**Executive Summary – Enforcement Matter – Case No. 67223**
**Lyondell Chemical Company**
**RN100633650**
**Docket No. 2025-0086-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: No
Past-Due Penalties: No
Past-Due Fees: No
Other: N/A
Interested Third-Parties: None
**Texas Register Publication Date:** November 7, 2025
**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** $15,000
**Amount Deferred for Expedited Settlement:** $3,000
**Total Paid to General Revenue:** $12,000
**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:** January 8, 2025
**Date(s) of NOE(s):** January 10, 2025

**Executive Summary – Enforcement Matter – Case No. 67223**
**Lyondell Chemical Company**
**RN100633650**
**Docket No. 2025-0086-AIR-E**

## *Violation Information*

Failed to prevent unauthorized emissions. Specifically, the Respondent released 420.79 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 408645) that occurred on August 22, 2023 and lasted two hours and 10 minutes [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 20416, Special Conditions No. 1, Federal Operating Permit No. O1387, General Terms and Conditions and Special Terms and Conditions No. 28, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

## *Corrective Actions/Technical Requirements*

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

a. Within 30 days, submit written documentation to demonstrate actions that have been taken to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 408645; and

b. Within 45 days, submit written certification to demonstrate compliance with a.

## *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 R-12, (512) 239-2548
**Respondent:** Anthony Wood, Site Manager, Lyondell Chemical Company, P.O. Box 777, Channelview, Texas 77530-0777
**Respondent's Attorney:** N/A

# Penalty Calculation Worksheet (PCW)

*Policy Revision 5 (January 28, 2021)* — *PCW Revision February 11, 2021*

| DATES | | | | | | |
|---|---|---|---|---|---|---|
| **Assigned** | 15-Jan-2025 | | | | | |
| **PCW** | 20-Aug-2025 | **Screening** | 15-Jan-2025 | **EPA Due** | | |

**RESPONDENT/FACILITY INFORMATION**

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

**CASE INFORMATION**

| | | | |
|---|---|---|---|
| **Enf./Case ID No.** | 67223 | **No. of Violations** | 1 |
| **Docket No.** | 2025-0086-AIR-E | **Order Type** | 1660 |
| **Media Program(s)** | Air | **Government/Non-Profit** | No |
| **Multi-Media** | | **Enf. Coordinator** | Krystina Sepulveda |
| | | **EC's Team** | Enforcement Team 2 |

**Admin. Penalty $ Limit** Minimum $0 Maximum $25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** — ***Subtotal 1*** **$7,500**

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

**Compliance History** **100.0%** Adjustment — ***Subtotals 2, 3, & 7*** **$7,500**

Notes: Enhancement for two NOVs with same/similar violations, one NOV with dissimilar violations, five orders containing a denial of liability, and one consent decree containing a denial of liability. Reduction for two notices of intent to conduct an audit and one disclosure of violations.

**Culpability** No **0.0%** Enhancement — ***Subtotal 4*** **$0**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** — ***Subtotal 5*** **$0**

**Economic Benefit** **0.0%** Enhancement* — ***Subtotal 6*** **$0**

Total EB Amounts $632
Estimated Cost of Compliance $5,000

**Capped at the Total EB $ Amount*

**SUM OF SUBTOTALS 1-7** — ***Final Subtotal*** **$15,000**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** — ***Adjustment*** **$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

***Final Penalty Amount*** **$15,000**

**STATUTORY LIMIT ADJUSTMENT** — ***Final Assessed Penalty*** **$15,000**

**DEFERRAL** **20.0%** Reduction — ***Adjustment*** **-$3,000**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

**PAYABLE PENALTY** **$12,000**

| | | | |
|---|---|---|---|
| **Screening Date** | 15-Jan-2025 | **Docket No.** 2025-0086-AIR-E | **PCW** |
| **Respondent** | Lyondell Chemical Company | | *Policy Revision 5 (January 28, 2021)* |
| **Case ID No.** | 67223 | | *PCW Revision February 11, 2021* |
| **Reg. Ent. Reference No.** | RN100633650 | | |
| **Media** | Air | | |
| **Enf. Coordinator** | 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 (*number of NOVs meeting criteria*) | 2 | 10% |
| | Other written NOVs | 1 | 2% |
| Orders | Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*) | 5 | 100% |
| | 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 (*number of judgments or consent decrees meeting criteria*) | 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 (*number of counts*) | 0 | 0% |
| Emissions | Chronic excessive emissions events (*number of events*) | 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 *(number of audits for which notices were submitted)* | 2 | -2% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*) | 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)*** 138%

**>> 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 two NOVs with same/similar violations, one NOV with dissimilar violations, five orders containing a denial of liability, and one consent decree containing a denial of liability. Reduction for two notices of intent to conduct an audit and one disclosure of violations.

***Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)*** 138%

**>> Final Compliance History Adjustment**

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

| | | | |
|---|---|---|---|
| **Screening Date** | 15-Jan-2025 | **Docket No.** 2025-0086-AIR-E | **PCW** |
| **Respondent** | Lyondell Chemical Company | | *Policy Revision 5 (January 28, 2021)* |
| **Case ID No.** | 67223 | | *PCW Revision February 11, 2021* |
| **Reg. Ent. Reference No.** | RN100633650 | | |
| **Media** | Air | | |
| **Enf. Coordinator** | Krystina Sepulveda | | |

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit No. 20416, Special Conditions No. 1, Federal Operating Permit No. O1387, General Terms and Conditions and Special Terms and Conditions No. 28, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to prevent unauthorized emissions. Specifically, the Respondent released 420.79 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 408645) that occurred on August 22, 2023 and lasted two hours and 10 minutes.

**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 | x |
| quarterly | |
| semiannual | |
| annual | |
| single event | |

**Violation Base Penalty** $7,500

One monthly event is recommended.

## Good Faith Efforts to Comply

**0.0%** Reduction $0

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

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

**Violation Subtotal** $7,500

## Economic Benefit (EB) for this violation

**Estimated EB Amount** $632

## Statutory Limit Test

**Violation Final Penalty Total** $15,000

**This violation Final Assessed Penalty (adjusted for limits)** $15,000

# Economic Benefit Worksheet

**Respondent** Lyondell Chemical Company
**Case ID No.** 67223
**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 |
|---|---|---|---|---|---|---|---|
| **Delayed Costs** | | | | | | | |
| Equipment | | | | 0.00 | $0 | $0 | $0 |
| Buildings | | | | 0.00 | $0 | $0 | $0 |
| Other (as needed) | | | | 0.00 | $0 | $0 | $0 |
| Engineering/Construction | | | | 0.00 | $0 | $0 | $0 |
| Land | | | | 0.00 | $0 | n/a | $0 |
| Record Keeping System | | | | 0.00 | $0 | n/a | $0 |
| Training/Sampling | | | | 0.00 | $0 | n/a | $0 |
| Remediation/Disposal | | | | 0.00 | $0 | n/a | $0 |
| Permit Costs | | | | 0.00 | $0 | n/a | $0 |
| Other (as needed) | $5,000 | 22-Aug-2023 | 1-Mar-2026 | 2.53 | $632 | n/a | $632 |
| Notes for DELAYED costs | Estimated cost to submit written documentation to demonstrate actions that have been taken to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 408645. 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 | $5,000 | | | | TOTAL | $632 | |

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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.

**Customer, Respondent, or Owner/Operator:** CN600344402, Lyondell Chemical Company **Classification:** SATISFACTORY **Rating:** 5.04

**Regulated Entity:** RN100633650, LYONDELL CHEMICAL CHANNELVIEW **Classification:** SATISFACTORY **Rating:** 9.17

**Complexity Points:** 47 **Repeat Violator:** NO

**CH Group:** 05 - Chemical Manufacturing

**Location:** 2502 SHELDON RD, CHANNELVIEW, HARRIS COUNTY, TX

**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**

**AIR OPERATING PERMITS** ACCOUNT NUMBER HG1575W
**AIR OPERATING PERMITS** PERMIT 1387
**AIR NEW SOURCE PERMITS** AFS NUM 4820100417
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER HG1575W
**AIR NEW SOURCE PERMITS** REGISTRATION 38432
**AIR NEW SOURCE PERMITS** PERMIT 20416
**AIR NEW SOURCE PERMITS** PERMIT 19613
**AIR NEW SOURCE PERMITS** PERMIT 19155
**AIR NEW SOURCE PERMITS** PERMIT 18103
**AIR NEW SOURCE PERMITS** PERMIT 4121
**AIR NEW SOURCE PERMITS** PERMIT 3346
**AIR NEW SOURCE PERMITS** PERMIT 3286A
**AIR NEW SOURCE PERMITS** PERMIT 2993
**AIR NEW SOURCE PERMITS** REGISTRATION 74852
**AIR NEW SOURCE PERMITS** REGISTRATION 79542
**AIR NEW SOURCE PERMITS** PERMIT 83817
**AIR NEW SOURCE PERMITS** REGISTRATION 96529
**AIR NEW SOURCE PERMITS** REGISTRATION 100257
**AIR NEW SOURCE PERMITS** PERMIT 137856
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1480
**AIR NEW SOURCE PERMITS** EPA PERMIT GHGPSDTX149
**AIR NEW SOURCE PERMITS** REGISTRATION 131147
**AIR NEW SOURCE PERMITS** EPA PERMIT N234
**AIR NEW SOURCE PERMITS** REGISTRATION 154483
**AIR NEW SOURCE PERMITS** REGISTRATION 154043
**AIR NEW SOURCE PERMITS** PERMIT AMOC86
**AIR NEW SOURCE PERMITS** REGISTRATION 169047
**AIR NEW SOURCE PERMITS** REGISTRATION 165455
**AIR NEW SOURCE PERMITS** REGISTRATION 164468
**AIR NEW SOURCE PERMITS** REGISTRATION 167653
**AIR NEW SOURCE PERMITS** REGISTRATION 167648
**AIR NEW SOURCE PERMITS** PERMIT AMOC1
**AIR NEW SOURCE PERMITS** REGISTRATION 159522
**AIR NEW SOURCE PERMITS** PERMIT AMOC158
**AIR NEW SOURCE PERMITS** EPA PERMIT N282
**AIR NEW SOURCE PERMITS** REGISTRATION 157435
**AIR NEW SOURCE PERMITS** REGISTRATION 159150
**AIR NEW SOURCE PERMITS** REGISTRATION 161551
**AIR NEW SOURCE PERMITS** REGISTRATION 171842
**AIR NEW SOURCE PERMITS** REGISTRATION 176548
**AIR NEW SOURCE PERMITS** REGISTRATION 167649
**AIR NEW SOURCE PERMITS** REGISTRATION 174602
**AIR NEW SOURCE PERMITS** REGISTRATION 169041
**AIR NEW SOURCE PERMITS** REGISTRATION 176017
**AIR NEW SOURCE PERMITS** REGISTRATION 177306
**AIR NEW SOURCE PERMITS** REGISTRATION 177299
**IHW CORRECTIVE ACTION** SOLID WASTE REGISTRATION # (SWR) 30676
**UNDERGROUND INJECTION CONTROL** PERMIT WDW162
**UNDERGROUND INJECTION CONTROL** PERMIT WDW148
**UNDERGROUND INJECTION CONTROL** PERMIT WDW438
**WASTEWATER** PERMIT WQ0002927000
**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER HG1575W
**POLLUTION PREVENTION PLANNING** ID NUMBER P00038
**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXD083472266
**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE REGISTRATION # (SWR) 30676
**INDUSTRIAL AND HAZARDOUS WASTE** PERMIT 50288
**TAX RELIEF** ID NUMBER 24634
**TAX RELIEF** ID NUMBER 24638
**TAX RELIEF** ID NUMBER 24635
**TAX RELIEF** ID NUMBER 24636
**TAX RELIEF** ID NUMBER 24639
**TAX RELIEF** ID NUMBER 24637
**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:** August 20, 2025

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** August 20, 2020 to August 20, 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:

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)]

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.

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.

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: FOP No. O1387, GTC and STC No. 28 OP
NSR No. N234 PERMIT
NSR No. PSDTX1480 PERMIT
Special Condition 1 PERMIT

Description: Failure 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.

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: 137856 PERMIT
FOP No. O1387, GTC and STC No. 28 OP
NSR No. N234 PERMIT
NSR No. PSDTX1480 PERMIT

Description: Failure to prevent unauthorized emission. 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.

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 | September 17, 2020 | (1687757) |
| Item 2 | October 16, 2020 | (1678773) |
| Item 3 | October 19, 2020 | (1694103) |
| Item 4 | October 28, 2020 | (1684474) |
| Item 5 | December 15, 2020 | (1696925) |
| Item 6 | December 17, 2020 | (1714967) |
| Item 7 | January 29, 2021 | (1700621) |
| Item 8 | February 18, 2021 | (1728031) |
| Item 9 | February 23, 2021 | (1702497) |

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

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|---|---|---|
| Item 68 | November 17, 2023 | (1952534) |
| Item 69 | December 01, 2023 | (1943515) |
| Item 70 | December 20, 2023 | (1962306) |
| Item 71 | January 18, 2024 | (1968896) |
| Item 72 | February 19, 2024 | (1977961) |
| Item 73 | February 23, 2024 | (1964978) |
| Item 74 | March 14, 2024 | (1967229) |
| Item 75 | March 15, 2024 | (1972498) |
| Item 76 | March 19, 2024 | (1984535) |
| Item 77 | April 11, 2024 | (1991057) |
| Item 78 | April 30, 2024 | (1976607) |
| Item 79 | May 11, 2024 | (1997512) |
| Item 80 | June 14, 2024 | (2004464) |
| Item 81 | July 18, 2024 | (2012020) |
| Item 82 | August 19, 2024 | (2017614) |
| Item 83 | September 12, 2024 | (2024651) |
| Item 84 | October 07, 2024 | (2016377) |
| Item 85 | October 09, 2024 | (2016184) |
| Item 86 | October 18, 2024 | (2030759) |
| Item 87 | October 25, 2024 | (2021847) |
| Item 88 | November 13, 2024 | (2037081) |
| Item 89 | November 18, 2024 | (1908959) |
| Item 90 | December 12, 2024 | (2043462) |
| Item 91 | January 20, 2025 | (2050026) |
| Item 92 | January 30, 2025 | (2040775) |
| Item 93 | January 31, 2025 | (2028706) |
| Item 94 | February 12, 2025 | (2041471) |
| Item 95 | February 20, 2025 | (2047063) |
| Item 96 | February 27, 2025 | (1887167) |
| Item 97 | March 15, 2025 | (2066145) |
| Item 98 | April 18, 2025 | (2072961) |
| Item 99 | May 08, 2025 | (2064299) |
| Item 100 | May 19, 2025 | (2079348) |
| Item 101 | June 18, 2025 | (2086449) |
| Item 102 | July 31, 2025 | (2083298) |
| Item 103 | August 18, 2025 | (2089585) |

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

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

1 Date: 07/07/2025 (2076070)

Self Report? NO Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
Permit Conditions 2.d., Pg. 8 PERMIT

Description: Failure to prevent the unauthorized discharge of wastewater.

2 Date: 07/29/2025 (2001992)

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 15D PERMIT
Special Term & Condition 28 OP

Description: Failure to comply with the permitted Nitrogen Oxide (NOx) emission concentration limit for the Bioplant Thermal Oxidizers A and B (EPN: EF68154 A/B). {Category B18(g)(12)}

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 15 PERMIT

Special Term & Condition 28 OP

Description: Failure to comply with the permitted Volatile Organic Compound (VOC) destruction removal efficiency (DRE) limit for the Bioplant Thermal Oxidizers A and B (EPN: EF68154A/B). {Category B18(g)(12)}

3 Date: 08/04/2025 (2009535)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, Special Term & Condition 1A OP
FOP, Special Term & Condition 28 OP
NSR, Special Condition 1 PERMIT

Description: Failure to maintain Flare (Unit ID: FL86901) emissions within permitted limit. (CATEGORY B13 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)
AMOC, Special Condition F.3 PERMIT
FOP, Special Term & Condition 1A OP
FOP, Special Term & Condition 28 OP
NSR, Special Condition 15B(2) PERMIT

Description: Failure to prevent visible emissions from Flare (Unit ID: FL86901). (CATEGORY B13 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)
AMOC, Special Condition F.3 PERMIT
FOP, Special Term & Condition 1A OP
FOP, Special Term & Condition 28 OP
NSR, Special Condition 15B(2) PERMIT

Description: Failure to prevent visible emissions from Flare (Unit ID: FL86902). (CATEGORY B13 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
AMOC, Special Condition 1E PERMIT
FOP, Special Term & Condition 1A OP
FOP, Special Term & Condition 28 OP
NSR, Special Condition 2A PERMIT
NSR, Special Condition 2E PERMIT

Description: Failure to maintain Flare (Unit ID: FL60731) net heating values within permitted limit. (CATEGORY B12 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, Special Term & Condition 1A OP

Description: Failure to conduct Flare (Unit ID: FL60731) analyzer downtime sampling within the required timeframe. (CATEGORY B1 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
AMOC, Special Condition 1E PERMIT
FOP, Special Term & Condition 1A OP

FOP, Special Term & Condition 28 OP
NSR, Special Condition 13A PERMIT

NSR, Special Condition 13E PERMIT

Description: Failure to maintain Flare (Unit ID: FL68491) net heating values within permitted limit. (CATEGOTRY B12 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
AMOC, Special Condition 1E PERMIT
FOP, Special Term & Condition 1A OP
FOP, Special Term & Condition 28 OP
NSR, Special Condition 8A PERMIT
NSR, Special Condition 8E PERMIT

Description: Failure to maintain Flare (Unit ID: FL6104) net heating values within permitted limit. CATEGORY B12 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VVa 60.482-6a(a)(1)
5C THSC Chapter 382 382.085(b)
FOP, Special Term & Condition 1A OP
FOP, Special Term & Condition 28 OP
NSR, Special Condition 27D PERMIT

Description: Failure to prevent open-ended lines. (CATEGORY C10 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.340(d)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, Special Term & Condition 1A OP

Description: Failure to conduct ammonia monitoring for Engine (Unit ID: ENGUT1). (CATEGORY B1 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.345(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, Special Terms & Condition 1A OP

Description: Failure to submit relative accuracy test audit (RATA) 15-day notification within the required timeframe. (CATEGORY C3 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, Special Term & Condition 1A OP
FOP, Special Term & Condition 28 OP
NSR, Special Condition 15B(2) PERMIT

Description: Failure to conduct Flare (Unit ID: FL86902) analyzer downtime sampling within the required timeframe. (CATEGORY B1 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
FOP, Special Term & Condition 1A OP
FOP, Special Term & Condition 28 OP
NSR, Special Condition 15B(2) PERMIT

Description: Failure to conduct Flare (Unit ID: FL86901) analyzer downtime sampling within the required timeframe. (CATEGORY B1 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, Special Term & Condition 1A OP

Description: Failure to continuously operate Flare (Unit ID: FL86902) for at least 95 percent of the time. (CATEGORY B1 Violation)

Self Report? NO Classification: Minor

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

FOP, Special Term & Condtion 28 OP
NSR, Special Condition 20E PERMIT

Description: Failure to conduct Cooling Tower (Unit ID: CT86425) Total Dissolved Solid (TDS) Sampling as required. (CATEGORY C1 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, Special Term & Condition 1A OP
FOP, Special Term & Condition 28 OP
NSR, Special Condition 1 PERMIT

Description: Failure to maintain Flare (Unit ID: FL86902) emissions within permitted limit. (CATEGORY B13 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.310(c)(1)
30 TAC Chapter 117, SubChapter B 117.310(c)(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, Special Term and Condition 28 OP
NSR, Special Condition 1 PERMIT
NSR, Special Condition 10A PERMIT
NSR, Special Condition 10B PERMIT
NSR, Special Condition 10F(1) PERMIT
NSR, Special Condition 10F(2) PERMIT

Description: Failure to maintain Boiler (EPN: F86504A/B) emissions within the permitted limit. (CATEGORY B13 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP, Special Term and Condition 28 OP
NSR, Special Condition 13A PERMIT
NSR, Special Condition 13D PERMIT

Description: Failure to maintain Combustor Stack (Unit ID: F81380) emissions within permitted limit. (CATEGORY B13 Violation)

Self Report? NO Classification: Moderate

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

Description: Failure to report all instances of deviations in the Deviation Report (DR) reporting period of January 1, 2023, through June 30, 2023. (CATEGORY B3 Violation)

## F. Environmental audits:

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. Classification: Minor

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

Description: Failed to monitor container.

Viol. Classification: Minor

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

# *Addendum to Compliance History Federal Enforcement Actions*

***Reg Entity Name:*** LYONDELL CHEMICAL CHANNELVIEW

***Reg Entity Add:*** 2502 SHELDON RD

***Reg Entity City:*** CHANNELVIEW ***Reg Entity No:*** RN100633650

***EPA Case No:*** 06-2023-0939 ***Order Issue Date (yyyymmdd):*** 20230814

***Case Result:*** Administrative Penalty Ord ***Statute:*** RCRA ***Sect of Statute:*** 3008A

***Classification:*** Minor ***Program:*** Solid Waste Managemen ***Citation:***

***Violation Type:*** ***Cite Sect:*** ***Cite Part:***

***Enforcement Action:***

***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

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

| | | |
|---|---|---|
| **IN THE MATTER OF AN** | **§** | **BEFORE THE** |
| **ENFORCEMENT ACTION** | **§** | |
| **CONCERNING** | **§** | **TEXAS COMMISSION ON** |
| **LYONDELL CHEMICAL COMPANY** | **§** | |
| **RN100633650** | **§** | **ENVIRONMENTAL QUALITY** |

**AGREED ORDER**
**DOCKET NO. 2025-0086-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 $15,000 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid $12,000 of the penalty and $3,000 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.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.

7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.

8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

## II. ALLEGATIONS

During a record review for the Plant conducted on January 8, 2025, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 20416, Special Conditions No. 1, Federal Operating Permit No. O1387, General Terms and Conditions and Special Terms and Conditions No. 28, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 420.79 pounds of volatile organic compounds as fugitive emissions, during an emissions event (Incident No. 408645) that occurred on August 22, 2023 and lasted two hours and 10 minutes.

## III. DENIALS

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

## IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Lyondell Chemical Company, Docket No. 2025-0086-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 undertake the following technical requirements:

   a. Within 30 days after the effective date of this Order, submit written documentation to demonstrate actions that have been taken to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 408645.

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. 2.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

3. All relief not expressly granted in this Order is denied.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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

Kristie Mello-Jurach 01/18/2026
_____ _____
For the Executive Director 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.

_____ 10/07/2025
Signature Date

Anthony Woods Site Manager
_____ _____
Name (Printed or typed) Title
Authorized Representative of
Lyondell Chemical Company

☐ *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.