

AIR CP_102508215_CP_20210416_INVESTIGATION_1685110_.PDF
Texas Commission on Environmental Quality
Investigation Report

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Customer: OXY USA Inc.
Customer Number: CN604677401

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Regulated Entity Name: LE WIGHT B TANK BATTERY

Regulated Entity Number: RN102508215

Investigation	# 1685110	Incident Numbers	333301
Investigator:	JACQUELINE TORRES	Site Classification	PERMIT BY RULE
Conducted:	04/16/2021 -- 04/16/2021	NAIC Code:	211111
Program(s):	AIR NEW SOURCE PERMITS	SIC Code:	1311
Investigation Type:	Compliance Invest File Review	Location:	6 M E ON SH 158 2 M S ON LSE RD
Additional ID(s):	22034 EB04180		
Address: ,		Local Unit:	REGION 07 - MIDLAND
Activity Type(s):			UML3IH - AIR UML3IH - IN HOUSE UPSETMAINTENANCE LEVEL 3 OG - Oil and Gas - AIR QUALITY High Level

Principal(s):

Role	Name
RESPONDENT	OXY USA INC

Contact(s):

Role	Title	Name	Phone
REGULATED ENTITY CONTACT		MR CHARLES POLGAR	Phone (914) 213-0086

Other Staff Member(s):

Role	Name
Supervisor	RYAN SLOCUM
QA Reviewer	VICKIE MCLEAN

Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
AIR EMISSIONS EVENT REVIEW (ON OR AFTER 01/05/2006)	333301
AIR GENERIC INVESTIGATION (10 ITEMS)	NOV

Investigation Comments:

INTRODUCTION

On April 16, 2021 an Air UML3 investigation was conducted by Environmental Investigator, Jacqueline Torres, from the Midland Regional Office (MRO) of the Texas Commission on Environmental Quality (TCEQ) for the

LE WIGHT B TANK BATTERY - GOLDSMITH**4/16/2021 Inv. # - 1685110****Page 2 of 3**

OXY USA INC, LE Wight B Tank Battery, also known as Regulated Entity (RE) in this investigation, Incident Number 333301 (Attachment 1).

Daily Narrative

Failure to submit final report properly to the TCEQ MRO within 14 days after the end of an emission event under 30 TAC 101.201(b). The incident was reviewed for compliance with the 30 Texas Administration Code (TAC) Chapter 101§ 101.201(a)(2)(C). Failure to prevent unauthorized emissions. Specifically, the RE released 585 pounds of Hydrogen Sulfide and 2159 pounds of Non-Methane Non-Ethane Natural Gas from EPN on April 2, 2020 lasting 30 hours, in violation of TEXAS HEALTH & SAFETY CODE 382.085(b), as documented during an investigation conducted on April 16, 2021. The emission event occurred when DCP plant had instrument air issues and was unable to supply fuel gas. This event was not properly reported as required by 30 TAC 101.201(b), the unauthorized emissions became ineligible for exemption. This is classified as a category C3 violation by the Enforcement Initiation Criteria (EIC) document.

Based upon the information provided by the RE, this incident could not have been prevented by good design, operation and maintenance practices. The emissions from this event were not part of a frequent or recurring pattern due to inadequate design, operation or maintenance after discovery of a reportable emissions event. This incident was found not to be excessive under 30 TAC 101.222(a) (Attachment 1). The attached Emission Event Review Checklist provides the subject compliance review.

EXIT INTERVIEW

The RE was sent an Exit Interview (Attachment 2 – Exit Interview) informing them that a Notice of Violation (NOV) will be issued regarding this incident.

NOV Date	05/07/2021	Method	WRITTEN
ALLEGED VIOLATION(S) NOTED AND RESOLVED			
ASSOCIATED TO A NOTICE OF VIOLATION			

Track Number: 775182**Resolution Status Date:** 5/7/2021**Violation Start Date:** 5/7/2021**Violation End Date:** 5/7/2021**30 TAC Chapter 101.201(b)**
5C THSC Chapter 382.085(b)**Alleged Violation:****Investigation:** 1685110

Comment Date: 04/28/2021

Failure to submit the final notification to the TCEQ within 14 days after the end of the event under 101.201(b), the unauthorized emissions became ineligible for exemption.

Recommended Corrective Action: The regulated entity must submit final reports within the 14 days after the end of an emissions event (101.201(b)).

Resolution: Based on the information provided, the TCEQ has adequate documentation to resolve the alleged violation.

Track Number: 775189**Resolution Status Date:** 5/7/2021**Violation Start Date:** 5/7/2021**Violation End Date:** 5/7/2021**5C THSC Chapter 382.085(b)****Alleged Violation:****Investigation:** 1685110

Comment Date: 04/28/2021

4/16/2021 Inv. # - 1685110

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Failure to prevent unauthorized emissions. Specifically, the RE released 585 pounds of Hydrogen Sulfide and 2159 pounds of Non-Methane Non-Ethane Natural Gas from EPN on April 2, 2020 lasting 30 hours, in violation of TEXAS HEALTH & SAFETY CODE 382.085(b), as documented during an investigation conducted on April 16, 2021. The emission event occurred when DCP plant had instrument air issues and was unable to supply fuel gas. This event was not properly reported as required by 30 TAC 101.201(b).

Recommended Corrective Action: The regulated entity shall submit notifications of emission events in a timely manner to the TCEQ and shall take measures to prevent unauthorized emissions.

Resolution: Based on the information provided, the TCEQ has adequate documentation to resolve the alleged violation.

Signed


Environmental Investigator

Date

5.7.2021

Signed


Supervisor

Date

5-7-21

Attachments: (in order of final report submittal)

___ Enforcement Action Request (EAR)

☒ Letter to Facility (specify type): NOV

Investigation Report

___ Sample Analysis Results

___ Manifests

___ Notice of Registration

___ Maps, Plans, Sketches

___ Photographs

___ Correspondence from the facility

☒ Other (specify):

Attachment 1 – Reportable Events 12 Month Summary

Attachment 2 – Exit Interview

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

May 7, 2020

CERTIFIED MAIL Certified #7015 0640 0007 3744 8369
RETURN RECEIPT REQUESTED

Shelby Schoepf, E.I.T.
OXY USA INC
PO BOX 50250
Midland, Texas 79710

Re: Notice of Violation for Compliance Investigation File Review at:
LE Wight B Tank Battery
6 miles East on SH 158 2 miles South on LSE Rd, Goldsmith, Texas, Ector County, 79741
Regulated Entity No.: 102508215, TCEQ Additional ID: EB04180

Dear Ms. Schoepf,

On April 16, 2021, Jacqueline Torres of the Texas Commission on Environmental Quality (TCEQ) Midland 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. During the investigation, an alleged violation was noted that has been resolved based on subsequent corrective action. Based on the information you have provided, the TCEQ has adequate documentation to resolve the alleged violation. Therefore, no further action is required.

In the listing of the alleged violation, 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.state.tx.us> 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 Midland Region Office at 432-570-1359 or the Central Office Publications Ordering Team at 512-239-0028.

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 violation documented in this notice. Should you choose to do so, you must notify the Midland Region Office within 10 days from the date of this letter. At that time, Mr. Ryan Slocum will schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the enclosed Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

Ms. Shelby Scheopf

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05/07/2021

If you or members of your staff have any questions, please feel free to contact Ms. Torres in the Midland Region Office at (432) 570-1359.

Sincerely,

A handwritten signature in black ink, appearing to be 'RS', written over a light blue horizontal line.

Ryan Slocum, Section Manager
Midland Region Office
Texas Commission on Environmental Quality

RS/jt

Enclosure: Summary of Investigation Findings

Summary of Investigation Findings

LE WIGHT B TANK BATTERY

Investigation #

1685110

Investigation Date: 04/16/2021

, ECTOR COUNTY,

Additional ID(s): 22034
EB04180

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

Track No: 775182

30 TAC Chapter 101.201(b)

5C THSC Chapter 382.085(b)

Alleged Violation:

Investigation: 1685110

Comment Date: 04/28/2021

Failure to submit the final notification to the TCEQ within 14 days after the end of the event under 101.201(b), the unauthorized emissions became ineligible for exemption.

Recommended Corrective Action: The regulated entity must submit final reports within the 14 days after the end of an emissions event (101.201(b)).

Resolution: Based on the information provided, the TCEQ has adequate documentation to resolve the alleged violation.

Track No: 775189

5C THSC Chapter 382.085(b)

Alleged Violation:

Investigation: 1685110

Comment Date: 04/28/2021

Failure to prevent unauthorized emissions. Specifically, the RE released 585 pounds of Hydrogen Sulfide and 2159 pounds of Non-Methane Non-Ethane Natural Gas from EPN on April 2, 2020 lasting 30 hours, in violation of TEXAS HEALTH & SAFETY CODE 382.085(b), as documented during an investigation conducted on April 16, 2021. The emission event occurred when DCP plant had instrument air issues and was unable to supply fuel gas. This event was not properly reported as required by 30 TAC 101.201(b).

Recommended Corrective Action: The regulated entity shall submit notifications of emission events in a timely manner to the TCEQ and shall take measures to prevent unauthorized emissions.

Resolution: Based on the information provided, the TCEQ has adequate documentation to resolve the alleged violation.

Texas Commission on Environmental Quality

AIR GENERIC INVESTIGATION (10 ITEMS) Checklist

Unit Name : NOV Investigation # :1685110 Facility Name : LE WIGHT B TANK BATTERY		County : ECTOR TCEQ Investigator : JACQUELINE TORRES		
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Item No.	Description	Answer	Comments	Due Date
1	Item 1	COMPLIANT	Failure to submit the final notification to the TCEQ within 14 days after the end of the event under 101.201(b), the unauthorized emissions became ineligible for exemption.	07/06/2021
	Citation: 30 TAC Chapter 101, SubChapter F 101.201(b) 5C THSC Chapter 382 382.085(b)			
2	Item 2	COMPLIANT	Failure to prevent unauthorized emissions. Specifically, the RE released 585 pounds of Hydrogen Sulfide and 2159 pounds of Non-Methane Non-Ethane Natural Gas from EPN on April 2, 2020 lasting 30 hours, in violation of TEXAS HEALTH & SAFETY CODE 382.085(b), as documented during an investigation conducted on April 16, 2021. The emission event occurred when DCP plant had instrument air issues and was unable to supply fuel gas. This event was not properly reported as required by 30 TAC 101.201(b).	07/06/2021
	Citation: 5C THSC Chapter 382 382.085(b)			
3	Item 3	NOT APPLICABLE		
4	Item 4	NOT APPLICABLE		
5	Item 5	NOT APPLICABLE		
6	Item 6	NOT APPLICABLE		
7	Item 7	NOT APPLICABLE		
8	Item 8	NOT APPLICABLE		
9	Item 9	NOT APPLICABLE		
10	Item 10	NOT APPLICABLE		

Texas Commission on Environmental Quality

AIR EMISSIONS EVENT REVIEW (ON OR AFTER 01/05/2006) Checklist

Unit Name : 333301 Investigation # :1685110 Facility Name : LE WIGHT B TANK BATTERY	County : ECTOR TCEQ Investigator : JACQUELINE TORRES
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Item No.	Description	Answer	Comments	Due Date
1	Was the emissions event(s) excessive? [101.222(a)]	NO		
2	Did the owner/operator comply with the requirements of TAC §101.201 (relating to Emissions Event Reporting and Recordkeeping Requirements)? [101.222(b)(1)]	YES		
3	Did the owner/operator prove that the unauthorized emissions were caused by a sudden, unavoidable breakdown of equipment or process, beyond the control of the owner/operator? [101.222(b)(2)]	YES		
4	Did the owner/operator prove that the unauthorized emissions did not stem from any activity/event that could have been foreseen and avoided/planned for, or been avoided by better operation and maintenance practices or technically feasible design consistent with good engineering practice? [101.222(b)(3)]	YES		
5	Did the owner/operator prove that the air pollution control equipment/processes were maintained and operated in a manner consistent with good practice for minimizing emissions and reducing the number of emissions events? [101.222(b)(4)]	YES		
6	Did the owner/operator prove that prompt action was taken to achieve compliance once the operator knew or should have known that applicable emission limitations were being exceeded, and any necessary repairs were made as expeditiously as practicable? [101.222(b)(5)]	YES		
7	Did the owner/operator prove that the amount and duration of the unauthorized emissions and any bypass of pollution control equipment were minimized and all possible steps were taken to minimize the impact of the unauthorized emissions on ambient air quality? [101.222(b)(6)]	YES		
8	Did the owner/operator prove that all emission monitoring systems were kept in operation if possible? [101.222(b)(7)]	YES		
9	Did the owner/operator prove that the owner/operator actions in response to the unauthorized emissions were documented by contemporaneous operation logs or other relevant evidence? [101.222(b)(8)]	YES		
10	Did the owner/operator prove that the unauthorized emissions were not part of a frequent or recurring pattern indicative of inadequate design, operation, or maintenance? [101.222(b)(9)]	YES		
11	Did the owner/operator prove that the percentage of a facility's total annual operating hours during which unauthorized emissions occurred were not unreasonably high? [101.222(b)(10)]	YES		
12	Did the owner/operator prove that the unauthorized emissions did not cause or contribute to an exceedance of the national ambient air quality standards (NAAQS), prevention of significant deterioration (PSD) increments, or to a condition of air pollution? [101.222(b)(11)]	YES		

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



Attachment 1 Reportable Events 12 Month Summary

OXY USA INC

LE WIGHT B TANK BATTERY

ECTOR COUNTY, TEXAS
CN604677401
RN102508215

INVESTIGATION No. 1685110
INVESTIGATOR: JACQUELINE TORRES
DATE: APRIL 16, 2021

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



Attachment 2 Exit Interview Form

OXY USA INC

LE WIGHT B TANK BATTERY

ECTOR COUNTY, TEXAS
CN604677401
RN102508215

INVESTIGATION No. 1685110
INVESTIGATOR: JACQUELINE TORRES
DATE: APRIL 16, 2021

Reportable Events 12 Month Summary

Date	Region	RN#	Inc#	Staff	Type	EPN Name	EPN #	FIN Name	FIN #	PCN Name		
04/03/2020	ALL	RN102508215	All	All	All	All	All	All	All	All		
RN102508215 LE WIGHT B TANK BATTERY												
Inc#	Type	Status	Staff	Start DT	End DT	Duration	Duration %	EPN Name	EPN #	FIN Name	FIN #	PCN Name
307484	EMISSIONS EVENT	CLOSED	HFAIRBAN	04/30/2019	05/03/2019	86 Hr 40 Min.	0.98%	Emergency Vent	NA	VentProduction Separator	NA	LE WIGHT B TANK BATTERY
Cause: Venting was due to DCP having issues at their Goldsmith Plant.												
308588	EMISSIONS EVENT	CLOSED	HFAIRBAN	05/14/2019	05/23/2019	211 Hr 30 Min.	2.41%	Emergency Vent	NA	VentProduction Separator	NA	LE WIGHT B TANK BATTERY
Cause: Venting was due to DCP having issues at their Goldsmith Plant.												
327237	EMISSIONS EVENT	CLOSED	HFAIRBAN	12/23/2019	12/23/2019	10 Hr 0 Min.	0.11%	Emergency Flare	N/A	Production Separator	N/A	WIGHT, LE B TANK BATTERY
Cause: Third party, DCP, plant experiencing issues.Lat 31.978745 Long -102.509095												
Did not reach a reportable quantity - UML0												
333301	EMISSIONS EVENT	CLOSED	JATORRES	04/02/2020	04/03/2020	30 Hr 0 Min.	0.34%	Emergency Vent		Production Separator		LE WIGHT B TANK BATTERY
Cause: DCP HAVING INSTRUMENT AIR ISSUES AND UNABLE TO SUPPLY FUEL GAS												

Texas Commission on Environmental Quality

Reportable Event Report

Submittal Type	Incident #	Incident Status	Investigation #	Investigation Status
FINAL	333301	CLOSED	1685110	OPEN
Customer Name			CN #	
OXY USA INC			CN604677401	
Name of Owner or Operator			RN/Air Acct #	Physical Location
LE WIGHT B TANK BATTERY			RN102508215	

Event/Activity Type	Date / Time Event Discovered or Scheduled Activity Start/End	Duration
EMISSIONS EVENT	4/2/2020 9:30:00AM 4/3/2020 3:30:00PM	30 hours 0 minutes

Emission Point Common Name	Emission Point Number (EPN)				
Emergency Vent					
List of Compound Descriptive type(s) of Individually Listed or Mixtures of Air Contaminant Compounds Released, Including opacity	Estimated Total Quantity for Air Contaminants for Emissions / Opacity Value for Opacity	Units	Authorized Emissions Limit / Opacity Limit	Units	Authorization (rule or permit #)
Hydrogen Sulfide	585.00	POUNDS	0.00		PBR 106.352 Registration
Non-Methane Non-Ethane Natural Gas	2,159.00	POUNDS	0.00		PBR 106.352 Registration

Facility Common Name	Facility Identification Number (FIN)
Production Separator	

Process Unit or Area Common Name
LE WIGHT B TANK BATTERY

Cause of Emissions Event, Excess Opacity Event, or Reason for Scheduled Activity:

DCP HAVING INSTRUMENT AIR ISSUES AND UNABLE TO SUPPLY FUEL GAS

Actions Taken, of Being Taken, to Minimize Emissions and/or Correct the Situation:

WE ARE VENTING OUR GAS UNTIL THE ISSUE IS RESOLVED.

Basis Used to Determine Quantities and Any additional Information Necessary to Evaluate the Event:

Total Vol Flared (MCF):45% H2S: 14.491

BTU / Cu Ft: 1,203.07

Emissions Calculations:

NMNE NG = MCF vented x 50 lb/mole x mole/.379 MCF x mol % NMNE NG / 100

NMNE NG % = 100% - Methane % - Ethane % - Carbon Dioxide % - Nitrogen % - inert%

H2S = MCF vented x 34 lb/mole x mole/.379 MCF x mol % H2S / 100

Volume is: Metered

% NMNE: 36.37

Person Making Initial Notification	Sydney Hynes (713) 350-4992
Initial Notification Date/Time	2020-4-3 09:06
Method	STEERS
Incident Primary Contact	Charles Polgar (914) 213-0086
Jurisdiction(s) Notified	REGION 07 - MIDLAND

Agency Comments	Assigned Staff Member: Jacqueline Torres
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TCEQ EXIT INTERVIEW FORM: Potential Violations and/or Records Requested

Regulated Entity/Site Name	LE WIGHT B TANK BATTERY	TCEQ Add. ID No.	RN102508215
		RN No. (optional)	
Investigation Type	C	Contact Made In-House (Y/N)	N
		Purpose of Investigation	Compliance
Regulated Entity Contact	Charles Polgar	Telephone No.	(914) 213-0086
		Date Contacted	04/29/2021
Title	EIT	Fax No.	
		Date Faxed	

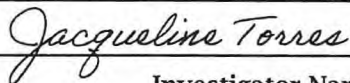
NOTICE: The information provided in this form is intended to provide clarity to issues that have arisen during the investigation process between the TCEQ and the regulated entity named above and *does not represent final TCEQ findings related to violations*. Any potential or alleged violations discovered 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
2	AV	101.201(b) 382.085(b)	A copy of the final investigation report 1685110 will be provided upon request. Please submit your request to Jacqueline Torres by phone at (432) 570-1359 or by email at Jacqueline.torres@tceq.texas.gov .
			This investigation reviewed incident 333301.

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.

	Jacqueline Torres	04/29/2021	
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.

