

The information you submitted through the State of Texas Environmental Electronic Reporting System (STEERS) for the incident identified above has been received and will be assigned to an investigator. We are providing this opportunity to submit additional information that may not have been available at the time of the final STEERS report or may contain company confidential information. All responses are due no later than 30-days after the date of this email.

If the reported incident is ongoing, please provide the estimated end date for the incident.

The questions below reflect the requirements to claim an affirmative defense for enforcement actions and are intended to assist you in gathering the information TCEQ will assess in evaluating your claim. Your responses will be evaluated against the applicable demonstration criteria in [30 TAC 101.222](#).

If your response includes company confidential information, please clearly indicate what you intend to keep as confidential. All confidential information will be handled in accordance with [Section 382.041\(a\) of the Texas Health and Safety Code](#).

If you wish to withdraw the affirmative defense claim you made with your STEERS report, please respond to this email with that request rather than answer the questions below. If there is a different format that you'd like to use to respond to the affirmative defense questions, please respond with that.

1. What was the specific equipment or process that failed and resulted in this incident? If this incident was due to a failure of equipment at a facility that you do not own or operate, identify the name of facility that had the failure and how the failure impacted your equipment or processes?
2. What design, maintenance or operation practices could have prevented this or other incidents with a similar cause? How did you determine that the incident could not have been prevented through better design, maintenance and/or operation practices?
3. What was the ultimate cause and what were the contributing factors of this incident? This may be different than what was included in the final STEERS report if your internal investigation identified a more accurate root cause. Describe the process you used to determine the ultimate cause.

If you were unable to determine the ultimate cause, how did you determine that the incident was sudden, unavoidable, and beyond your control? (For unplanned maintenance, startup, shutdown (MSS) activities, skip the question in the previous sentence and answer this instead: How did you determine the incident could not have been prevented through planning and design?)

If the site's internal investigation/failure analysis relating to the incident is ongoing, when do you expect to have final results?

4. Describe what air pollution control equipment or processes are in place. Were they bypassed during this incident? Did they operate as designed? How were they maintained?
5. Once you knew that applicable emissions/opacity limitations were being exceeded, describe how soon you took action to stop the emissions.

If delays occurred, discuss what caused the delays in stopping the unauthorized/excess opacity emissions. Include a timeline of the incident in your discussion.

6. While the incident was ongoing, what steps did you take to minimize the amount and duration of the unauthorized emissions/excess opacity?
7. Discuss what monitoring systems were in place during this incident. Were they operating during the entire duration of the incident?
8. How did you document your actions in response to the incident?
9. Do you have information related to off-site impacts from the incident? This could be complaints from neighbors, fence line monitoring, etc. Did any nearby stationary monitors indicate elevated levels at the time of the incident? Information on air monitoring sites is available on the [TCEQ website](#).
10. How many reportable and non-reportable incidents (including this incident) have occurred at this specific emissions source in the previous 12-months?

Have other incidents (both reportable and non-reportable) with a similar cause occurred at this facility in the past five years? If so, provide a list of such incidents. What measures have been taken to prevent recurrence?

11. What were the total actual operating hours for this specific emissions source during the past 12 months? (This question may be skipped for unplanned MSS activities, and for excess opacity events.)
12. Do you have any additional information to support your claim of an affirmative defense? If so, please provide it at this time.