failed to maintain the EDC Cracking Furnace F-201 (EPN OC5S201H) below the allowable hourly natural gas fuel flow and firing rate on several occasions on 2/6 and 2/7/22. Additionally, this matter was not previously identified or reported as a Title V Deviation.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146(b)(1)

Description: Failed to identify the presence of HON Group 2 Wastewater streams on the HON NOCS from three existing process strippers.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC 24

Description: Failed to complete LDAR monitoring of 74 valves and 232 connectors as required by the permit and associated regulations.

Disclosure Date: 10/05/2023

Viol. Minor

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2346(c)

Description: Failed to appropriately monitor all valves and pumps in organic liquid service for more than 300 hours per year. Specifically, LDAR monitoring of 51 valves and two pumps in Methylene Chloride and Carbon Tetrachloride services were not properly monitored as required by the Organic Liquids Distribution (Non-Gasoline) MACT after mistakenly labeling the components as not being in liquid service.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-1(e)

Description: Failed to conduct LDAR monitoring for 23 valves and one pump in Carbon Tetrachloride service as required by NSPS VV after mistakenly labeling the components as not being in VOC service for more than 300 hours per year.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC 24

Description: Failed to monitor 51 valves and two pumps as required by the NSR Permit condition because the components were mistakenly labeled as not being in VOC service for more than 300 hours per year.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT SC 18.B

OP STC 15

Description: Failed to achieve the minimum combustion zone temperatures for the Flameless Thermal Oxidizer (FTO) No. 2 (EPN OC5S02) for two periods on 1/3/21 and 5/8/21. Specifically, the temperatures were

below the minimum allowable value set by prior stack testing and required by periodic monitoring and these items were not previously identified or reported as Title V Deviations in the applicable periods.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116

Description: Failed to maintain the EDC Cracking Furnace F-201 (EPN OC5S201H) below the allowable hourly natural gas fuel flow and firing rate on several occasions on 2/6 and 2/7/22. Additionally, this matter was not previously identified or reported as a Title V Deviation.

Viol. Minor

Classification:

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146(b)(1)

Description: Failed to identify the presence of HON Group 2 Wastewater streams on the HON NOCS from three existing process strippers.

Viol. Minor

Classification:

Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT SC 24

Description: Failed to complete LDAR monitoring of 74 valves and 232 connectors as required by the permit and associated regulations.

Viol. Moderate

Classification:

Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(3)(D)

Description: Failure to retain records of the quarterly HRVOC PSV inspections..

Notice of Intent Date: 07/28/2022 (1840280)

No DOV Associated

Notice of Intent Date: 10/25/2022 (1855011)

No DOV Associated

Notice of Intent Date: 11/10/2022 (1866855)

No DOV Associated

Notice of Intent Date: 01/11/2023 (1879360)

No DOV Associated

Notice of Intent Date: 01/19/2023 (1881565)

No DOV Associated

Notice of Intent Date: 02/01/2023 (1880248)

No DOV Associated

Notice of Intent Date: 03/15/2023 (1886439)

No DOV Associated

Notice of Intent Date: 04/05/2023 (1888906)

No DOV Associated

Notice of Intent Date: 05/03/2023 (1903086)

No DOV Associated

Notice of Intent Date: 06/15/2023 (1910977)

Disclosure Date: 10/24/2023

Viol. Minor

Classification:

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(14)

Rqmt Prov: PERMIT General Condition 1

Description: Failure to calculate annual emissions based on a 12-month rolling period as required by MAERT footnote 4 for MSS activities EPN A 19FU2MSS & A 19SV113MSS and EPN B28MEFU1 & B28MESV213.

Viol. Minor

Classification:

Citation: 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 EEEE 63.2346(c)

Rqmt Prov: PERMIT Special Condition 10.H.

Description: Failure to complete monthly and quarterly fugitive monitoring on a pump.

Notice of Intent Date: 06/29/2023 (1912310)
No DOV Associated

Notice of Intent Date: 07/11/2023 (1912084)
No DOV Associated

Notice of Intent Date: 07/13/2023 (1912304)
No DOV Associated

Notice of Intent Date: 10/24/2023 (1938405)
No DOV Associated

Notice of Intent Date: 10/31/2023 (1938072)
No DOV Associated

Notice of Intent Date: 11/08/2023 (1939038)
No DOV Associated

Notice of Intent Date: 01/18/2024 (1956047)
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
BLUE CUBE OPERATIONS LLC
RN108772245

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2024-0416-AIR-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Blue Cube Operations 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 presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that 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. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a chemical manufacturing plant located at 2301 North Brazosport Boulevard in Freeport, Brazoria 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. During a record review for the Plant conducted from August 3, 2022 through February 9, 2023, an investigator documented that the Respondent released 6,741.00 pounds of ethylene dichloride as fugitive emissions, during an emissions event (Incident No. 383437) that began on July 14, 2022 and lasted 28 hours and 10 minutes. TCEQ staff determined that the emissions event was an excessive emissions event.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, 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. 93978, Special Conditions No. 1, Federal Operating Permit No. O2204, General Terms and Conditions and Special Terms and Conditions No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b). The emissions event was determined to be an excessive emissions event.
3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$50,000 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid the \$25,000 penalty. Pursuant to TEX. WATER CODE § 7.067, \$25,000 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.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Blue Cube Operations LLC, Docket No. 2024-0416-AIR-E" to:

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

2. The Respondent shall implement and complete the SEP as set forth in Section II, Paragraph No. 4. The amount of \$25,000 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:
 - a. Within 30 days after the effective date of this Order, submit a corrective action plan ("CAP") in accordance with the TCEQ letter dated May 15, 2023 to address the excessive emissions event (Incident No. 383437) that began on July 14, 2022.
 - b. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the CAP submittals in connection with the excessive emissions event that began on July 14, 2022 within 15 days after the date of such requests, or by any other deadline specified in writing.
 - c. Within 45 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 3.e., to demonstrate compliance with Ordering Provision No. 3.a.
 - d. Upon Executive Director approval of the CAP, implement the CAP to address the excessive emissions event (Incident No. 383437) that began on July 14, 2022 in accordance with the approved schedule.
 - e. Within 15 days after the completion of the CAP implementation, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.d. 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. 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 in this Order.
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. 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.
10. 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.

11. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

7/26/2024


Date

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

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

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

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



Signature

5/22/2024

Date

William A. Chidester

Name (Printed or typed)
Authorized Representative of
Blue Cube Operations LLC

TXO Operations - EHS Leader

Title

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

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

Attachment A
Docket Number: 2024-0416-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Blue Cube Operations LLC
Payable Penalty Amount:	\$50,000
SEP Offset Amount:	\$25,000
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO
Project Name:	<i>Clean Vehicles Partnership Project</i>
Location of SEP: Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

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

1. Project Description

a. Project

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

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

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

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

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

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

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

b. Environmental Benefit

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

c. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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