



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Air Enforcement: Texas Commission on Environmental Quality Reviews Draft Agreed Order Addressing Alleged Violations By a Harris County, Texas Chemical Manufacturing Plant

Arkansas Environmental, Energy, and Water Law Blog

04/18/2016

The Texas Commission on Environmental Quality ("TCEQ") is reviewing a draft Agreed Order ("AO") addressing alleged violations by NOLTEX L. L. C. ("NOLTEX") of TEX. HEALTH & SAFETY CODE § 382.085(b) and certain provisions of its air permits. See DOCKET NO. 2015-0097-AIR-E.

The AO states that NOLTEX owns and operates a chemical manufacturing plant in Harris County, Texas (the "Plant").

The Plant is described as consisting of one or more sources as defined in the relevant provisions of the Texas Health & Safety Code.

A TCEQ investigator is alleged to have documented during an August 1, 2014 investigation that NOLTEX failed to prevent unauthorized emissions. The unauthorized emissions are alleged to include the release of:

... 195,970 pounds of ethylene from the Exhaust Vent during an emissions event (Incident No. 200892) that began on June 25, 2014 and lasted 333 hours and 24 minutes.

The AO states that the event was determined to be an excess emissions event.

The TCEQ Executive Director had approved the implementation by the company of a corrective action plan as of March 20, 2015.

The AO states that because of Finding of Fact No. 2, NOLTEX is alleged to have failed to prevent unauthorized emissions in violation of Tex. Health & Safety Code § 382.085(b) 30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.115(c) and 122.143(4) Federal Operating Permit No. 01301 special terms and conditions No. 11, and New Source Review Permit No. 19074, special conditions No. 1.

An administrative penalty in the amount of \$102,000 is assessed.

The draft AO further provides that \$51,000 of the penalty is conditionally offset by NOLTEX's timely and satisfactory completion of a Supplemental Environmental Project. Attachment A of the AO describes a Supplemental Environmental Project as involving the Clean Vehicles Partnership Project and a contribution to third-party Administrator Houston Galveston Area Council – AERCO.

[Click here to download a copy of the draft AO.](#)