

AIR_103919817_CP_20201208_Investigation_1692012_
Texas Commission on Environmental Quality
Investigation Report

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Customer: Chevron Phillips Chemical Company LP
Customer Number: CN600303614

**Regulated Entity Name: CHEVRON PHILLIPS CHEMICAL CEDAR BAYOU
PLANT**

Regulated Entity Number: RN103919817

Investigation # 1692012

Investigator: MONSERRAT GOMEZ

Conducted: 12/08/2020 -- 01/04/2021

Incident Numbers

Site Classification MAJOR SOURCE

SIC Code: 2869

NAIC Code: 32511

NAIC Code: 325211

NAIC Code: 325110

SIC Code: 2821

NAIC Code: 325199

SIC Code: 1611

SIC Code: 1629

Program(s): AIR OPERATING PERMITS

Investigation Type: Compliance Invest File Review

Location:

Additional ID(s): HG0310V
2370

Address: 9500 INTERSTATE 10 E,
BAYTOWN, TX , 77521

Local Unit: REGION 12 - HOUSTON

Activity Type(s): OPCC - AIR OPCC - OFFICE PERMIT
COMPLIANCE CERTIFICATION

Principal(s):

Role

Name

RESPONDENT

CHEVRON PHILLIPS CHEMICAL COMPANY LP

Contact(s):

Role

Title

Name

Phone

REGULATED
ENTITY
CONTACT

ENVIRONMENTAL
ENGINEER

MS Dena Gallow

Work (281) 421-6250

REGULATED
ENTITY MAIL
CONTACT

PLANT MANAGER

GARY PIANA

Fax (713) 475-5606
Phone (713) 475-3610
Phone (281) 421-6578
Phone (713) 475-3610

Other Staff Member(s):

Role

Name

Supervisor

CHRISTOPHER HORTON

QA Reviewer

CHRISTOPHER HORTON

Associated Check List

Checklist Name

AIR ANNUAL COMPLIANCE CERTIFICATION
REVIEW - OPCC
AIR GENERIC INVESTIGATION (10 ITEMS)

Unit Name

Polyethylene Unit
Polyethylene Unit

Investigation Comments:

INTRODUCTION/ INVESTIGATION SUMMARY

Introduction

This investigation covered the Polyethylene unit of Chevron Phillips Chemical Company LP, Cedar Bayou (CP Chem) facility, located in Channelview in Harris County. CP Chem operates under Title V permit O-02370, initially issued June 20, 2003 and last renewed on May 20, 2020. The purpose of the investigation was to determine compliance with applicable state and federal requirements.

The investigation was conducted from December 8, 2020 through January 4, 2021 by Ms. Monserrat Gomez.

Daily Narrative

The following records/documents were reviewed:

Incidents in CCEDS

There were no emissions events or maintenance, start-up, shutdown activities reported to the Texas Commission on Environmental Quality (TCEQ) during the certification period.

Review of the Permit Compliance Certification (PCC) Report dated May 29, 2020:

Certification Period: May 1, 2019 through April 30, 2020

The PCC was postmarked on: May 27, 2020

The PCC was received by the Houston Region Office: June 1, 2020

The PCC was submitted within the required time frame.

CP Chem has adjusted their annual reporting period since the initial issuance date of June 20, 2003. Based on a review of CCEDS, there was not a gap between the compliance period being investigated and the previous compliance period.

Deviation Report (DR) dated November 26, 2019:

Reporting Period: May 1, 2019 through October 31, 2019

The DR was postmarked on: November 26, 2019

The DR was received by the Houston Region Office on: December 2, 2019

The DR was submitted within the required time frame.

DR dated May 27, 2020:

Reporting Period: November 1, 2019 through April 30, 2020

The DR was postmarked on: May 28, 2020

The DR was received by the Houston Region Office on: June 1, 2020

The DR was submitted within the required time frame.

The complete PCC and DRs listed above can be found in the regional files.

Discussion of Reported Deviations

There were 10 deviations reported. The investigator discussed the deviations with Ms. Dena Gallow, Environmental Engineer via telephone on January 4, 2021. These deviations are described below:

(1) Emergency generator (1 deviation)

CP Chem reported one deviation for failure to prevent the operation of fire pumps (Unit ID SYS9006) for testing or maintenance situations during the hours between 6:00 am and 12:00 pm. For more information see violation tracking number (VTN) 766872. (Category B1)

(2) Failure to prevent loss of flare pilot flame (Unit ID FS-9004) (1 deviation):

CP Chem reported one deviation for loss of flare pilot flame during a heavy rainstorm. For more information see violation tracking number (VTN) 766867. (Category C4)

(3) Non-Reportable Emissions Events (8 deviations)

There were 8 events recorded during the compliance period. These events were properly reported as deviations for the compliance period. The Houston Regional Office typically reviews 5% of the recordable events, with a minimum of one event reviewed. In this instance, 1 event was reviewed. The record reviewed was for an incident that occurred on June 13, 2019. All of the information required under 30 TAC 101.201(b)(2) was included. No further review is required.

Exit Interview

On January 4, 2021, the investigator conducted an exit interview with Ms. Gallow by telephone. An Exit Interview Form was completed by the investigator and sent to Ms. Gallow via e-mail on January 4, 2021. The Exit Interview Form is provided in Attachment #2.

GENERAL FACILITY AND PROCESS INFORMATION

Process Description

CP Chem operates a chemical manufacturing facility at this location. More detailed process descriptions can be found in the TCEQ Central File Room.

BACKGROUND

Agreed Orders, Court Orders, and Other Compliance Agreements

Agreed Orders issued by the TCEQ, court orders issued by the Attorney General of Texas, and other compliance agreements, if any, were not reviewed as part of this investigation.

Prior Enforcement Issues

Based on a review of CCEDS, there were NOVs issued by the TCEQ within the past five years. There are no repeat violations.

Complaints

Information regarding complaints for this site can be found in the TCEQ Central File Room.

ADDITIONAL INFORMATION

Conclusions, Recommendations, and Current Enforcement Actions

Violations were noted based upon information received and records reviewed during this investigation. See the alleged violations listed below.

Additional Issues

No additional issues were noted during this investigation.

REPORT ATTACHMENTS

(1) Excerpts from the Deviation Reports dated November 26, 2019

(2) Exit Interview Form

NOV Date 01/08/2021 **Method** WRITTEN

ALLEGED VIOLATION(S) NOTED AND RESOLVED

ASSOCIATED TO A NOTICE OF VIOLATION

Track Number: 766867

Resolution Status Date: 1/6/2021

Violation Start Date: 9/18/2019

Violation End Date: 9/18/2019

30 TAC Chapter 115.722(d)
30 TAC Chapter 116.115(c)
30 TAC Chapter 122.143(4)
5C THSC Chapter 382.085(b)

PERMIT 46305, SC 8B

PERMIT 2370, ST&C 11

PERMIT 2370, ST&C 1

Alleged Violation:

Investigation: 1692012

Comment Date: 01/04/2021

Failure to prevent loss of flare pilot flame (Unit ID FS-9004).

A deviation Report (DR) was submitted for Permit O-02370 for the period of May 1, 2019 through October 31, 2019. The DR documented one deviation for loss of flare pilot flame (Unit ID FS-9004) on September 18, 2019 for 50 minutes due to the storm.

This constitutes a violation of New Source Review Permit 46305 Special Condition 8B, which states "the flare shall be operated with a flame present at all times and have a constant pilot flame."

This also constitutes a violation of Federal Operating Permit O-02370 Special Term and Condition 10 which states "Unless otherwise specified, the permit holder shall comply with the compliance assurance monitoring requirements as specified in the attached "CAM Summary" upon issuance of the permit."

This also constitutes a violation of 40 CFR 60.18(c)(2), which states "Flares shall be operated with a flame present at all times, as determined by the methods specified in paragraph (f)."

This further constitutes a violation of the following: Federal Operating Permit O-02370, Special Terms and Conditions 1A and 11; 30 TAC 115.722(d); 30 TAC 116.115(c); 30 TAC 122.143(4) and the Texas Health and Safety Code 382.085(b).

Recommended Corrective Action: No further action is required.

Resolution: Based on the information reported in the the DR dated November 26, 2019, the flare pilot flames were re-lit upon visual observation on September 18, 2019.

Track Number: 766872

Resolution Status Date: 1/6/2021

Violation Start Date: 7/26/2019

Violation End Date: 7/26/2019

30 TAC Chapter 122.143(4)
5C THSC Chapter 382.085(b)

PERMIT 2370, ST&C 1

Alleged Violation:

Investigation: 1692012

Comment Date: 01/06/2021

Failure to prevent the operation of fire pumps (Unit ID SYS9006) for testing or maintenance situations during the hours between 6:00 am and 12:00 pm.

A deviation report (DR) was submitted for FOP 2370 for the period of May 1, 2019 through October 31, 2019. The DR documented one deviation when CP Chem failed to prevent operation of Unit ID SYS9006 during the hours between 6:00 am and 12:00 pm.

This constitutes a violation of 30 TAC 117.310(f) which states, "No person shall start or operate any stationary diesel or dual-fuel engine for testing or maintenance between the hours of 6:00 a.m. and noon"

This further constitutes a violation of the following: Federal Operating Permit O-02370, Special Terms and Conditions (ST&C) 1; 30 TAC 122.143(4); and Texas Health and Safety Code 382.085(b).

Recommended Corrective Action: No further action is required.

Resolution: In an email dated December 18, 2020, CP Chem stated that the operator was informed of the importance of waiting until after noon and they were not to be run during the hours of 6 am to noon.

Signed Monserrat Gomez
Environmental Investigator

Date 01-06-2021

Signed C. D. Horton
Supervisor

Date 1/8/21

Attachments: (in order of final report submittal)

☐ Enforcement Action Request (EAR)

☒ Letter to Facility (specify type) : NOV Res.

☐ Investigation Report

☐ Sample Analysis Results

☐ Manifests

☐ Notice of Registration

☐ Maps, Plans, Sketches

☐ Photographs

☐ Correspondence from the facility

☐ Other (specify) :

See list of attachments on page 4.

Attachment 1

Excerpt from the Deviation Report dated November 26,
2019

Chevron Phillips Chemical Company LP

Cedar Bayou Facility

Account # HG-0310-V

Permit # O2370



AIR CO/RN_103919817 /RP

PRIVILEGED AND CONFIDENTIAL

**Texas Commission on Environmental Quality
Federal Operating Permit Deviation Report Form
Form Dev Rep (Part 1)**

Permit Holder Name	Chevron Phillips Chemical Company LP				Customer Number	CN 600303614	
Area Name	Polyethylene Unit (PEU 1799)				Account Number	RN 103919817	
Report Period Start Date	May 1, 2019	Report Period End Date	October 31, 2019	Operating Permit Number	O-2370	Report Submittal Date	November 30, 2019

Total Deviations:	3	Is there a Part 3 Miscellaneous Monitoring/Credible Evidence form supporting this deviation report?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
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Operating Permit Requirement for Which Deviations are Being Reported

ID Number		Term & Condition No.	Pollutant	Regulatory Requirement Citation	Type of Requirement	SOP or GOP Index Number	Monitoring Method	Monitoring Frequency
Unit ID	Group ID							
FS-9004	NA	1A, 11	NA	NSR 46305 SC#8 30 TAC 116.115 (b)(2)(F) 40 CFR §60.18 (d)& (f)(2) 30 TAC §115.722(a)&(d)	STANDARD	NA	PERMIT	CONTINUOUS

Dev Item No.	STEER S Incident No.	Deviation Period				No. of Dev	Cause of Deviation	Corrective Action Taken to Remedy or Mitigate Deviation Situation			
		Start		End							
		Date	Time	Date	Time						
4	-	09/18/2019	17:12	09/18/2019	17:52	1	Loss of flare pilot flame during severe weather conditions caused by Tropical Storm Imelda. Assumed zero percent destruction efficiency of hydrocarbons during this period. Emissions estimates: VOC 85.91 lbs	The pilots were re-lit as soon as safely possible.			
Total Deviations:						1	Is there a Part 3 Miscellaneous Monitoring/Credible Evidence form supporting this deviation report?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			

Investigation Type: OPCC / Acct. # HG-0310-V /
Attachment # 1 / Page 1 of 2



AIR CO/RN_103919817 /RP

PRIVILEGED AND CONFIDENTIAL

**Texas Commission on Environmental Quality
Federal Operating Permit Deviation Report Form
Form Dev Rep (Part 1)**

Permit Holder Name	Chevron Phillips Chemical Company LP				Customer Number	CN 600303614
Area Name	Polyethylene Unit (PEU 1799)				Account Number	RN 103919817
Report Period Start Date	May 1, 2019	Report Period End Date	October 31, 2019	Operating Permit Number	O-2370	Report Submittal Date November 30, 2019

Operating Permit Requirement for Which Deviations are Being Reported

ID Number		Term & Condition No.	Pollutant	Regulatory Requirement Citation	Type of Requirement	SOP or GOP Index Number	Monitoring Method	Monitoring Frequency
Unit ID	Group ID							
SYS9006	NA	1A	NOx	30 TAC §117.310(f)	Standard	R7ICI-01	NA	NA

Dev Item No.	STEERS Incident No.	Deviation Period				No. of Dev	Cause of Deviation	Corrective Action Taken to Remedy or Mitigate Deviation Situation
		Start		End				
		Date	Time	Date	Time			
5	NA	07/26/2019	10:56	07/26/2019	11:14	1	Emergency generator SYS9006 operated in order to perform maintenance between the hours of 6 AM and noon in the HGB area.	Communication to operations personnel regarding requirements for operating an emergency generator.
Total Deviations:						1	Is there a Part 3 Miscellaneous Monitoring/Credible Evidence form supporting this deviation report?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Total Deviations this Reporting Period:						5	Is there a Part 3 Miscellaneous Monitoring/Credible Evidence form supporting this deviation report?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

Investigation Type: OPCC / Acct. # HG-0310-V /
Attachment # 1 / Page 2 of 2

Attachment 2
Exit Interview
Chevron Phillips Chemical Company LP
Cedar Bayou Facility
Account # HG-0310-V
Permit # O2370

TCEQ EXIT INTERVIEW FORM: Potential Violations and/or Records Requested

Regulated Entity/Site Name	Chevron Phillips- Chevron Phillips Chemical Cedar Bayou Plant	TCEQ Add. ID No. RN No. (optional)	HG-0310-V
Investigation Type	OPCC Contact Made In-House (Y/N) Y	Purpose of Investigation	Compliance Investigation File Review
Regulated Entity Contact	Dena Gallow	Telephone No.	281-421-6250 Date Contacted 01-04-2021
Title	Environmental Engineer	Fax No.	Date Faxed

NOTICE: The information provided in this form is intended to provide clarity to issues that have arisen during the investigation process between the TCEQ and the regulated entity named above and *does not represent final TCEQ findings related to violations*. Any potential or alleged violations discovered after the date on this form will be communicated by telephone to the regulated entity representative prior to the issuance of a notice of violation or enforcement. Conclusions drawn from this investigation, including additional violations or potential violations discovered (if any) during the course of this investigation, will be documented in a final investigation report.

Issue		For Records Request: identify the necessary records, the company contact and date due to the agency. For Alleged and Potential Violation issues: include the rule in question with the clearly described potential problem. Other type of issues: fully describe.	
No.	Type ¹	Rule Citation (if known)	Description of Issue
1	AV	40 CFR 60.18(c)(2) , NSR 46305 SC 8B, & FOP 2370 ST&C 10	Failure to prevent loss of flare pilot flame (Unit ID FS-9004).
2	AV	30 TAC 117.2030 (c)	Failure to prevent the operation of fire pumps (Unit ID SYS9006) for testing or maintenance situations during the hours between 6:00 am and 12:00 pm.
Investigation Type: OPCC; Acct #: HG0310V; Attachment 2; Page 1 of 1			

¹Issue Type Can Be One or More of: AV (Alleged Violation), PV (Potential Violation), O (Other), or RR (Records Request)

Did the TCEQ document the regulated entity named above operating without proper authorization?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Did the investigator advise the regulated entity representative that continued operation is not authorized?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Document Acknowledgment. Signature on this document establishes only that the regulated entity (company) representative received a copy of this document and associated continuation pages on the date noted. If contact was made by telephone, document will be faxed to regulated entity; therefore, signature not required.

Monserrat Gomez	01-04-2021		
Investigator Name (Signed & Printed)	Date	Regulated Entity Representative Name (Optional)	Date

If you have questions about any information on this form, please contact your local TCEQ Regional Office.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, call 512-239-3282.

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 8, 2021

CERTIFIED MAIL #91 7199 9991 7038 7382 5731
RETURN RECEIPT REQUESTED

Mr. Gary Piana, Plant Manager
Chevron Phillips Chemical Company LP
Chevron Phillips Chemical Cedar Bayou Plant
9500 Interstate 10 East, Exit 796
Baytown, Texas 77521-9570

Re: Notice of Violation for Compliance Investigation File Review of:
Chevron Phillips Chemical Cedar Bayou Plant, 9500 Interstate 10 East, Exit 796, Baytown
(Harris), Texas
RN 103919817, TCEQ Additional ID: HG-0310-V
Investigation No.: 1692012

Dear Mr. Piana:

From December 8, 2020 through January 4, 2021, Ms. Monserrat Gomez of the Texas Commission on Environmental Quality (TCEQ) Houston Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for air quality. Enclosed is a summary which lists the investigation findings. Based on the information you have provided, the TCEQ has adequate documentation to resolve the alleged violations. Therefore, no further action is required.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the Houston Region Office at (713) 767-3700 or the Central Office Publications Ordering Team at 512-239-0028. Copies of applicable federal regulations may be obtained by calling Environmental Protection Agency's Publications at 800-490-9198.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance

with environmental regulatory requirements. If you have additional information that we are unaware of, you have the opportunity to contest the violations documented in this notice. Should you choose to do so, you must notify the Houston Region Office within 10 days from the date of this letter. At that time, I will schedule a violation review meeting to be conducted within 21 days from the date of this letter.

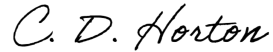
Mr. Gary Piana, Plant Manager

Page 2

January 8, 2021

If you or members of your staff have any questions, please feel free to contact Ms. Gomez in the Houston Region Office at (713) 767-3666.

Sincerely,

A handwritten signature in cursive script that reads "C. D. Horton".

Chris Horton, Air Section Team Leader
Houston Region Office
Texas Commission on Environmental Quality

CH/ MG/cj

cc: Dr. Latrice Babin, Interim Director, Pollution Control Services Department, 101 S. Richey, Suite H, Pasadena, Texas 77506

Ms. Dena Gallow, Environmental Engineer, Chevron Phillips Chemical Cedar Bayou Plant, 9500 Interstate 10 East, Exit 796, Baytown, Texas 77521

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

CHEVRON PHILLIPS CHEMICAL CEDAR BAYOU PLANT

9500 INTERSTATE 10 E

BAYTOWN, HARRIS COUNTY, TX 77521

Investigation #

1692012
Investigation Date: 12/08/2020

Additional ID(s): HG0310V
2370

ALLEGED VIOLATION(S) NOTED AND RESOLVED ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 766867

30 TAC Chapter 115.722(d)

30 TAC Chapter 116.115(c)

30 TAC Chapter 122.143(4)

5C THSC Chapter 382.085(b)

PERMIT 46305, SC 8B

PERMIT 2370, ST&C 11

PERMIT 2370, ST&C 1

Alleged Violation:

Investigation: 1692012

Comment Date: 01/04/2021

Failure to prevent loss of flare pilot flame (Unit ID FS-9004).

A deviation Report (DR) was submitted for Permit O-02370 for the period of May 1, 2019 through October 31, 2019. The DR documented one deviation for loss of flare pilot flame (Unit ID FS-9004) on September 18, 2019 for 50 minutes due to the storm.

This constitutes a violation of New Source Review Permit 46305 Special Condition 8B, which states "the flare shall be operated with a flame present at all times and have a constant pilot flame."

This also constitutes a violation of Federal Operating Permit O-02370 Special Term and Condition 10 which states "Unless otherwise specified, the permit holder shall comply with the compliance assurance monitoring requirements as specified in the attached "CAM Summary" upon issuance of the permit."

This also constitutes a violation of 40 CFR 60.18(c)(2), which states "Flares shall be operated with a flame present at all times, as determined by the methods specified in paragraph (f)."

This further constitutes a violation of the following: Federal Operating Permit O-02370, Special Terms and Conditions 1A and 11; 30 TAC 115.722(d); 30 TAC 116.115(c); 30 TAC 122.143(4) and the Texas Health and Safety Code 382.085(b).

Recommended Corrective Action: No further action is required.

Resolution: Based on the information reported in the the DR dated November 26, 2019, the flare pilot flames were re-lit upon visual observation on September 18, 2019.

Track No: 766872

30 TAC Chapter 122.143(4)

5C THSC Chapter 382.085(b)

PERMIT 2370, ST&C 1

Alleged Violation:

Investigation: 1692012

Comment Date: 01/06/2021

Failure to prevent the operation of fire pumps (Unit ID SYS9006) for testing or maintenance situations during the hours between 6:00 am and 12:00 pm.

A deviation report (DR) was submitted for FOP 2370 for the period of May 1, 2019 through October 31, 2019. The DR documented one deviation when CP Chem failed to prevent operation of Unit ID SYS9006 during the hours between 6:00 am and 12:00 pm.

This constitutes a violation of 30 TAC 117.310(f) which states, "No person shall start or operate any stationary diesel or dual-fuel engine for testing or maintenance between the hours of 6:00 a.m. and noon"

This further constitutes a violation of the following: Federal Operating Permit O-02370, Special Terms and Conditions (ST&C) 1; 30 TAC 122.143(4); and Texas Health and Safety Code 382.085(b).

Recommended Corrective Action: No further action is required.

Resolution: In an email dated December 18, 2020, CP Chem stated that the operator was informed of the importance of waiting until after noon and they were not to be run during the hours of 6 am to noon.