

Executive Summary – Enforcement Matter – Case No. 65708
Air Liquide Large Industries U.S. LP
RN100233998
Docket No. 2024-0476-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Air Liquide Large Industries US, 11400 Bay Area Boulevard, Pasadena, Harris County

Type of Operation:

Cogeneration plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 25, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$66,102

Total Paid to General Revenue: \$66,102

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 21, 2023 through February 29, 2024

Date(s) of NOE(s): March 4, 2024

Executive Summary – Enforcement Matter – Case No. 65708
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RN100233998
Docket No. 2024-0476-AIR-E

Violation Information

1. Failed to comply with the concentration limits. Specifically, the Respondent exceeded the three-hour rolling average carbon monoxide ("CO") concentration limit of 20.0 parts per million by volume on a dry basis ("ppmvd") at 15 percent oxygen ("15% O2") during combustion turbine and duct burner firing operations by a range from 10.3 to 17.6 ppmvd at 15% O2 and exceeded the three-hour rolling average nitrogen oxides ("NOx") concentration limit of 7.0 ppmvd at 15% O2 during combustion turbine and duct burner firing operations by a range from 4.4 to 5.4 ppmvd at 15% O2 for three hours on August 14, 2022 for the Gas Turbine, Emissions Point Number ("EPN") CG801 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 9346 and PSDTX612M2, Special Conditions ("SC") No. 3, Federal Operating Permit ("FOP") No. O1735, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to comply with the concentration limits. Specifically, the Respondent exceeded the three-hour rolling average NOx concentration limit of 7.0 ppmvd at 15% O2 during combustion turbine and duct burner firing operations by a range from 0.03 to 1.23 ppmvd at 15% O2 for a total of 81 hours on 21 days from September 28, 2022 to March 24, 2023 and exceeded the three-hour rolling average NOx concentration limit of 5.0 ppmvd at 15% O2 during combustion turbine only operations by a range from 0.5 to 1.03 ppmvd at 15% O2 for seven hours on September 29, 2022 for the Gas Turbine, EPN CG804 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 9346 and PSDTX612M2, SC No. 3, FOP No. O1735, GTC and STC No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to comply with the concentration limit. Specifically, the Respondent exceeded the ammonia concentration limit of 10 ppmvd at 3% O2 over a one-hour block averaging period by a range from 0.2 to 5.4 ppmvd at 3% O2 for a total of six hours on May 14, 2022, August 17, 2022, and February 14, 2023 for the Steam Methane Reformer Process Furnace, EPN SMRSTACK [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 73110, SC No. 8.D, FOP No. O1735, GTC and STC No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to report all instances of deviations. Specifically, the deviation report for the October 14, 2022 through April 13, 2023 reporting period did not include the deviation for failing to conduct the weekly total dissolved solids sampling for the Cooling Tower, EPN SMRCT, during the week of November 7, 2022 [30 TEX. ADMIN. CODE §§ 122.143 and 122.145(2)(A), FOP No. O1735, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By October 14, 2022, troubleshooted the distributed control system and upgraded the system for the Gas Turbine in order to comply with the CO and NOx concentration limits for EPN CG-801;
- b. By May 5, 2023, adjusted and tuned the Gas Turbine in order to comply with the NOx concentration limits for EPN CG-804; and
- c. On February 14, 2023, repaired a pinched wire and reduced the ammonia injection rate for the Steam Methane Reformer Furnace Stack in order to comply with the ammonia concentration limit for EPN SMRSTACK; and
- d. On March 18, 2024, submitted a revise deviation report for the October 14, 2022 through April 13, 2023 reporting period to report the deviation for failing to conduct weekly total dissolved solids sampling for the Cooling Tower, EPN SMCRT, during the week of November 7, 2022.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Caleb Martin, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2091; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Greg Johnson, Health, Safety, and Environmental Specialist, Air Liquide Large Industries U.S. LP, 11400 Bay Area Boulevard, Pasadena, Texas 77507
Sunildath Bisram, Operations Director, Air Liquide Large Industries U.S. LP, 11400 Bay Area Boulevard, Pasadena, Texas 77507

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	13-Mar-2024	Screening	13-Mar-2024	EPA Due	
	PCW	25-Mar-2025				

RESPONDENT/FACILITY INFORMATION

Respondent	Air Liquide Large Industries U.S. LP				
Reg. Ent. Ref. No.	RN100233998				
Facility/Site Region	12-Houston	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	65708	No. of Violations	4
Docket No.	2024-0476-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Caleb Martin
		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	\$45,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	71.0%	Adjustment	Subtotals 2, 3, & 7	\$32,127
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Notes: Enhancement for one NOV with same/similar violations, one NOV with dissimilar violations, two agreed orders containing a denial of liability, and one agreed order without a denial of liability. Reduction for one notice of intent to conduct an audit.

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	-\$11,275
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$773
Estimated Cost of Compliance \$30,250
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$66,102
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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	\$66,102
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$66,102
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

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

PAYABLE PENALTY	\$66,102
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Screening Date	13-Mar-2024	Docket No.	2024-0476-AIR-E	PCW
Respondent	Air Liquide Large Industries U.S. LP			Policy Revision 5 (January 28, 2021)
Case ID No.	65708			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN100233998			
Media	Air			
Enf. Coordinator	Caleb Martin			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 71%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations, one NOV with dissimilar violations, two agreed orders containing a denial of liability, and one agreed order without a denial of liability. Reduction for one notice of intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 71%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 71%

Screening Date	13-Mar-2024	Docket No.	2024-0476-AIR-E	PCW
Respondent	Air Liquide Large Industries U.S. LP			Policy Revision 5 (January 28, 2021)
Case ID No.	65708			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN100233998			
Media	Air			
Enf. Coordinator	Caleb Martin			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 9346 and PSDTX612M2, Special Conditions ("SC") No. 3, Federal Operating Permit ("FOP") No. O1735, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 8, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to comply with the concentration limits. Specifically, the Respondent exceeded the three-hour rolling average carbon monoxide ("CO") concentration limit of 20.0 parts per million by volume on a dry basis ("ppmvd") at 15 percent oxygen ("15% O2") during combustion turbine and duct burner firing operations by a range from 10.3 to 17.6 ppmvd at 15% O2 and exceeded the three-hour rolling average nitrogen oxides ("NOx") concentration limit of 7.0 ppmvd at 15% O2 during combustion turbine and duct burner firing operations by a range from 4.4 to 5.4 ppmvd at 15% O2 for three hours on August 14, 2022 for the Gas Turbine, Emissions Point Number ("EPN") CG801.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			x
	Potential			
				Percent 30.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				Percent 0.0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
		Adjustment	\$17,500	
			\$7,500	
Violation Events				
	Number of Violation Events	1	1	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
			Violation Base Penalty	\$7,500
	One quarterly event is recommended.			
Good Faith Efforts to Comply	25.0%		Reduction	\$1,875
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary	x		
	N/A			
	Notes	The Respondent completed corrective measures by October 14, 2022, prior to the Notice of Enforcement ("NOE") dated March 4, 2024.		
		Violation Subtotal	\$5,625	
Economic Benefit (EB) for this violation				
	Estimated EB Amount	\$84	Violation Final Penalty Total	\$10,950
	This violation Final Assessed Penalty (adjusted for limits)			\$10,950

Economic Benefit Worksheet

Respondent Air Liquide Large Industries U.S. LP
Case ID No. 65708
Reg. Ent. Reference No. RN100233998
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-Aug-2022	14-Oct-2022	0.17	\$84	n/a	\$84
Notes for DELAYED costs	Estimated cost to troubleshoot the distributed control system and upgrade the system for the Gas Turbine in order to comply with the CO and NOx concentration limits for EPN CG801. The Date Required is the date the date of non-compliance and the Final Date is the date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance

\$10,000

TOTAL

\$84

Screening Date 13-Mar-2024	Docket No. 2024-0476-AIR-E	PCW
Respondent Air Liquide Large Industries U.S. LP	<i>Policy Revision 5 (January 28, 2021)</i>	
Case ID No. 65708	<i>PCW Revision February 11, 2021</i>	
Reg. Ent. Reference No. RN100233998		
Media Air		
Enf. Coordinator Caleb Martin		
Violation Number	2	
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 9346 and PSDTX612M2, SC No. 3, FOP No. O1735, GTC and STC No. 8, and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to comply with the concentration limits. Specifically, the Respondent exceeded the three-hour rolling average NOx concentration limit of 7.0 ppmvd at 15% O2 during combustion turbine and duct burner firing operations by a range from 0.03 to 1.23 ppmvd at 15% O2 for a total of 81 hours on 21 days from September 28, 2022 to March 24, 2023 and exceeded the three-hour rolling average NOx concentration limit of 5.0 ppmvd at 15% O2 during combustion turbine only operations by a range from 0.5 to 1.03 ppmvd at 15% O2 for seven hours on September 29, 2022 for the Gas Turbine, EPN CG804.	
Base Penalty		\$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	
						Percent 0.0%
	Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.				

Adjustment	\$17,500
	\$7,500

Violation Events

Number of Violation Events	2		22	Number of violation days
	daily		weekly	
	monthly		quarterly	x
	semiannual		annual	
	single event			

Violation Base Penalty	\$15,000
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Two quarterly events are recommended for the instances of non-compliance that occurred from September 28, 2022 to March 24, 2023.

Good Faith Efforts to Comply

	25.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		
Notes	The Respondent completed the corrective measures by May 5, 2023, prior to the NOE dated March 4, 2024.	
Violation Subtotal		\$3,750

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$300
Violation Final Penalty Total	\$21,900
This violation Final Assessed Penalty (adjusted for limits)	
\$21,900	

Economic Benefit Worksheet

Respondent Air Liquide Large Industries U.S. LP
Case ID No. 65708
Reg. Ent. Reference No. RN100233998
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	28-Sep-2022	5-May-2023	0.60	\$300	n/a	\$300
Notes for DELAYED costs Estimated cost to adjust and tune the Gas Turbine in order to comply with the NOx concentration limits for EPN CG804. The Date Required is the date the violation began and the Final Date is the date of compliance.							

Avoided Costs

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

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

Approx. Cost of Compliance \$10,000

TOTAL \$300

Screening Date	13-Mar-2024	Docket No.	2024-0476-AIR-E	PCW
Respondent	Air Liquide Large Industries U.S. LP	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	65708	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN100233998			
Media	Air			
Enf. Coordinator	Caleb Martin			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), NSR Permit No. 73110, SC No. 8.D, FOP No. 01735, GTC and STC No. 8, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to comply with the concentration limit. Specifically, the Respondent exceeded the ammonia ("NH3") concentration limit of 10 ppmvd at 3% O2 over a one-hour block averaging period by a range from 0.2 to 5.4 ppmvd at 3% O2 for a total of six hours on May 14, 2022, August 17, 2022, and February 14, 2023 for the Steam Methane Reformer ("SMR") Process Furnace, EPN SMRSTACK.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Release	Harm		
		Major	Moderate	Minor	
	Actual	Potential	Actual	Potential	Actual

					Percent
					30.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent
					0.0%

Matrix Notes

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

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 3 3 Number of violation days

	daily				
	weekly				
	monthly		x		
	quarterly				
	semiannual				
	annual				
	single event				

Violation Base Penalty \$22,500

Three monthly events are recommended for the instances of non-compliance that occurred on May 14, 2022, August 17, 2022, and February 14, 2023.

Good Faith Efforts to Comply **25.0%** Reduction \$5,625

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary	x		
	N/A			

Notes

The Respondent completed the corrective measures on February 14, 2023, prior to the NOE dated March 4, 2024.

Violation Subtotal \$16,875

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$378	Violation Final Penalty Total \$32,850
This violation Final Assessed Penalty (adjusted for limits) \$32,850	

Economic Benefit Worksheet

Respondent Air Liquide Large Industries U.S. LP
Case ID No. 65708
Reg. Ent. Reference No. RN100233998
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	14-May-2022	14-Feb-2023	0.76	\$378	n/a	\$378

Notes for DELAYED costs

Estimated cost to repair a pinched wire and reduce the NH3 injection rate for the SMR Furnace Stack in order to comply with the NH3 concentration limit for EPN SMRSTACK. The Date Required is the initial date of non-compliance and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$378

Screening Date	13-Mar-2024	Docket No.	2024-0476-AIR-E	PCW
Respondent	Air Liquide Large Industries U.S. LP			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	65708			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN100233998			
Media	Air			
Enf. Coordinator	Caleb Martin			
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143 and 122.145(2)(A), FOP No. 01735, GTC, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to report all instances of deviations. Specifically, the deviation report for the October 14, 2022 through April 13, 2023 reporting period did not include the deviations for failing to conduct the weekly total dissolved solids sampling for the Cooling Tower, EPN SMRCT, during the week of November 7, 2022.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			
	Potential			
				Percent 0.0%
>>Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				x
				Percent 1.0%
Matrix Notes	Less than 30% of the rule requirement was not met.			
		Adjustment	\$24,750	
			\$250	
Violation Events				
	Number of Violation Events	1	305	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event		x	
	One single event is recommended.			
Good Faith Efforts to Comply				
		10.0%	Reduction	\$25
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary		x	
	N/A			
Notes	The Respondent completed the corrective measures on March 18, 2024, after the NOE dated March 4, 2024.			
		Violation Subtotal	\$225	
Economic Benefit (EB) for this violation				
	Statutory Limit Test			
	Estimated EB Amount	\$11	Violation Final Penalty Total	\$403
	This violation Final Assessed Penalty (adjusted for limits)			\$403

Economic Benefit Worksheet

Respondent Air Liquide Large Industries U.S. LP
Case ID No. 65708
Reg. Ent. Reference No. RN100233998
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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)	\$250	13-May-2023	18-Mar-2024	0.85	\$11	n/a	\$11
Notes for DELAYED costs	Estimated cost to submit a revised deviation report for the October 14, 2022 through April 13, 2023 reporting period to report the deviation for failing to conduct the weekly total dissolved solids sampling for the Cooling Tower, EPN SMRCT, during the week of November 7, 2022. The Date Required is the date the deviation should have been reported and the Final Date is the date of compliance.						
Avoided Costs							
ANNUALIZE avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance				\$250	TOTAL		\$11



Compliance History Report

Compliance History Report for CN600300693, RN100233998, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator:	CN600300693, Air Liquide Large Industries U.S. LP	Classification:	SATISFACTORY	Rating:	2.89
Regulated Entity:	RN100233998, Air Liquide Large Industries US	Classification:	SATISFACTORY	Rating:	7.56
Complexity Points:	21	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	11400 Bay Area Boulevard Pasadena, Harris County, Texas 77507-1712				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0071Q
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1011467
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0071Q
AIR NEW SOURCE PERMITS REGISTRATION 53106
AIR NEW SOURCE PERMITS REGISTRATION 11018
AIR NEW SOURCE PERMITS AFS NUM 4820100073
AIR NEW SOURCE PERMITS REGISTRATION 87052
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX612M2
AIR NEW SOURCE PERMITS REGISTRATION 148323
WASTEWATER EPA ID TX0102296

AIR OPERATING PERMITS PERMIT 1735
AIR NEW SOURCE PERMITS PERMIT 9346
AIR NEW SOURCE PERMITS REGISTRATION 37485
AIR NEW SOURCE PERMITS REGISTRATION 33713
AIR NEW SOURCE PERMITS REGISTRATION 70423
AIR NEW SOURCE PERMITS PERMIT 73110
AIR NEW SOURCE PERMITS REGISTRATION 99546
AIR NEW SOURCE PERMITS EPA PERMIT GHGPSDTX23
WASTEWATER PERMIT WQ0004330000
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0071Q
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD096026612

POLLUTION PREVENTION PLANNING ID NUMBER P00956
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 31779

Compliance History Period: September 01, 2019 to August 31, 2024 **Rating Year:** 2024 **Rating Date:** 09/01/2024

Date Compliance History Report Prepared: March 25, 2025

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 25, 2020 to March 25, 2025

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

Name: Caleb Martin

Phone: (512) 239-2091

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: 05/25/2020 | ADMINORDER 2019-0167-AIR-E | (Findings Order-Agreed Order Without Denial) |
| | Classification: Moderate | | |
| | Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) | | |
| | 30 TAC Chapter 122, SubChapter B 122.143(4) | | |
| | 5C THSC Chapter 382 382.085(b) | | |
| | Rqmt Prov: Special Condition 3 PERMIT | | |
| | Special Term and Condition 9 OP | | |
| | Description: Failure to comply with permitted carbon monoxide (CO) concentration limit for Gas Turbine CG-801 (EPN: CG801). (Category B13) | | |

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 3 PERMIT
Special Term and Condition 9 OP
Description: Failure to comply with permitted CO concentration limit for Gas Turbine CG-802 (EPN: CG802). (Category B13)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 3 PERMIT
Special Term and Condition 9 OP
Description: Failure to comply with permitted CO concentration limit for Gas Turbine CG-803 (EPN: CG803). (Category B13)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 6A PERMIT
Special Term and Condition 9 OP
Description: Failure to comply with permitted CO concentration limit for Boiler 1 (EPN: BO1). (Category B13)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 6A PERMIT
Special Term and Condition 9 OP
Description: Failure to comply with permitted CO concentration limit for Boiler 2 (EPN: BO2). (Category B13)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 6A PERMIT
Special Term and Condition 9 OP
Description: Failure to comply with permitted CO concentration limit for Boiler 3 (EPN: BO3). (Category B13)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 8C PERMIT
Special Term and Condition 9 OP
Description: Failure to comply with permitted CO concentration limit for Steam Methane Reformer Process Heater (EPN: SMRSTACK). (Category B13)

- 2 Effective Date: 11/16/2021 ADMINORDER 2021-0159-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: GTC and STC No. 9 OP
Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on January 17, 2018, TCEQ/STEERS Incident No. 276635. (Category A12.i.6)
- 3 Effective Date: 12/20/2022 ADMINORDER 2021-1513-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)

Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions. Specifically, the Respondent released 216.82 pounds ("lbs") of nitrogen oxides and 117.50 lbs of carbon monoxide from the Steam Methane Reformer Flare, EPN SMRFLARE, during an emissions event (Incident No. 283343) that occurred on May 8, 2018 and lasted six hours. The emissions event occurred when the pump discharge pressure dropped too low during the swap from the Process Condensate Pump A to the Pump B.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	April 10, 2020	(1654949)
Item 2	May 20, 2020	(1661510)
Item 3	June 17, 2020	(1668043)
Item 4	July 13, 2020	(1674989)
Item 5	August 17, 2020	(1681758)
Item 6	August 21, 2020	(1670128)
Item 7	September 14, 2020	(1688336)
Item 8	October 12, 2020	(1694693)
Item 9	November 16, 2020	(1716675)
Item 10	December 17, 2020	(1716676)
Item 11	January 20, 2021	(1716677)
Item 12	February 19, 2021	(1729757)
Item 13	March 10, 2021	(1729758)
Item 14	May 19, 2021	(1742175)
Item 15	June 18, 2021	(1748303)
Item 16	July 19, 2021	(1753099)
Item 17	August 20, 2021	(1758504)
Item 18	September 20, 2021	(1767794)
Item 19	October 19, 2021	(1778359)
Item 20	November 19, 2021	(1785029)
Item 21	December 21, 2021	(1792062)
Item 22	January 20, 2022	(1799912)
Item 23	February 16, 2022	(1807745)
Item 24	March 10, 2022	(1814787)
Item 25	April 12, 2022	(1762691)
Item 26	April 20, 2022	(1821357)
Item 27	May 19, 2022	(1830254)
Item 28	June 17, 2022	(1836504)
Item 29	July 18, 2022	(1843689)
Item 30	August 19, 2022	(1849851)
Item 31	September 20, 2022	(1857620)
Item 32	October 19, 2022	(1863974)
Item 33	November 19, 2022	(1870883)
Item 34	January 20, 2023	(1883550)
Item 35	March 20, 2023	(1899937)
Item 36	April 18, 2023	(1906737)
Item 37	May 19, 2023	(1913890)
Item 38	June 20, 2023	(1920500)
Item 39	July 12, 2023	(1927484)
Item 40	August 17, 2023	(1934426)
Item 41	August 23, 2023	(1902936)
Item 42	September 14, 2023	(1940603)
Item 43	October 02, 2023	(1929966)
Item 44	October 05, 2023	(1930868)
Item 45	October 19, 2023	(1947405)
Item 46	November 15, 2023	(1953092)

Item 47	November 29, 2023	(1937931)
Item 48	January 18, 2024	(1969454)
Item 49	February 28, 2024	(1978519)
Item 50	March 18, 2024	(1985092)
Item 51	March 20, 2024	(1873113)
Item 52	April 11, 2024	(1974907)
Item 53	April 18, 2024	(1991636)
Item 54	June 19, 2024	(2005037)
Item 55	June 27, 2024	(1994644)
Item 56	July 16, 2024	(2012604)
Item 57	August 20, 2024	(2018168)
Item 58	September 20, 2024	(2025206)
Item 59	October 15, 2024	(2031316)
Item 60	November 18, 2024	(2037636)
Item 61	December 09, 2024	(2044027)
Item 62	January 14, 2025	(2050588)

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

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

- 1 Date: 04/30/2024 (1998070)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 2 Date: 03/04/2025 (2028778)
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 & Condition 8 OP
Description: Failure to maintain the permitted Carbon Monoxide (CO) maximum allowable
emission rate (MAER) limits for Boiler 4 (EPN: BO4). (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 1 PERMIT
Special Term & Condition 8 OP
Description: Failure to maintain the permitted Carbon Monoxide (CO) and Nitrogen Oxides
(NOx) maximum allowable emission rate (MAER) limits for the Flare (EPN:
SMRFLARE). (Category B13)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 21C PERMIT
Special Term & Condition 8 OP
Description: Failure to conduct weekly Total Dissolved Solids (TDS) sampling on Cooling
Tower (EPN: SMRCT). (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 & Condition 8 OP
Description: Failure to maintain the permitted Ammonia (NH3) and Carbon Monoxide (CO)
maximum allowable emission rate (MAER) limits for SMR Process Furnace
(EPN: SMRSTACK). (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 6A PERMIT
Special Term & Condition 8 OP
Description: Failure to maintain the permitted Carbon Monoxide (CO) and Nitrogen Oxides

Self Report? (NOx) concentration limits for Boiler 4 (EPN: BO4). (Category B17)
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 8D PERMIT
Special Term & Condition 8 OP
Description: Failure to maintain the permitted Ammonia (NH3) concentration limit for SMR
Process Furnace (EPN: SMRSTACK). (Category B17)

F. Environmental audits:

Notice of Intent Date: 08/10/2020 (1670796)

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
AIR LIQUIDE LARGE INDUSTRIES U.S.
LP
RN100233998

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2024-0476-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Air Liquide Large Industries U.S. LP (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a cogeneration plant located at 11400 Bay Area Boulevard in Pasadena, Harris County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$66,102 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$66,102 of the penalty.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.

7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. By October 14, 2022, troubleshooted the distributed control system and upgraded the system for the Gas Turbine in order to comply with the carbon monoxide ("CO") and nitrogen oxides ("NOx") concentration limits for Emissions Point Number ("EPN") CG-801;
 - b. By May 5, 2023, adjusted and tuned the Gas Turbine in order to comply with the NOx concentration limits for EPN CG-804; and
 - c. On February 14, 2023, repaired a pinched wire and reduced the ammonia ("NH3") injection rate for the Steam Methane Reformer ("SMR") Furnace Stack in order to comply with the NH3 concentration limit for EPN SMRSTACK; and
 - d. On March 18, 2024, submitted a revise deviation report for the October 14, 2022 through April 13, 2023 reporting period to report the deviation for failing to conduct weekly total dissolved solids sampling for the Cooling Tower, EPN SMCRT, during the week of November 7, 2022.

II. ALLEGATIONS

During a record review for the Plant conducted from December 21, 2023 through February 29, 2024, an investigator documented that the Respondent:

1. Failed to comply with the concentration limits, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 9346 and PSDTX612M2, Special Conditions ("SC") No. 3, Federal Operating Permit ("FOP") No. 01735, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the three-hour rolling average CO concentration limit of 20.0 parts per million by volume on a dry basis ("ppmvd") at 15 percent oxygen ("15% O2") during combustion turbine and duct burner firing operations by a range from 10.3 to 17.6 ppmvd at 15% O2 and exceeded the three-hour rolling average NOx concentration limit of 7.0 ppmvd at 15% O2 during combustion turbine and duct burner firing operations by a range from 4.4 to 5.4 ppmvd at 15% O2 for three hours on August 14, 2022 for the Gas Turbine, EPN CG801.
2. Failed to comply with the concentration limits, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 9346 and PSDTX612M2, SC No. 3, FOP No. 01735, GTC and STC No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the three-hour rolling average NOx concentration limit of 7.0 ppmvd at 15% O2 during combustion turbine and duct burner firing operations by a range from 0.03 to 1.23 ppmvd at 15% O2 for a total of 81 hours on 21

days from September 28, 2022 to March 24, 2023 and exceeded the three-hour rolling average NOx concentration limit of 5.0 ppmvd at 15% O2 during combustion turbine only operations by a range from 0.5 to 1.03 ppmvd at 15% O2 for seven hours on September 29, 2022 for the Gas Turbine, EPN CG804.

3. Failed to comply with the concentration limit, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 73110, SC No. 8.D, FOP No. O1735, GTC and STC No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the NH3 concentration limit of 10 ppmvd at 3% O2 over a one-hour block averaging period by a range from 0.2 to 5.4 ppmvd at 3% O2 for a total of six hours on May 14, 2022, August 17, 2022, and February 14, 2023 for the SMR Process Furnace, EPN SMRSTACK.
4. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143 and 122.145(2)(A), FOP No. O1735, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the deviation report for the October 14, 2022 through April 13, 2023 reporting period did not include the deviation for failing to conduct the weekly total dissolved solids sampling for the Cooling Tower, EPN SMRCT, during the week of November 7, 2022.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Air Liquide Large Industries U.S. LP, Docket No. 2024-0476-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. All relief not expressly granted in this Order is denied.
3. 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.
4. 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.

5. 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.
6. 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.
7. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Krista Mello-Jurack

For the Executive Director

08/24/2025

Date

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

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

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

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

[Signature]

Signature

6/9/2025

Date

Sunil Patel Bishan

Name (Printed or typed)
Authorized Representative of
Air Liquide Large Industries U.S. LP

Operations Director

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.