

**Executive Summary – Enforcement Matter – Case No. 66135**  
**Lyondell Chemical Company**  
**RN100633650**  
**Docket No. 2024-0903-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Lyondell Chemical Channelview, 2502 Sheldon Road, Channelview, Harris County

**Type of Operation:**

Petrochemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2025-0086-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** April 25, 2025

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$27,375

**Amount Deferred for Expedited Settlement:** \$5,475

**Total Paid to General Revenue:** \$10,950

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$10,950

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

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** May 14, 2024 and June 07, 2024

**Date(s) of NOE(s):** May 24, 2024 and June 25, 2024

**Executive Summary – Enforcement Matter – Case No. 66135**  
**Lyondell Chemical Company**  
**RN100633650**  
**Docket No. 2024-0903-AIR-E**

***Violation Information***

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 453.5 pounds of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 399718) that occurred on April 30, 2023 and lasted one hour and 26 minutes [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 137856, N234, and PSDTX1480, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1387, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 28, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 683.14 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 415765) that occurred on January 17, 2024 and lasted nine hours [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 137856, N234, and PSDTX1480, SC No. 1, FOP No. O1387, GTC and STC No. 28, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By February 15, 2024, the Respondent implemented additional tubing training as part of the minor-maintenance training for operations and added tube-fitting competency into the Channelview Operations millwright training plan in order to prevent the recurrence of emission event due to the same or similar causes as Incident No. 399718.

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
  - a. Within 30 days, implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 415765; and
  - b. Within 45 days, submit written certification to demonstrate compliance with a.

**Executive Summary – Enforcement Matter – Case No. 66135**  
**Lyondell Chemical Company**  
**RN100633650**  
**Docket No. 2024-0903-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Krystina Sepulveda, Enforcement Division, Enforcement Team 2, MC R-15, (956) 430-6045; 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:** Griffith, Moseley, Johnson & Associates, Inc., 2901 Turtle Creek Drive, Suite 445, Port Arthur, Texas 77642

**Respondent:** Anthony Wood, Site Manager, Lyondell Chemical Company, 2502 Sheldon Road, Channelview, Texas 77530

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	29-May-2024	<b>Screening</b>	29-May-2024	<b>EPA Due</b>	
	<b>PCW</b>	16-Jan-2025				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Lyondell Chemical Company
<b>Reg. Ent. Ref. No.</b>	RN100633650
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	66135	<b>No. of Violations</b>	2
<b>Docket No.</b>	2024-0903-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Krystina Sepulveda
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$15,000
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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.

<b>Compliance History</b>	95.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$14,250
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Notes

Enhancement for two NOV's with same/similar violations, three orders containing a denial of liability, and one consent decree containing a denial of liability. Reduction for three notices of intent to conduct an audit and one disclosure of violations.

<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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Notes

The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$1,875
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$810  
Estimated Cost of Compliance \$15,000

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$27,375
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<b>Final Penalty Amount</b>	\$27,375
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$27,375
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<b>DEFERRAL</b>	20.0%	<b>Reduction</b>	<b>Adjustment</b>	-\$5,475
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$21,900
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<b>Screening Date</b>	29-May-2024	<b>Docket No.</b>	2024-0903-AIR-E	<b>PCW</b>
<b>Respondent</b>	Lyondell Chemical Company			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	66135			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN100633650			
<b>Media</b>	Air			
<b>Enf. Coordinator</b>	Krystina Sepulveda			

### 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> )	2	10%
	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> )	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	1	-2%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 95%

#### >> 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

<b>Compliance History Notes</b>	Enhancement for two NOVs with same/similar violations, three orders containing a denial of liability, and one consent decree containing a denial of liability. Reduction for three notices of intent to conduct an audit and one disclosure of violations.
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**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 95%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 95%

<b>Screening Date</b>	29-May-2024	<b>Docket No.</b>	2024-0903-AIR-E	<b>PCW</b>
<b>Respondent</b>	Lyondell Chemical Company	Policy Revision 5 (January 28, 2021)		
<b>Case ID No.</b>	66135	PCW Revision February 11, 2021		
<b>Reg. Ent. Reference No.</b>	RN100633650			
<b>Media</b>	Air			
<b>Enf. Coordinator</b>	Krystina Sepulveda			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 137856, N234, and PSDTX1480, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1387, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 28, and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	Failed to prevent unauthorized emissions. Specifically, the Respondent released 453.5 pounds ("lbs") of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 399718) that occurred on April 30, 2023 and lasted one hour and 26 minutes.			
<b>Base Penalty</b>			\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	<b>Release</b>	<b>Harm</b>		
		Major	Moderate	Minor
	Actual			x
	Potential			
		<b>Percent</b> 30.0%		
>>Programmatic Matrix				
	Falsification	Major	Moderate	Minor
		<b>Percent</b> 0.0%		
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.			
<b>Adjustment</b>			\$17,500	
			\$7,500	
>> Violation Events				
Number of Violation Events		1	1	Number of violation days
	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
		<b>Violation Base Penalty</b> \$7,500		
One monthly event is recommended.				
<b>Good Faith Efforts to Comply</b>		25.0%	<b>Reduction</b> \$1,875	
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary	x		
	N/A			
Notes	The Respondent achieved compliance by Febuary 15, 2024, prior to the Notice of Enforcement dated May 24, 2024.			
<b>Violation Subtotal</b>			\$5,625	
>> Economic Benefit (EB) for this violation				
>> Statutory Limit Test				
<b>Estimated EB Amount</b>		\$199	<b>Violation Final Penalty Total</b> \$12,750	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$12,750	

# Economic Benefit Worksheet

**Respondent** Lyondell Chemical Company  
**Case ID No.** 66135  
**Reg. Ent. Reference No.** RN100633650  
**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
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	30-Apr-2023	15-Feb-2024	0.80	\$199	n/a	\$199
Notes for DELAYED costs	Estimated cost to implement additional tubing training as part of the minor-maintenance training for operations and add tube-fitting competency into the Channelview Operations millwright training plan in order to prevent the recurrence of emission event due to the same or similar causes as Incident No. 399718. The Date Required is the date the event occurred and The Final Date is date of compliance.						
<b>Avoided Costs</b>							
<b>ANNUALIZE avoided costs before entering item (except for one-time avoided costs)</b>							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance	\$5,000			<b>TOTAL</b>		\$199	

<b>Screening Date</b> 29-May-2024 <b>Respondent</b> Lyondell Chemical Company <b>Case ID No.</b> 66135 <b>Reg. Ent. Reference No.</b> RN100633650 <b>Media</b> Air <b>Enf. Coordinator</b> Krystina Sepulveda	<b>Docket No.</b> 2024-0903-AIR-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	2	<b>Rule Cite(s)</b>	
		30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 137856, N234, and PSDTX1480, SC No. 1, FOP No. O1387, GTC and STC No. 28, and Tex. Health & Safety Code § 382.085(b)	
<b>Violation Description</b>		Failed to prevent unauthorized emissions. Specifically, the Respondent released 683.14 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 415765) that occurred on January 17, 2024 and lasted nine hours□	

  

**Base Penalty** \$25,000

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Release</b>	<b>Harm</b>		
		Major	Moderate	Minor	
	Actual	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px; text-align: center;">x</span>	<b>Percent</b> <span style="border: 1px solid black; padding: 2px 20px;">30.0%</span>
	Potential	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<b>Percent</b> <span style="border: 1px solid black; padding: 2px 20px;">0.0%</span>

  

Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.
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**Adjustment** \$17,500

  

\$7,500

  

**Violation Events**

Number of Violation Events	<span style="border: 1px solid black; padding: 2px 10px;">1</span>		<span style="border: 1px solid black; padding: 2px 10px;">1</span>	Number of violation days
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	daily	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<b>Violation Base Penalty</b> <span style="border: 1px solid black; padding: 2px 20px;">\$7,500</span>
	weekly	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	
	monthly	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px; text-align: center;">x</span>	
	quarterly	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	
	semiannual	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	
	annual	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	
	single event	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	

  

One monthly event is recommended.

  

**Good Faith Efforts to Comply**

	<span style="border: 1px solid black; padding: 2px 10px;">0.0%</span>	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>
Ordinary	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>
N/A	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px; text-align: center;">x</span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>
Notes	The Respondent does not meet the good faith criteria for this violation.	

  

**Violation Subtotal** \$7,500

  

**Economic Benefit (EB) for this violation**

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <span style="border: 1px solid black; padding: 2px 20px;">\$611</span>	<b>Violation Final Penalty Total</b> <span style="border: 1px solid black; padding: 2px 20px;">\$14,625</span>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <span style="border: 1px solid black; padding: 2px 20px;">\$14,625</span>	



# Economic Benefit Worksheet

**Respondent** Lyondell Chemical Company  
**Case ID No.** 66135  
**Reg. Ent. Reference No.** RN100633650  
**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	17-Jan-2024	7-Apr-2025	1.22	\$611	n/a	\$611
Notes for DELAYED costs Estimated cost to implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 415765. The Date Required is the date the emissions event occurred 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	<b>TOTAL</b>	\$611
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# Compliance History Report

Compliance History Report for CN600344402, RN100633650, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600344402, Lyondell Chemical Company	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	5.04
<b>Regulated Entity:</b>	RN100633650, LYONDELL CHEMICAL CHANNELVIEW	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	9.17
<b>Complexity Points:</b>	47	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	05 - Chemical Manufacturing				
<b>Location:</b>	2502 Sheldon Road Channelview, Harris County, Texas 77530-2681				
<b>TCEQ Region:</b>	REGION 12 - HOUSTON				

**ID Number(s):**

**AIR OPERATING PERMITS** ACCOUNT NUMBER  
HG1575W

**AIR NEW SOURCE PERMITS** AFS NUM 4820100417

**AIR NEW SOURCE PERMITS** REGISTRATION 48597  
**AIR NEW SOURCE PERMITS** REGISTRATION 40092  
**AIR NEW SOURCE PERMITS** REGISTRATION 40093  
**AIR NEW SOURCE PERMITS** REGISTRATION 37654  
**AIR NEW SOURCE PERMITS** REGISTRATION 35477  
**AIR NEW SOURCE PERMITS** REGISTRATION 32435  
**AIR NEW SOURCE PERMITS** PERMIT 19613  
**AIR NEW SOURCE PERMITS** PERMIT 18103  
**AIR NEW SOURCE PERMITS** PERMIT 3346  
**AIR NEW SOURCE PERMITS** PERMIT 2993  
**AIR NEW SOURCE PERMITS** REGISTRATION 73851  
**AIR NEW SOURCE PERMITS** REGISTRATION 77723  
**AIR NEW SOURCE PERMITS** REGISTRATION 79199  
**AIR NEW SOURCE PERMITS** REGISTRATION 79542  
**AIR NEW SOURCE PERMITS** REGISTRATION 81465  
**AIR NEW SOURCE PERMITS** REGISTRATION 81958  
**AIR NEW SOURCE PERMITS** REGISTRATION 84090  
**AIR NEW SOURCE PERMITS** REGISTRATION 100257  
**AIR NEW SOURCE PERMITS** PERMIT 137856  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1480  
**AIR NEW SOURCE PERMITS** REGISTRATION 110749  
**AIR NEW SOURCE PERMITS** REGISTRATION 108390  
**AIR NEW SOURCE PERMITS** REGISTRATION 110748  
**AIR NEW SOURCE PERMITS** EPA PERMIT N234  
**AIR NEW SOURCE PERMITS** REGISTRATION 110745  
**AIR NEW SOURCE PERMITS** REGISTRATION 154043  
**AIR NEW SOURCE PERMITS** REGISTRATION 169047  
**AIR NEW SOURCE PERMITS** REGISTRATION 165455  
**AIR NEW SOURCE PERMITS** REGISTRATION 167653  
**AIR NEW SOURCE PERMITS** REGISTRATION 163984  
**AIR NEW SOURCE PERMITS** REGISTRATION 167333  
**AIR NEW SOURCE PERMITS** REGISTRATION 167648  
**AIR NEW SOURCE PERMITS** REGISTRATION 146922  
**AIR NEW SOURCE PERMITS** PERMIT AMOC1  
**AIR NEW SOURCE PERMITS** PERMIT AMOC158  
**AIR NEW SOURCE PERMITS** EPA PERMIT N282

**AIR OPERATING PERMITS** PERMIT 1387

**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER  
HG1575W  
**AIR NEW SOURCE PERMITS** REGISTRATION 42082  
**AIR NEW SOURCE PERMITS** REGISTRATION 40094  
**AIR NEW SOURCE PERMITS** REGISTRATION 38432  
**AIR NEW SOURCE PERMITS** REGISTRATION 36353  
**AIR NEW SOURCE PERMITS** REGISTRATION 34833  
**AIR NEW SOURCE PERMITS** PERMIT 20416  
**AIR NEW SOURCE PERMITS** PERMIT 19155  
**AIR NEW SOURCE PERMITS** PERMIT 4121  
**AIR NEW SOURCE PERMITS** PERMIT 3286A  
**AIR NEW SOURCE PERMITS** REGISTRATION 75719  
**AIR NEW SOURCE PERMITS** REGISTRATION 74852  
**AIR NEW SOURCE PERMITS** REGISTRATION 78756  
**AIR NEW SOURCE PERMITS** REGISTRATION 79945  
**AIR NEW SOURCE PERMITS** REGISTRATION 80344  
**AIR NEW SOURCE PERMITS** REGISTRATION 35412  
**AIR NEW SOURCE PERMITS** PERMIT 83817  
**AIR NEW SOURCE PERMITS** REGISTRATION 96529  
**AIR NEW SOURCE PERMITS** REGISTRATION 110744  
**AIR NEW SOURCE PERMITS** REGISTRATION 110759  
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGPSDTX149  
**AIR NEW SOURCE PERMITS** REGISTRATION 110753  
**AIR NEW SOURCE PERMITS** REGISTRATION 110747  
**AIR NEW SOURCE PERMITS** REGISTRATION 131147  
**AIR NEW SOURCE PERMITS** REGISTRATION 107594  
**AIR NEW SOURCE PERMITS** REGISTRATION 154483  
**AIR NEW SOURCE PERMITS** PERMIT AMOC86  
**AIR NEW SOURCE PERMITS** REGISTRATION 167651  
**AIR NEW SOURCE PERMITS** REGISTRATION 164468  
**AIR NEW SOURCE PERMITS** REGISTRATION 166559  
**AIR NEW SOURCE PERMITS** REGISTRATION 169258  
**AIR NEW SOURCE PERMITS** REGISTRATION 166560  
**AIR NEW SOURCE PERMITS** REGISTRATION 166338  
**AIR NEW SOURCE PERMITS** REGISTRATION 146914  
**AIR NEW SOURCE PERMITS** REGISTRATION 159522  
**AIR NEW SOURCE PERMITS** REGISTRATION 156080  
**AIR NEW SOURCE PERMITS** REGISTRATION 157435

**AIR NEW SOURCE PERMITS** REGISTRATION 159150  
**AIR NEW SOURCE PERMITS** REGISTRATION 158060  
**AIR NEW SOURCE PERMITS** REGISTRATION 171842  
**AIR NEW SOURCE PERMITS** REGISTRATION 171830  
**AIR NEW SOURCE PERMITS** REGISTRATION 174602  
**AIR NEW SOURCE PERMITS** REGISTRATION 176017  
**AIR NEW SOURCE PERMITS** REGISTRATION 177299

**UNDERGROUND INJECTION CONTROL** PERMIT WDW162  
**UNDERGROUND INJECTION CONTROL** PERMIT WDW438  
**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER HG1575W  
**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXD083472266  
**INDUSTRIAL AND HAZARDOUS WASTE** PERMIT 50288  
**TAX RELIEF** ID NUMBER 24638  
**TAX RELIEF** ID NUMBER 24636  
**TAX RELIEF** ID NUMBER 24637

**AIR NEW SOURCE PERMITS** REGISTRATION 161551  
**AIR NEW SOURCE PERMITS** REGISTRATION 160679  
**AIR NEW SOURCE PERMITS** REGISTRATION 176548  
**AIR NEW SOURCE PERMITS** REGISTRATION 167649  
**AIR NEW SOURCE PERMITS** REGISTRATION 169041  
**AIR NEW SOURCE PERMITS** REGISTRATION 177306  
**IHW CORRECTIVE ACTION** SOLID WASTE REGISTRATION # (SWR) 30676  
**UNDERGROUND INJECTION CONTROL** PERMIT WDW148  
**WASTEWATER** PERMIT WQ0002927000  
**POLLUTION PREVENTION PLANNING** ID NUMBER P00038  
**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE REGISTRATION # (SWR) 30676  
**TAX RELIEF** ID NUMBER 24634  
**TAX RELIEF** ID NUMBER 24635  
**TAX RELIEF** ID NUMBER 24639  
**TAX RELIEF** ID NUMBER 25127

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

**Date Compliance History Report Prepared:** January 16, 2025

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** January 16, 2020 to January 16, 2025

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

**Name:** Krystina Sepulveda

**Phone:** (956) 430-6045

### **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: 08/24/2021      ADMINORDER 2020-1432-AIR-E      (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP O1387 GTC and STC No. 25 OP  
NSR Permit 3346, Special Conditions 1 PERMIT  
Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on November 5, 2017, TCEQ/STEERS Incident No. 271858. [Category A12.i.(6)]

2      Effective Date: 12/21/2023      ADMINORDER 2023-0596-AIR-E      (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP No. O1387 OP  
NSR Permit No. 19613 ORDER  
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,249.80 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 388403) that occurred on September 29, 2022 and lasted 22 minutes. The emissions event occurred when the nitrogen purge was not isolated from the drum prior to the catalyst injection during a catalyst batch process in the Propylene Oxide and Styrene Monomer II Unit that caused higher than normal pressure on the drum during the  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP No. O1387 OP

Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 281.77 lbs of VOC, 214.42 lbs of CO, and 29.95 lbs of NOx from the Emergency Flare, EPN EFL60730, during an emissions event (Incident No. 387852) that occurred on September 22, 2022 and lasted two hours and 31 minutes. The emissions event occurred due to a reduction of heat input to the T-380 tower that caused a high liquid level in Drum D-381 and Compressor C-380 to shut down, resulting in flaring.

3 Effective Date: 08/28/2024 ADMINORDER 2021-0188-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

Rqmt Prov: NSR Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on October 31, 2020, TCEQ/STEERS Incident No. 345209. [Category A12.i.(6)]

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 115, SubChapter H 115.722(c)(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: NSR Special Condition 1 PERMIT

Special Terms and Conditions No. 28 OP

Description: Failure to prevent unauthorized emissions and failed to limit highly reactive volatile organic compounds ("HRVOC") emissions to 1,200 lbs or less per one-hour block. Specifically, the Respondent experienced 100 % opacity and released 1,511.40 lbs of CO, 2,229 lbs of HRVOC, 284.47 lbs of NOx, and 87.40 lbs of VOC from the Emergency Flare (Pilot Gas Only), EPN EFL68493, during an emissions event (Incident No. 344154) that occurred on October 15, 2020 and lasted three hours and 40 minutes.

Classification: Minor

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: O11387, Special Condition 2.F OP

Description: Failure to submit an accurate final record associated with emissions event, TCEQ/STEERS Incident No. 345209. [Category C3]. Specifically, the Respondent did not identify the estimated total quantities for those compounds or mixtures that were released from the Continuous Flare, EPN EFL68491, on the final record for Incident No. 345209.

Classification: Minor

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

Rqmt Prov: O1387, Special Condition 2.F OP

Description: Failure to provide additional or more detailed information regarding the emissions event when requested by the Executive Director within the time established in the request. Specifically, on October 27, 2020, TCEQ staff requested additional information regarding Incident No. 344154 to be provided by November 10, 2020, but the requested information was not submitted until January 7, 2021.

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: O1387, Special Condition 2.F OP

Description: Failure to submit an accurate final record associated with emission event, TCEQ/STEERS Incident No. 344154. [Category C3]. Specifically, the Respondent did not provide the correct estimated total quantities for CO and NOx on the final record for Incident No. 344154.

Classification: Moderate

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

Rqmt Prov: NSR Permit Special Condition 1 PERMIT

Special Terms and Conditions No. 25 OP

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 169.90 pounds ("lbs")

of VOC as fugitive emissions, during an emissions event (Incident No. 274190) that began on December 8, 2017 and lasted 18 hours.

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: O1387, Special Condition (25) OP  
Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent released 197.50 lbs of CO, 27.30 lbs of NOx, and 286.40 lbs of VOC, from the Emergency Flare, EPN EFL68493, and released 193.00 lbs of CO, 23.60 lbs of NOx, and 349.10 lbs of VOC from the Continuous Flare, EPN EFL68491, during an emissions event (Incident No. 352028) that occurred on March 3, 2021 and lasted three hours and 28 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 25 OP

Description: Failure to prevent unauthorized emissions. Specifically, the Respondent experienced 100% opacity and released 261.50 lbs of CO, 50.80 lbs of NOx, and 379.20 lbs of VOC, from the Emergency Flare, EPN EFL68493; experienced 100% opacity and released 721.40 lbs of CO, 140.00 lbs of NOx, and 1,163.60 lbs of VOC from the Continuous Flare, EPN EFL68491; and released 14.70 lbs of VOC from the Catalytic Incinerator, EPN EF97950, during an emissions event (Incident No. 282756) that began on April 24, 2018

Classification: Major

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

Rqmt Prov: 4121 PERMIT  
O1387, Special Condition (28) OP

Description: Failure to prevent emissions. Specifically, the Respondent released 528.00 lbs of CO, 82.00 lbs of NOx, and 634.97 lbs of VOC from the Emergency Flare, EPN EFL60730, during an emissions event (Incident No. 409834) that occurred on September 12, 2023 and lasted two hours and 13 minutes.

See addendum for information regarding federal actions.

## **B. Criminal convictions:**

N/A

## **C. Chronic excessive emissions events:**

N/A

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

Item 1	January 20, 2020	(1634889)
Item 2	February 20, 2020	(1641506)
Item 3	February 26, 2020	(1631413)
Item 4	March 19, 2020	(1648015)
Item 5	April 20, 2020	(1654366)
Item 6	May 08, 2020	(1645534)
Item 7	May 13, 2020	(1597711)
Item 8	May 19, 2020	(1660931)
Item 9	June 19, 2020	(1667464)
Item 10	July 17, 2020	(1674413)
Item 11	August 11, 2020	(1666079)
Item 12	August 18, 2020	(1681188)
Item 13	September 17, 2020	(1687757)
Item 14	October 16, 2020	(1678773)
Item 15	October 19, 2020	(1694103)
Item 16	October 28, 2020	(1684474)
Item 17	December 15, 2020	(1696925)
Item 18	December 17, 2020	(1714967)
Item 19	January 29, 2021	(1700621)
Item 20	February 18, 2021	(1728031)

Item 21	February 23, 2021	(1702497)
Item 22	March 16, 2021	(1728032)
Item 23	April 19, 2021	(1728033)
Item 24	May 05, 2021	(1710495)
Item 25	May 19, 2021	(1722072)
Item 26	May 20, 2021	(1741309)
Item 27	June 11, 2021	(1722073)
Item 28	June 18, 2021	(1748026)
Item 29	July 20, 2021	(1739844)
Item 30	July 30, 2021	(1723569)
Item 31	August 20, 2021	(1757961)
Item 32	September 17, 2021	(1767196)
Item 33	October 11, 2021	(1765034)
Item 34	October 18, 2021	(1765269)
Item 35	October 20, 2021	(1777665)
Item 36	October 29, 2021	(1771124)
Item 37	November 05, 2021	(1690263)
Item 38	November 15, 2021	(1771845)
Item 39	November 19, 2021	(1784464)
Item 40	December 20, 2021	(1791494)
Item 41	January 20, 2022	(1799336)
Item 42	January 28, 2022	(1788058)
Item 43	February 16, 2022	(1807154)
Item 44	March 17, 2022	(1814220)
Item 45	April 19, 2022	(1820793)
Item 46	April 26, 2022	(1810549)
Item 47	May 20, 2022	(1829625)
Item 48	June 20, 2022	(1835921)
Item 49	July 19, 2022	(1843122)
Item 50	August 04, 2022	(1773247)
Item 51	August 18, 2022	(1813116)
Item 52	August 19, 2022	(1849290)
Item 53	September 19, 2022	(1857052)
Item 54	October 20, 2022	(1863409)
Item 55	November 01, 2022	(1852698)
Item 56	November 10, 2022	(1854795)
Item 57	November 18, 2022	(1870321)
Item 58	December 06, 2022	(1840374)
Item 59	December 20, 2022	(1876170)
Item 60	January 20, 2023	(1882989)
Item 61	January 30, 2023	(1873511)
Item 62	February 14, 2023	(1875122)
Item 63	February 20, 2023	(1890798)
Item 64	March 20, 2023	(1899368)
Item 65	April 19, 2023	(1906172)
Item 66	May 02, 2023	(1896280)
Item 67	May 12, 2023	(1888396)
Item 68	May 17, 2023	(1913328)
Item 69	May 23, 2023	(1842081)
Item 70	June 01, 2023	(1889235)
Item 71	June 13, 2023	(1904322)
Item 72	June 16, 2023	(1919936)
Item 73	July 05, 2023	(1911335)
Item 74	July 20, 2023	(1926904)
Item 75	August 17, 2023	(1933860)
Item 76	September 20, 2023	(1940004)
Item 77	October 20, 2023	(1946846)
Item 78	October 30, 2023	(1936563)
Item 79	November 16, 2023	(1938957)
Item 80	November 17, 2023	(1952534)
Item 81	December 01, 2023	(1943515)

Item 82	December 20, 2023	(1962306)
Item 83	January 18, 2024	(1968896)
Item 84	February 19, 2024	(1977961)
Item 85	February 23, 2024	(1964978)
Item 86	March 14, 2024	(1967229)
Item 87	March 15, 2024	(1972498)
Item 88	March 19, 2024	(1984535)
Item 89	April 11, 2024	(1991057)
Item 90	April 30, 2024	(1976607)
Item 91	May 11, 2024	(1997512)
Item 92	June 14, 2024	(2004464)
Item 93	July 18, 2024	(2012020)
Item 94	August 19, 2024	(2017614)
Item 95	September 12, 2024	(2024651)
Item 96	October 07, 2024	(2016377)
Item 97	October 09, 2024	(2016184)
Item 98	October 18, 2024	(2030759)
Item 99	October 25, 2024	(2021847)
Item 100	November 18, 2024	(1908959)

#### **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:      04/02/2024      (1886867)  
          Self Report?      NO      Classification:      Moderate  
          Citation:      30 TAC Chapter 116, SubChapter B 116.115(c)  
                               5C THSC Chapter 382 382.085(b)  
                               Special Condition 1 PERMIT  
          Description:      Failure to prevent unauthorized emissions to the atmosphere during an  
                               emissions event that was discovered on February 24, 2023, TCEQ/STEERS  
                               Incident No. 396049 [Category B18.g(13)].  
          Self Report?      NO      Classification:      Minor  
          Citation:      30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
                               5C THSC Chapter 382 382.085(b)  
          Description:      Failure to submit an accurate final record associated with emissions event,  
                               TCEQ/STEERS Incident No. 396049 [Category C3].
  
- 2      Date:      04/22/2024      (1886870)  
          Self Report?      NO      Classification:      Moderate  
          Citation:      30 TAC Chapter 116, SubChapter B 116.115(c)  
                               5C THSC Chapter 382 382.085(b)  
                               Special Condition 1 PERMIT  
          Description:      Failure to prevent unauthorized emissions to the atmosphere during an  
                               emissions event that was discovered on February 28, 2023, TCEQ/STEERS  
                               Incident No. 396291 [Category B18.g(13)].

#### **F. Environmental audits:**

Notice of Intent Date:      08/10/2020      (1670979)  
          No DOV Associated

Notice of Intent Date:      05/19/2021      (1723232)  
          No DOV Associated

Notice of Intent Date:      09/12/2022      (1853071)  
          Disclosure Date:      01/23/2023

Viol.                      Minor

Classification:

Citation:      40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(a)(1)(i)

Description:      Failed to monitor container.

Viol.                      Minor

Classification:

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

Rqmt Prov:      OP SC 37

Description:      Failed to maintain the records required for an appliance containing 50 or more pounds of refrigerant.

**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



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## *Addendum to Compliance History Federal Enforcement Actions*

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**Reg Entity Name:** LYONDELL CHEMICAL CHANNELVIEW

**Reg Entity Add:** 2502 SHELDON RD

**Reg Entity City:** CHANNELVIEW

**Reg Entity No:** RN100633650

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**EPA Case No:** 07-2022-3395

**Order Issue Date (yyyymmdd):** 20211013

**Case Result:**

**Statute:** CAA

**Sect of Statute:** 110

**Classification:** Major

**Program:** Federal Implementation

**Citation:**

**Violation Type:** National Emission Standard  
For Hazardous Air Pollutant

**Cite Sect:**

**Cite Part:**

**Enforcement Action:** Consent Decree or Court Order Resolving a Civil

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
LYONDELL CHEMICAL COMPANY  
RN100633650

§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2024-0903-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 Lyondell Chemical Company (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 petrochemical manufacturing plant located at 2502 Sheldon Road in Channelview, 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 \$27,375 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$10,950 of the penalty and \$5,475 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$10,950 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms

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

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that by February 15, 2024, the Respondent implemented additional tubing training as part of the minor-maintenance training for operations and added tube-fitting competency into the Channelview Operations millwright training plan in order to prevent the recurrence of emission event due to the same or similar causes as Incident No. 399718.

## II. ALLEGATIONS

1. During a record review for the Plant conducted on May 14, 2024, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review ("NSR") Permit Nos. 137856, N234, and PSDTX1480, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. 01387, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 28, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 453.5 pounds of volatile organic compounds ("VOC") as fugitive emissions, during an emissions event (Incident No. 399718) that occurred on April 30, 2023 and lasted one hour and 26 minutes.
2. During a record review for the Plant conducted on June 07, 2024, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), NSR Permit Nos. 137856, N234, and PSDTX1480, SC No. 1, FOP No. 01387, GTC and STC No. 28, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 683.14 lbs of VOC as fugitive emissions, during an emissions event (Incident No. 415765) that occurred on January 17, 2024 and lasted nine hours.

### 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: Lyondell Chemical Company, Docket No. 2024-0903-AIR-E" to:

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

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$10,950 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, implement measures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 415765.
  - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

-----  
Date

5/15/2025

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For the Executive Director

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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.

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Signature

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Date

03/14/25

-----  
Name (Printed or typed)  
Authorized Representative of  
Lyondell Chemical Company

-----  
Title

SITE MANAGER

☐ 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: 2024-0903-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Lyondell Chemical Company</b>
<b>Payable Penalty Amount:</b>	<b>\$21,900</b>
<b>SEP Offset Amount:</b>	<b>\$10,950</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Administrator SEP</b>
<b>Third-Party Administrator:</b>	<b>Barbers Hill Independent School District</b>
<b>Project Name:</b>	<b><i>Alternative Fuel School Bus Replacement</i></b>
<b>Total Project Budget:</b>	<b>\$1,590,000</b>
<b>Location of SEP:</b>	<b>Chambers County</b>

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

**1. Project Description**

**A. Project**

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to **Barbers Hill Independent School District** for the *Alternative Fuel School Bus Replacement* program (the “Project”). The Project is to reduce carbon monoxide (“CO”), nitrogen oxides (“NO<sub>x</sub>”), particulate matter (“PM”), and volatile organic compounds (“VOCs”) emissions by replacing older school buses with new propane-fueled buses. The Third-Party Administrator is obligated to ensure that each Replacement Bus purchased has an engine that meets 2010 EPA Standards. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations.

The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ. All dollars contributed will be used solely for the direct cost of implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The Respondent’s signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

**B. Environmental Benefit**

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a new 2010 ultra-low emission model, passengers’ exposures to NO<sub>x</sub> may be reduced by 98 percent; VOCs by 93 percent; CO by 83 percent; and PM by 99 percent.

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

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

## **3. Records and Reporting**

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

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087  
[SEPReports@tceq.texas.gov](mailto:SEPReports@tceq.texas.gov)

## **4. Failure to Fully Perform**

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

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

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

**5. Publicity**

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

**6. Recognition**

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

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

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