

Executive Summary – Enforcement Matter – Case No. 62096
Mitsubishi Chemical America, Inc. f/k/a Noltex L.L.C.
RN101049518
Docket No. 2022-0322-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

MCA La Porte Plant, 12220 Strang Road, La Porte, Harris County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 9, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$7,900

Total Paid to General Revenue: \$3,950

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$3,950

Name of SEP: Texas City Independent School District (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - High

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: October 5, 2021 through February 24, 2022 and November 4, 2021 through February 9, 2022

Date(s) of NOE(s): April 7, 2022

Executive Summary – Enforcement Matter – Case No. 62096
Mitsubishi Chemical America, Inc. f/k/a Noltex L.L.C.
RN101049518
Docket No. 2022-0322-AIR-E

Violation Information

1. Failed to report all instances of deviations [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), Federal Operating Permit ("FOP") No. O1301, General Terms and Conditions ("GTC"), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to prevent unauthorized emissions. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 19074, Special Conditions No. 1, FOP No. O1301, GTC and Special Terms and Conditions No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented a corrective measure by submitting the deviation report for the May 1, 2020 through October 31, 2020 reporting period that included the deviation for failing to maintain the temperature for the Regenerative Thermal Oxidizer equal to or greater than 1,645 degrees Fahrenheit on three occasions on April 30, 2020, on November 12, 2020.

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:
 - i. Implement measures and/or procedures designed to ensure that all instances of deviations are reported in a timely manner; and
 - ii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 369139.
 - b. Within 45 days, submit written certification to demonstrate compliance with a.

Executive Summary – Enforcement Matter – Case No. 62096
Mitsubishi Chemical America, Inc. f/k/a Noltex L.L.C.
RN101049518
Docket No. 2022-0322-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077; 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: Texas City Independent School District, 2901 Turtle Creek Drive, Suite 445, Port Arthur, Texas 77642

Respondent: Brian Kinkopf, General Manager, Mitsubishi Chemical America, Inc., 12220 Strang Road, La Porte, Texas 77571

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	7-Mar-2022	Screening	11-Mar-2022	EPA Due	
	PCW	1-Jun-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	Mitsubishi Chemical America, Inc. f/k/a Noltex L.L.C.
Reg. Ent. Ref. No.	RN101049518
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	62096	No. of Violations	1
Docket No.	2022-0322-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: Since the enhancement for one NOV with dissimilar violations and the reduction for one notice of intent to conduct an audit and one disclosure of violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$213
 Estimated Cost of Compliance: \$1,750
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$250
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$250
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$250
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$250
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Screening Date 11-Mar-2022

Docket No. 2022-0322-AIR-E

PCW

Respondent Mitsubishi Chemical America, Inc. f/k/a Noltex L.L.C.

Policy Revision 5 (January 28, 2021)

Case ID No. 62096

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101049518

Media Air

Enf. Coordinator Yuliya Dunaway

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>)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	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) 0%

>> 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

Since the enhancement for one NOV with dissimilar violations and the reduction for one notice of intent to conduct an audit and one disclosure of violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 11-Mar-2022

Docket No. 2022-0322-AIR-E

PCW

Respondent Mitsubishi Chemical America, Inc. f/k/a Noltex L.L.C.

Policy Revision 5 (January 28, 2021)

Case ID No. 62096

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101049518

Media Air

Enf. Coordinator Yuliya Dunaway

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), Federal Operating Permit No. O1301, General Terms and Conditions, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to report all instances of deviations. Specifically, the deviation report for the November 1, 2019 through April 30, 2020 reporting period did not include the deviation for failing to maintain the temperature for the Regenerative Thermal Oxidizer equal to or greater than 1,645 degrees Fahrenheit on three occasions on April 30, 2020.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				x	1.0%

Matrix Notes Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 166 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single 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 \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$213

Violation Final Penalty Total \$250

This violation Final Assessed Penalty (adjusted for limits) \$250

Economic Benefit Worksheet

Respondent Mitsubishi Chemical America, Inc. f/k/a Noltex L.L.C.
Case ID No. 62096
Reg. Ent. Reference No. RN101049518
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	30-May-2020	1-Mar-2023	2.75	\$207	n/a	\$207
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	30-May-2020	12-Nov-2020	0.45	\$6	n/a	\$6

Notes for DELAYED costs

Estimated costs to submit the deviation report for the May 1, 2020 through October 31, 2020 reporting period that included the deviation for failing to maintain the temperature for the Regenerative Thermal Oxidizer equal to or greater than 1,645 degrees Fahrenheit on three occasions on April 30, 2020 (\$250) and to implement measures and/or procedures designed to ensure that all instances of deviations are reported in a timely manner (\$1,500). The Dates Required are the date the deviation report was due and the Final Dates are the date the deviation was reported and 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 \$1,750

TOTAL \$213



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	12-Apr-2022	Screening	19-Apr-2022	EPA Due	
	PCW	1-Jun-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	Mitsubishi Chemical America, Inc.
Reg. Ent. Ref. No.	RN101049518
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	62096	No. of Violations	1
Docket No.	2022-0322-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	2.0%	Adjustment	Subtotals 2, 3, & 7	\$150
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Notes: Enhancement for one NOV with same/similar violations. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$673
Estimated Cost of Compliance	\$10,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,650
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

Final Penalty Amount	\$7,650
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,650
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$7,650
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Screening Date 19-Apr-2022

Docket No. 2022-0322-AIR-E

PCW

Respondent Mitsubishi Chemical America, Inc.

Policy Revision 5 (January 28, 2021)

Case ID No. 62096

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101049518

Media Air

Enf. Coordinator Yuliya Dunaway

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	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) 2%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 2%

Screening Date 19-Apr-2022

Docket No. 2022-0322-AIR-E

PCW

Respondent Mitsubishi Chemical America, Inc.

Policy Revision 5 (January 28, 2021)

Case ID No. 62096

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101049518

Media Air

Enf. Coordinator Yuliya Dunaway

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit No. 19074, Special Conditions No. 1, Federal Operating Permit No. O1301, General Terms and Conditions and Special Terms and Conditions No. 16, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 582.00 pounds of ethylene as fugitive emissions, during an emissions event (Incident No. 369139) that occurred on October 26, 2021 and lasted 40 minutes. The emissions event occurred due to improper torquing of the bolts after a turnaround that caused seven bolts to become loose on the HE-173 Third Stage Discharge Cooler of the Line 3 Ethylene Compressor, resulting in a high-pressure leak and in the release to the atmosphere. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (30.0%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and 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 Number of violation days 1

Table with frequency categories: daily, weekly, monthly, quarterly, semiannual, annual, single event.

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Table with categories: Extraordinary, Ordinary, N/A, and Notes.

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$673

Violation Final Penalty Total \$7,650

This violation Final Assessed Penalty (adjusted for limits) \$7,650

Economic Benefit Worksheet

Respondent Mitsubishi Chemical America, Inc.
Case ID No. 62096
Reg. Ent. Reference No. RN101049518
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	26-Oct-2021	1-Mar-2023	1.35	\$673	n/a	\$673

Notes for DELAYED costs

Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 369139. 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

TOTAL

\$673



Compliance History Report

Compliance History Report for CN605866037, RN101049518, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN605866037, Mitsubishi Chemical America, Inc. f/k/a Noltex L.L.C. **Classification:** SATISFACTORY **Rating:** 7.58
Regulated Entity: RN101049518, MCA LA PORTE SITE **Classification:** HIGH **Rating:** 0.00
Complexity Points: 19 **Repeat Violator:** NO
CH Group: 05 - Chemical Manufacturing
Location: 12220 STRANG ROAD, LA PORTE, HARRIS COUNTY, TEXAS
TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG7698J	AIR OPERATING PERMITS PERMIT 1301
AIR NEW SOURCE PERMITS AFS NUM 4820101467	AIR NEW SOURCE PERMITS PERMIT 19074
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG7698J	AIR NEW SOURCE PERMITS REGISTRATION 163036
AIR NEW SOURCE PERMITS REGISTRATION 168376	AIR NEW SOURCE PERMITS REGISTRATION 164848
AIR NEW SOURCE PERMITS REGISTRATION 160783	STORMWATER PERMIT TXR05FB97
WASTEWATER PERMIT WQ0005265000	WASTEWATER EPA ID TX0138941
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG7698J	POLLUTION PREVENTION PLANNING ID NUMBER P05803
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000011106	INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 84348
TAX RELIEF ID NUMBER 20639	

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: March 25, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 25, 2017 to March 25, 2022

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

Name: Yuliya Dunaway

Phone: (210) 403-4077

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:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	August 18, 2017	(1430602)
Item 2	November 18, 2019	(1597663)

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: 03/04/2022 (1761931)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(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)
Special Condition 8D OP
Special Term & Condition 16 OP
Special Term & Condition 1A OP

Description: Failure to prevent open-ended lines (OEL). (CATEGORY C10 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)
Special Condition 19A PERMIT
Special Term & Condition 16 OP

Description: Failure to maintain temperatures for Regenerative Thermal Oxidizer (RTO). (CATEGORY C4 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)
Special Condition 19B PERMIT
Special Term & Condition 16 OP

Description: Failure to monitor and record firebox temperatures for regenerative thermal oxidizer (Unit ID: RTO). (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)
Special Condition 25 PERMIT
Special Term & Condition 16 OP

Description: Failure to maintain temperatures for Thermal Oxidizer (Unit ID: TOX). (CATEGORY C4 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)
Special Condition 26 PERMIT
Special Term & Condition 16 OP

Description: Failure to monitor highly reactive volatile organic compounds (HRVOC) for thermal oxidizer (TOX) (Unit ID: TOX). (CATEGORY C1 Violation)

F. Environmental audits:

Notice of Intent Date: 02/11/2019 (1549760)

Disclosure Date: 05/29/2019

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)

Rqmt Prov: PERMIT SC 30

Description: The fuel supply is insufficient and results in being unable to maintain Btu value in the flare and fire box temperatures in the TOx and RTO.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: The TOx oxygen sensor failed, was replaced, and failed. When oxygen sensor failure occurs, the vent streams bypass the TOx and are routed to the flare, resulting in emission events.

Viol. Classification: Minor

Citation: 40 CFR Chapter 163, SubChapter E, PT 163 163.11(b)

Rqmt Prov: PERMIT SC 26

Description: The TOx gas chromatograph did not read the waste stream composition due to loss of sample flow to the analyzer.

Viol. Classification: Major

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

Description: Fugitive components have been added without permitting authorization documentation.

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(b)
 Description: Physical/operational changes have been made without consideration of whether permit modifications were required.
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 106, SubChapter K 106.263
 Description: Vacuum trucks are used for classification pit and wastewater sludge cleanout. Vacuum trucks are not included in 106.263 PBR documentation to file.
 Disclosure Date: 11/07/2019
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201
 30 TAC Chapter 115, SubChapter B 115.142
 30 TAC Chapter 116, SubChapter B 116.110(b)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2485
 Description: The wastewater tank (process water) is routed to the two (2) classification pits. Emissions were not reported under 30 TAC Chapter 101.
 Viol. Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201
 30 TAC Chapter 115, SubChapter B 115.142
 30 TAC Chapter 116, SubChapter B 116.110(b)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2485
 Description: Water potentially containing VOCs was observed in the open trench system. Emissions were not reported under 30 TAC Chapter 101.
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(b)
 Rqmt Prov: PERMIT SC 1
 Description: Carseal on Flare (VS-65) was not completely closed and vapor potentially was being released to atmosphere.
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(b)
 Rqmt Prov: PERMIT SC 8
 Description: Fugitive components associated with the flare knockout were removed from the LDAR program, but those components remain in VOC service.
 Viol. Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.10
 Description: PM emissions were not calculated correctly in the emission Inventory for the cooling tower.

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

Component Appendices

Appendix A

All NOV's Issued During Component Period 3/25/2017 and 3/25/2022

- 1
Date: 06/14/2017 (1410874)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
NSR Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions, specifically, Noltex failed to prevent emissions from a broken pipe nipple (Category B13).

- 2
Date: 01/03/2018 (1437228)
Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 16 PERMIT
Special Terms and Conditions 16 OP
Description: Failure to maintain the flare (EPN: VS-67) minimum net heating value. (Category C4)
Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 12E PERMIT
Special Term and Condition 1A and 16 OP
Description: Failure to equip an open-ended line with a cap or a plug. (Category C10)
Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 20B PERMIT
Special Term and Condition 16 OP
Description: Failure to maintain the firebox temperature at or greater than the minimum temperature. (Category C4)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Term and Condition 16 OP
Description: Failure to maintain permit limits during the non-reportable emission events. (Category B13)
Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to include deviations in the semiannual deviation reports. (Category C3)

- 3
Date: 05/02/2019 (1517803)
Self Report? NO Classification: Minor
Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
Special Condition 25 PERMIT
Special Term and Condition 16 OP
Description: Failure to operate the Thermal Oxidizer (TOX) (EPN: TOX) at or above the required minimum temperature. (Category C4)

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 19 PERMIT
Special Term and Condition 16 OP

Description: Failure to operate the Regenerative Thermal Oxidizer (RTO) (EPN: RTO) at or greater than the minimum required temperature. (Category C4)

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 8D PERMIT
Special Term and Condition 1A & 16 OP

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

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 30A PERMIT
Special Term and Condition 16 OP

Description: Failure to maintain the flare (EPN: VS-67) minimum net heating value. (Category C4)

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 16B PERMIT
Special Term and Condition 16 OP

Description: Failure to maintain the Volatile Organic Compound (VOC) concentration for the cooling tower (EPN: COOLTOW) water below the concentration limit. (Category B13)

4 Date: 08/12/2020 (1592327)

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
FOP O-1301 ST&C 16 OP
NSR 19074 SC 25 PERMIT

Description: Failure to maintain the firebox temperature on the thermal oxidizer (EPN: TOX) within permitted limits (Category C4).

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
FOP 1301 ST&C 12 PERMIT
NSR 19074 SC 19(A) PERMIT

Description: Failure to maintain Regenerative Thermal Oxidizer (EPN: RTO) firebox at 1650 degrees F (Category C4).

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 115, SubChapter H 115.725(f)(5)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)

5C THSC Chapter 382 382.085(b)
FOP O-1301 ST&C 1(A) OP
FOP O-1301 ST&C 11 OP

Description: Failure to maintain the net heating value for the flare (EPN: VS-76) (Category C4).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(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 O-1301 ST&C 1(A) OP
FOP O-1301 ST&C 16 OP
NSR 19074 Special Condition (SC) 8(D) PERMIT

Description: Failure to equip open-ended lines (OELs) with a cap, plug, flange or second valve (Category C10).

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 1301 General Terms & Conditions OP

Description: Failure to report all instances of a deviation during the compliance period.

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 1301 ST&C 16 OP
NSR 19074 Special Condition 17(A) PERMIT

Description: Failure to provide records of drift eliminator inspections.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart A 63.11(b)(1)
5C THSC Chapter 382 382.085(b)
FOP O-1301 ST&C 1(A) OP
FOP O-1301 ST&C 11 OP

Description: Failure to continuously monitor the net heating value of the flare (EPN: VS-67) (Category B3).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-1301 ST&C 1(A) OP
FOP O-1301 ST&C 16 OP
NSR 19074 SC 32(C) PERMIT

Description: Failure to maintain the differential pressure across each of the baghouse filters (EPNs: L3-85-3; L3-93-F; and L3-72-F).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.144(4)
5C THSC Chapter 382 382.085(b)
FOP 1301 General Terms and Condition OP

Description: Failure to provide records of air inspection fee payments.

5* Date: 03/19/2021 (1691926)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP

Description: Failure to continuously operate the Line 3 Cooling Tower (EPN: COOLTOW2) gas chromatograph (GC) at least 95% of the total operating time (Category B18(g) (1)).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(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)
Special Condition 8D PERMIT
Special Term and Condition 16 OP
Special Term and Condition 1A OP
Description: Failure to prevent open-ended lines for Main Fugitives (EPN: VS-93) (Category C10).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 20A PERMIT
Special Term and Condition 16 OP
Description: Failure to maintain the minimum temperature for the Regenerative Thermal Oxidizer (EPN: RTO) (Category C4).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 25 PERMIT
Special Term and Condition 16 OP
Description: Failure to maintain the minimum temperature for the Thermal Oxidizer (EPN: TOX) (Category C4).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP
Description: Failure to report all instances of deviation (Category B3).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 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)
Special Condition 30A PERMIT
Special Term and Condition 16 OP
Special Term and Condition 1A OP

Description: Failure to maintain the minimum net heating value for the Emergency/Maintenance Flare (EPN: VS-67) (Category C4).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 8M PERMIT
Special Term and Condition 16 OP
Description: Failure to repair leaking components under Main Fugitives (EPN: VS-93) within 15 days (Category C7).

6 Date: 03/04/2022 (1761931)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(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)
Special Condition 8D OP
Special Term & Condition 16 OP
Special Term & Condition 1A OP
Description: Failure to prevent open-ended lines (OEL). (CATEGORY C10 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)
Special Condition 19A PERMIT
Special Term & Condition 16 OP

Description: Failure to maintain temperatures for Regenerative Thermal Oxidizer (RTO).
(CATEGORY C4 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)
Special Condition 19B PERMIT
Special Term & Condition 16 OP

Description: Failure to monitor and record firebox temperatures for regenerative thermal
oxidizer (Unit ID: RTO). (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)
Special Condition 25 PERMIT
Special Term & Condition 16 OP

Description: Failure to maintain temperatures for Thermal Oxidizer (Unit ID: TOX). (CATEGORY
C4 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)
Special Condition 26 PERMIT
Special Term & Condition 16 OP

Description: Failure to monitor highly reactive volatile organic compounds (HRVOC) for thermal
oxidizer (TOX) (Unit ID: TOX). (CATEGORY C1 Violation)

* NOV's applicable for the Compliance History rating period 9/1/2016 to 8/31/2021

Appendix B

All Investigations Conducted During Component Period March 25, 2017 and March 25, 2022

Item 1	June 13, 2017**	(1410874)
Item 2*	August 18, 2017**	(1430602)
Item 3	January 03, 2018**	(1437228)
Item 4	June 08, 2018**	(1466874)
Item 5	May 30, 2019**	(1517803)
Item 6*	November 18, 2019**	(1597663)
Item 7	August 12, 2020**	(1592327)
Item 8	December 02, 2020**	(1685874)
Item 9	March 19, 2021**	(1691926)
Item 10	March 04, 2022	(1761931)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2016 and 08/31/2021.

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN605866037, RN101049518, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN605866037, Mitsubishi Chemical America, Inc. **Classification:** SATISFACTORY **Rating:** 7.58
Regulated Entity: RN101049518, MCA LA PORTE SITE **Classification:** HIGH **Rating:** 0.00
Complexity Points: 19 **Repeat Violator:** NO
CH Group: 05 - Chemical Manufacturing
Location: 12220 STRANG ROAD, LA PORTE, HARRIS COUNTY, TEXAS
TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG7698J	AIR OPERATING PERMITS PERMIT 1301
AIR NEW SOURCE PERMITS AFS NUM 4820101467	AIR NEW SOURCE PERMITS PERMIT 19074
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG7698J	AIR NEW SOURCE PERMITS REGISTRATION 163036
AIR NEW SOURCE PERMITS REGISTRATION 168376	AIR NEW SOURCE PERMITS REGISTRATION 164848
AIR NEW SOURCE PERMITS REGISTRATION 160783	STORMWATER PERMIT TXR05FB97
WASTEWATER PERMIT WQ0005265000	WASTEWATER EPA ID TX0138941
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG7698J	POLLUTION PREVENTION PLANNING ID NUMBER P05803
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000011106	INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 84348
TAX RELIEF ID NUMBER 20639	

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: April 19, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 19, 2017 to April 19, 2022

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

Name: Yuliya Dunaway

Phone: (210) 403-4077

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:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	August 18, 2017	(1430602)
Item 2	November 18, 2019	(1597663)

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: 03/04/2022 (1761931)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(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)
Special Condition 8D OP
Special Term & Condition 16 OP
Special Term & Condition 1A OP
Description: Failure to prevent open-ended lines (OEL). (CATEGORY C10 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)
Special Condition 19A PERMIT
Special Term & Condition 16 OP
Description: Failure to maintain temperatures for Regenerative Thermal Oxidizer (RTO). (CATEGORY C4 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)
Special Condition 19B PERMIT
Special Term & Condition 16 OP
Description: Failure to monitor and record firebox temperatures for regenerative thermal oxidizer (Unit ID: RTO). (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)
Special Condition 25 PERMIT
Special Term & Condition 16 OP
Description: Failure to maintain temperatures for Thermal Oxidizer (Unit ID: TOX). (CATEGORY C4 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)
Special Condition 26 PERMIT
Special Term & Condition 16 OP
Description: Failure to monitor highly reactive volatile organic compounds (HRVOC) for thermal oxidizer (TOX) (Unit ID: TOX). (CATEGORY C1 Violation)

F. Environmental audits:

Notice of Intent Date: 02/11/2019 (1549760)

Disclosure Date: 05/29/2019

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)

Rqmt Prov: PERMIT SC 30

Description: The fuel supply is insufficient and results in being unable to maintain Btu value in the flare and fire box temperatures in the TOx and RTO.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: The TOx oxygen sensor failed, was replaced, and failed. When oxygen sensor failure occurs, the vent streams bypass the TOx and are routed to the flare, resulting in emission events.

Viol. Classification: Minor

Citation: 40 CFR Chapter 163, SubChapter E, PT 163 163.11(b)

Rqmt Prov: PERMIT SC 26

Description: The TOx gas chromatograph did not read the waste stream composition due to loss of sample flow to the analyzer.

Viol. Classification: Major

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

Description: Fugitive components have been added without permitting authorization documentation.
Viol. Classification: Major

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

Description: Physical/operational changes have been made without consideration of whether permit modifications were required.

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.263

Description: Vacuum trucks are used for classification pit and wastewater sludge cleanout. Vacuum trucks are not included in 106.263 PBR documentation to file.

Disclosure Date: 11/07/2019

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

30 TAC Chapter 115, SubChapter B 115.142

30 TAC Chapter 116, SubChapter B 116.110(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2485

Description: The wastewater tank (process water) is routed to the two (2) classification pits. Emissions were not reported under 30 TAC Chapter 101.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

30 TAC Chapter 115, SubChapter B 115.142

30 TAC Chapter 116, SubChapter B 116.110(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2485

Description: Water potentially containing VOCs was observed in the open trench system. Emissions were not reported under 30 TAC Chapter 101.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT SC 1

Description: Carseal on Flare (VS-65) was not completely closed and vapor potentially was being released to atmosphere.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT SC 8

Description: Fugitive components associated with the flare knockout were removed from the LDAR program, but those components remain in VOC service.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: PM emissions were not calculated correctly in the emission Inventory for the cooling tower.

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

Component Appendices

Appendix A

All NOV's Issued During Component Period 4/19/2017 and 4/19/2022

- 1 Date: 06/14/2017 (1410874)
 Self Report? NO Classification: Moderate
 Citation:
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 NSR Special Condition 1 PERMIT
 Description: Failure to prevent unauthorized emissions, specifically, Noltex failed to prevent emissions from a broken pipe nipple (Category B13).
- 2 Date: 01/03/2018 (1437228)
 Self Report? NO Classification: Minor
 Citation:
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Condition 16 PERMIT
 Special Terms and Conditions 16 OP
 Description: Failure to maintain the flare (EPN: VS-67) minimum net heating value. (Category C4)
 Self Report? NO Classification: Minor
 Citation:
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 12E PERMIT
 Special Term and Condition 1A and 16 OP
 Description: Failure to equip an open-ended line with a cap or a plug. (Category C10)
 Self Report? NO Classification: Minor
 Citation:
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 20B PERMIT
 Special Term and Condition 16 OP
 Description: Failure to maintain the firebox temperature at or greater than the minimum temperature. (Category C4)
 Self Report? NO Classification: Moderate
 Citation:
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Term and Condition 16 OP
 Description: Failure to maintain permit limits during the non-reportable emission events. (Category B13)
 Self Report? NO Classification: Minor
 Citation:
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failure to include deviations in the semiannual deviation reports. (Category C3)
- 3 Date: 05/02/2019 (1517803)
 Self Report? NO Classification: Minor
 Citation:
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
Special Condition 25 PERMIT
Special Term and Condition 16 OP
Description: Failure to operate the Thermal Oxidizer (TOX) (EPN: TOX) at or above the required minimum temperature. (Category C4)

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 19 PERMIT
Special Term and Condition 16 OP

Description: Failure to operate the Regenerative Thermal Oxidizer (RTO) (EPN: RTO) at or greater than the minimum required temperature. (Category C4)

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 8D PERMIT
Special Term and Condition 1A & 16 OP

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

Self Report? NO Classification: Minor

Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 30A PERMIT
Special Term and Condition 16 OP

Description: Failure to maintain the flare (EPN: VS-67) minimum net heating value. (Category C4)

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 16B PERMIT
Special Term and Condition 16 OP

Description: Failure to maintain the Volatile Organic Compound (VOC) concentration for the cooling tower (EPN: COOLTOW) water below the concentration limit. (Category B13)

4 Date: 08/12/2020 (1592327)

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
FOP O-1301 ST&C 16 OP
NSR 19074 SC 25 PERMIT

Description: Failure to maintain the firebox temperature on the thermal oxidizer (EPN: TOX) within permitted limits (Category C4).

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
FOP 1301 ST&C 12 PERMIT
NSR 19074 SC 19(A) PERMIT

Description: Failure to maintain Regenerative Thermal Oxidizer (EPN: RTO) firebox at 1650 degrees F (Category C4).

Self Report? NO Classification: Moderate

Citation:
30 TAC Chapter 115, SubChapter H 115.725(f)(5)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)

5C THSC Chapter 382 382.085(b)
 FOP O-1301 ST&C 1(A) OP
 FOP O-1301 ST&C 11 OP
 Description: Failure to maintain the net heating value for the flare (EPN: VS-76) (Category C4).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(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 O-1301 ST&C 1(A) OP
 FOP O-1301 ST&C 16 OP
 NSR 19074 Special Condition (SC) 8(D) PERMIT
 Description: Failure to equip open-ended lines (OELs) with a cap, plug, flange or second valve (Category C10).
 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 1301 General Terms & Conditions OP
 Description: Failure to report all instances of a deviation during the compliance period.
 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 1301 ST&C 16 OP
 NSR 19074 Special Condition 17(A) PERMIT
 Description: Failure to provide records of drift eliminator inspections.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 63, Subpart A 63.11(b)(1)
 5C THSC Chapter 382 382.085(b)
 FOP O-1301 ST&C 1(A) OP
 FOP O-1301 ST&C 11 OP
 Description: Failure to continuously monitor the net heating value of the flare (EPN: VS-67) (Category B3).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP O-1301 ST&C 1(A) OP
 FOP O-1301 ST&C 16 OP
 NSR 19074 SC 32(C) PERMIT
 Description: Failure to maintain the differential pressure across each of the baghouse filters (EPNs: L3-85-3; L3-93-F; and L3-72-F).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.144(4)
 5C THSC Chapter 382 382.085(b)
 FOP 1301 General Terms and Condition OP
 Description: Failure to provide records of air inspection fee payments.

5* Date: 03/19/2021 (1691926)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(3)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term and Condition 1A OP
 Description: Failure to continuously operate the Line 3 Cooling Tower (EPN: COOLTOW2) gas chromatograph (GC) at least 95% of the total operating time (Category B18(g) (1)).
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(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)
Special Condition 8D PERMIT
Special Term and Condition 16 OP
Special Term and Condition 1A OP
Description: Failure to prevent open-ended lines for Main Fugitives (EPN: VS-93) (Category C10).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 20A PERMIT
Special Term and Condition 16 OP
Description: Failure to maintain the minimum temperature for the Regenerative Thermal Oxidizer (EPN: RTO) (Category C4).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 25 PERMIT
Special Term and Condition 16 OP
Description: Failure to maintain the minimum temperature for the Thermal Oxidizer (EPN: TOX) (Category C4).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP
Description: Failure to report all instances of deviation (Category B3).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 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)
Special Condition 30A PERMIT
Special Term and Condition 16 OP
Special Term and Condition 1A OP

Description: Failure to maintain the minimum net heating value for the Emergency/Maintenance Flare (EPN: VS-67) (Category C4).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 8M PERMIT
Special Term and Condition 16 OP
Description: Failure to repair leaking components under Main Fugitives (EPN: VS-93) within 15 days (Category C7).

6 Date: 03/04/2022 (1761931)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(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)
Special Condition 8D OP
Special Term & Condition 16 OP
Special Term & Condition 1A OP
Description: Failure to prevent open-ended lines (OEL). (CATEGORY C10 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)
Special Condition 19A PERMIT
Special Term & Condition 16 OP

Description: Failure to maintain temperatures for Regenerative Thermal Oxidizer (RTO).
(CATEGORY C4 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)
Special Condition 19B PERMIT
Special Term & Condition 16 OP

Description: Failure to monitor and record firebox temperatures for regenerative thermal
oxidizer (Unit ID: RTO). (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)
Special Condition 25 PERMIT
Special Term & Condition 16 OP

Description: Failure to maintain temperatures for Thermal Oxidizer (Unit ID: TOX). (CATEGORY
C4 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)
Special Condition 26 PERMIT
Special Term & Condition 16 OP

Description: Failure to monitor highly reactive volatile organic compounds (HRVOC) for thermal
oxidizer (TOX) (Unit ID: TOX). (CATEGORY C1 Violation)

* NOV's applicable for the Compliance History rating period 9/1/2016 to 8/31/2021

Appendix B

All Investigations Conducted During Component Period April 19, 2017 and April 19, 2022

Item 1	June 13, 2017**	(1410874)
Item 2*	August 18, 2017**	(1430602)
Item 3	January 03, 2018**	(1437228)
Item 4	June 08, 2018**	(1466874)
Item 5	May 30, 2019**	(1517803)
Item 6*	November 18, 2019**	(1597663)
Item 7	August 12, 2020**	(1592327)
Item 8	December 02, 2020**	(1685874)
Item 9	March 19, 2021**	(1691926)
Item 10	March 04, 2022	(1761931)
Item 11	April 08, 2022	(1775043)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2016 and 08/31/2021.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MITSUBISHI CHEMICAL AMERICA,
INC. F/K/A NOLTEX L.L.C.
RN101049518

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0322-AIR-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Mitsubishi Chemical America, Inc. f/k/a Noltex L.L.C. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

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

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a chemical manufacturing plant located at 12220 Strang Road in La Porte, 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. During a record review conducted for the Plant from October 5, 2021 through February 24, 2022, an investigator documented that the deviation report for the November 1, 2019 through April 30, 2020 reporting period did not include the deviation for failing to maintain the temperature for the Regenerative Thermal Oxidizer equal to or greater than 1,645 degrees Fahrenheit on three occasions on April 30, 2020.
3. During a record review conducted for the Plant from November 4, 2021 through February 9, 2022, an investigator documented that the Respondent released 582.00 pounds of ethylene as fugitive emissions, during an emissions event (Incident No. 369139) that occurred on October 26, 2021 and lasted 40 minutes. The emissions event occurred due to improper torquing of the bolts after a turnaround that caused seven bolts to become loose on the HE-173 Third Stage Discharge Cooler of the Line 3 Ethylene

Compressor, resulting in a high-pressure leak and in the release to the atmosphere. TCEQ staff determined that the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices.

4. The Executive Director recognizes that the Respondent implemented a corrective measure at the Plant by submitting the deviation report for the May 1, 2020 through October 31, 2020 reporting period that included the deviation for failing to maintain the temperature for the Regenerative Thermal Oxidizer equal to or greater than 1,645 degrees Fahrenheit on three occasions on April 30, 2020, on November 12, 2020.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), Federal Operating Permit ("FOP") No. O1301, General Terms and Conditions ("GTC"), and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Finding of Fact No. 3, 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. 19074, Special Conditions No. 1, FOP No. O1301, GTC and Special Terms and Conditions No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
4. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of \$7,900 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid \$3,950 of the penalty. Pursuant to TEX. WATER CODE § 7.067, \$3,950 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.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 5 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Mitsubishi Chemical America, Inc. f/k/a Noltex L.L.C., Docket No. 2022-0322-AIR-E" to:

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

2. The Respondent shall implement and complete the SEP as set forth in Section II, Conclusion of Law No. 5. The amount of \$3,950 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 at the Plant:
 - a. Within 30 days after the effective date of the Order:
 - i. Implement measures and/or procedures designed to ensure that all instances of deviations are reported in a timely manner; and
 - ii. Implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 369139.
 - 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:

Order Compliance Team
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. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. 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 Order Compliance Team at the address listed above.

8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
9. 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.
10. 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.
11. 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.
12. 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

11/7/2022

For the Executive Director

Date

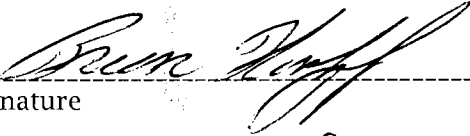
I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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.

Signature



Date

8-8-2022

Name (Printed or typed)

Authorized Representative of
Mitsubishi Chemical America, Inc. f/k/a Noltex L.L.C.

Title

General 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: 2022-0322-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Mitsubishi Chemical America, Inc. f/k/a Noltex L.L.C.
Payable Penalty Amount:	\$7,900
SEP Offset Amount:	\$3,950
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas City Independent School District
Project Name:	<i>TCISD Alternative Fuel School Bus Program</i>
Location of SEP:	Texas Air Quality Control Region 216: Houston-Galveston

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas City Independent School District** for the *TCISD Alternative Fuel School Bus Program* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to purchase lower-emission propane fueled school buses that are model year 2010 or newer (“Replacement Bus(es)”) to replace buses currently in the fleet that are model year 2006 or older (“Older Bus(es)”). The Older Buses will then be decommissioned, thus permanently removing them from the roads. The SEP Offset Amount shall only be used for the purchase of a base model propane fueled Replacement Bus. The Third-Party Administrator shall own and operate each Replacement Bus for at least five years following the date of purchase.

The Third-Party Administrator shall give preference to replacing the oldest, most polluting buses within its fleet. Only Older Buses that are currently in regular use, driven on a regular route on a weekly basis for at least the past two years are eligible for replacement.

The Third-Party Administrator shall ensure that each Replacement Bus purchased has an engine that meets the Environmental Protection Agency’s 2010 emissions standards. Additionally, all Older Buses that are replaced shall be fully decommissioned as required in the SEP Vehicle Disposition Form. All funds received for the scrap value of the Older Bus shall be deposited into the SEP Account and become part of the SEP. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

Mitsubishi Chemical America, Inc. f/k/a Noltex L.L.C.
Docket No. 2022-0322-AIR-E
Agreed Order - Attachment A

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

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

b. Environmental Benefit

The Project will directly benefit air quality in Third-Party Administrator's region by reducing harmful exhaust emissions from older school buses by replacing them with lower-emission propane buses. Older school bus engines emit greater amounts of harmful pollutants such as nitrous oxides, particulate matter, volatile organic compounds, and carbon monoxide than newer, lower-emission buses. These pollutants contribute to the formation of ground level ozone which damages vegetation and ecosystems and may cause or exacerbate a number of respiratory diseases, including asthma, especially in children.

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 **Texas City Independent School District SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas City Independent School District SEP
Attention: John Johnson, Consultant
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 SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

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

4. Failure to Fully Perform

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

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

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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