



REGION 6

DALLAS, TX 75270

IN THE MATTER OF:

The Goodyear Tire & Rubber Company
Beaumont, TX

Proceedings Pursuant to
Section 113(a)(1) and (3) of the Clean Air Act,
42 U.S.C. § 7413(a)(1) and (3)

NOTICE OF VIOLATION

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This Notice of Violation ("NOV") is issued to The Goodyear Tire & Rubber Company ("Goodyear") for violations of the Clean Air Act ("CAA"), 42 U.S.C. § 7401 *et seq.*, and Texas Administrative Code ("TAC") at its Beaumont Chemical Plant in Beaumont, TX (the "Facility"). Specifically, the United States Environmental Protection Agency, Region 6 ("EPA") believes that Goodyear has violated the National Emission Standards for Hazardous Air Pollutants for Source Categories ("NESHAP") General Provisions, 40 C.F.R. Part 63, Subpart A; NESHAP for Organic Hazardous Air Pollutants ("HAPs") for Equipment Leaks, 40 C.F.R. Part 63, Subpart H; NESHAP for Group I Polymers and Resins, 40 C.F.R. Part 63, Subpart U; NESHAP for Miscellaneous Organic Chemical Manufacturing ("MON"), 40 C.F.R. Part 63, Subpart FFFF; Standards of Performance for Equipment Leaks of Volatile Organic Compounds ("VOCs") in the Synthetic Organic Chemical Manufacturing Industry ("SOCMI") for which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006, 40 C.F.R. Part 60, Subpart VV, and the Texas State Implementation Plan ("SIP") terms of its permit.

This NOV is issued pursuant to Section 113(a)(1) and (3) of the CAA to inform Goodyear of the violations set forth below and serves as the finding and notice required by Section 113(a). 42 U.S.C. § 7413(a). The authority to issue this NOV has been delegated to the Director of the Enforcement and Compliance Assurance Division, Region 6.

I. Statutory and Regulatory Background

1. The purpose of the CAA is "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population." CAA Section 101(b)(1), 42 U.S.C. § 7401(b)(1).

A. National Emission Standards for Hazardous Air Pollutants

2. Section 112 of the CAA requires EPA to identify categories of major sources of HAPs and establish emission standards requiring the maximum degree of reduction in emissions of HAPs achievable through the application of measures, processes, methods, systems or techniques including, but not limited to, the enclosure of systems or processes to eliminate emissions, and design, equipment, work practice, or other operational standards. These emission standards are commonly referred to as MACT standards. 42 U.S.C. § 7412(c)(1)-(2), (d)(1)-(2).
3. A major source is any stationary source or group of stationary sources located within a contiguous area and under common control that emits (or has the potential to emit), in the aggregate, 10 tons per year or more of any HAP or 25 tons per year or more of any combination of HAPs. 42 U.S.C. § 7412(a)(1).

i. 40 C.F.R. Part 63, Subpart A—NESHAP General Provisions

4. EPA promulgated the General Provisions for NESHAPs on March 16, 1994. See 59 Fed. Reg. 12430.
5. The provisions of Subpart A are applicable to owners or operators of any stationary source that emits (or has the potential to emit) any HAP; and is subject to any standard, limitation, prohibition, or other federally enforceable requirement established pursuant to Part 63. 40 C.F.R. § 63.1(b)(1).
6. A stationary source is any building, structure, facility, or installation which emits (or may emit) any air pollutant. 40 C.F.R. § 63.2.
7. A HAP is any pollutant, including hexane, listed in Section 112(b) of the CAA. 40 C.F.R. § 63.2.
8. Subpart A requires the owner or operator of an affected source for which any relevant standard has been established pursuant to Section 112 of the CAA to comply with certain operation and maintenance requirements. 40 C.F.R. § 63.6(a)(1).
9. Subpart A imposes a general duty to, at all times, including periods of startup, shutdown, and malfunction, operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. 40 C.F.R. § 63.6(e)(1)(i).
10. Subpart A also contains control device and work practice requirements applicable to flares. 40 C.F.R. § 63.11(b).

11. Steam-assisted flares are required to be designed for and operated with an exit velocity less than 18.3 m/sec (60 ft/sec), except as provided in paragraphs (b)(7)(ii) and (b)(7)(iii) of § 63.11. The exit velocity of a flare is determined by dividing by the volumetric flow rate of gas being combusted (in units of emission standard temperature and pressure), as determined by Test Method 2, 2A, 2C, or 2D in appendix A to 40 C.F.R. part 60 of Chapter I, as appropriate, by the unobstructed (free) cross-sectional area of the flare tip. 40 C.F.R. § 63.11(b)(7)(i).
12. However, steam-assisted flares designed for and operated with an exit velocity, as determined by the method specified in (b)(7)(i) of § 63.11, less than the maximum permitted velocity, V_{max} , as determined by the method in this paragraph, but less than 122 m/sec (400 ft/sec) are allowed. 40 C.F.R. § 63.11(b)(7)(iii).

ii. 40 C.F.R. Part 63, Subpart H—NESHAPs for Equipment Leaks

13. EPA promulgated the NESHAPs for Equipment Leaks on April 22, 1994. *See* 59 Fed. Reg. 19568.
14. EPA amended Subpart H on numerous occasions, including relevant amendments to § 63.161 “Definitions” on May 16, 2024. *See* 89 Fed. Reg. 43221. The definitions in effect prior to May 16, 2024 are applicable to, and cited in, this NOV.
15. The provisions of Subpart H are applicable to open-ended valves or lines and connectors intended to operate in organic HAP service 300 hours or more during the calendar year within a source. 40 C.F.R. § 63.160(a).
16. A connector is a flanged, screwed, or other joined fitting used to connect two pipe lines or a pipe line and a piece of equipment. 40 C.F.R. § 63.161.
17. An open-ended valve or line is any valve, except pressure relief valves, having one side in contact with process fluid and one side open to atmosphere, either directly or through open piping. 40 C.F.R. § 63.161.
18. “In organic HAP” or “in organic HAP service” means a piece of equipment or heat exchange system that either contains or contacts a fluid (liquid or gas) that is at least 5 % by weight of total organic HAPs as determined by the provisions of § 63.180(d). 40 C.F.R. § 63.161.
19. Subpart H requires each open-ended valve or line to be equipped with a cap, blind flange, plug, or second valve that seals the open end at all times. 40 C.F.R. § 63.167(a)(1)-(2).
20. All applicable connectors in gas/vapor and light liquid service must be monitored using the method specified in § 63.180(b). 40 C.F.R. § 63.174(a)(1). Such monitoring is

required annually unless skip periods, not to exceed four years, apply. 40 C.F.R. § 63.174(b)(3).

iii. **40 C.F.R. Part 63, Subpart U—NESHAPs for Group I Polymers and Resins**

21. EPA promulgated the NESHAPs for Group I Polymers and Resins on September 5, 1996. *See* 61 Fed. Reg. 46925.
22. The provisions of Subpart U are applicable to each group of one or more elastomer product process units (“EPPU”) and associated equipment, including control devices, such as flares. 40 C.F.R. § 63.480(a)(4).
23. Table 1 to Subpart U states that 40 C.F.R. § 63.11(b) specifies requirements for flares used to comply with provisions of Subpart U.
24. Subpart U imposes a general duty to, at all times, operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. 40 C.F.R. § 63.483(a).

iv. **40 C.F.R. Part 63, Subpart FFFF—NESHAPs for Miscellaneous Organic Chemical Manufacturing**

25. EPA promulgated the NESHAPs for MON on November 10, 2003. *See* 68 Fed. Reg. 63,852.
26. EPA amended Subpart FFFF on numerous occasions, including relevant amendments on August 12, 2020, that required supplements to the notification of compliance status (“NOCS”) be submitted in certain circumstances and adjusted the applicability of Subpart A. *See* 85 Fed. Reg. 49,084; 71 Fed. Reg. 40,316; 87 Fed. Reg. 77,985; and 89 Fed. Reg. 23,840.
27. Subpart FFFF establishes requirements to demonstrate initial and continuous compliance with emission limits, operating limits, and work practice standards. 40 C.F.R. § 63.2430.
28. Subpart FFFF is applicable to owners and operators of miscellaneous organic chemical manufacturing process units (“MCPU”) located at, or part of, a major source of HAP emissions as defined in Section 112(a) of the CAA. 40 C.F.R. § 63.2435(a).
29. MCPUs include equipment necessary to operate a MON process that produces organic chemical(s), including those classified under SIC codes 282 and 286; and equipment that processes, uses, or generates any organic HAPs listed in Section 112(b) of the CAA. An MCU includes any assigned storage tanks. 40 C.F.R. § 63.2435(b)(1)-(2).

30. If the predominant use of a storage tank is associated with a miscellaneous organic chemical manufacturing process, and the storage tank is not part of an affected source under Part 63, then the storage tank must be assigned to the MCPU for that MON process. If the predominant use cannot be determined, the storage tank may be assigned to any MCPU that shares it and is subject to Subpart FFFF. This determination must be included in the NOCS report specified in 40 C.F.R. § 63.2520(d), and must be redetermined at least once every 5 years. 40 C.F.R. § 63.2435(d).
31. An owner or operator of equipment that is in organic HAP service, and that is part of any MCPU, can elect to comply with the requirements of Subpart UU or H of Part 63, or Subpart F of Part 65 for equipment leaks. See Table 6 of Subpart FFFF.
32. Subpart FFFF imposes a general duty to, at all times, “operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions” beginning no later than August 12, 2023. 40 C.F.R. § 63.2450(u).
33. Additionally, Subpart FFFF included certain Subpart A operation and maintenance requirements applicable through August 11, 2023. See 40 C.F.R. § 63 Subpart FFFF, Table 12 (identifying 40 C.F.R. § 63.6(e)(1)(i)-(ii) as applicable through August 11, 2023). Beginning August 12, 2023, 40 C.F.R. § 63.2450(u) became applicable in lieu of 40 C.F.R. § 63.6(e)(1)(i)-(ii).
34. Subpart FFFF also establishes the requirements for control devices, including flares. For organic HAP emissions controlled by a flare, an owner or operator can elect to comply with 40 C.F.R. § 63.982(b) (Subpart SS) or 40 C.F.R. § 63.2450(e)(5). If an owner or operator elects to comply with 40 C.F.R. § 63.982(b), the flares must meet the performance requirements of 63.11(b) in Subpart A. 40 C.F.R. § 63.2450(e).
35. Subpart FFFF imposes notification requirements for owners and operators of affected sources. See *generally* 40 C.F.R. § 63.2515.
36. 40 C.F.R. § 63.2515(b) requires owners and operators of affected sources with a startup date prior to November 10, 2003, to submit an initial NOCS and supplement the NOCS as specified in 40 C.F.R. § 63.2520(d)(3)-(6).
37. 40 C.F.R. § 63.2520(d)(4) establishes that “[f]or pressure relief devices subject to the pressure release management work practice standards in § 63.2480(e)(3),” an owner or operator of an affected source “must also submit the information listed in paragraphs (d)(4)(i) and (ii)” of 40 C.F.R. § 63.2520 in a supplement to the NOCS within 150 days after the first applicable compliance date for pressure relief device monitoring (“PRD”). 40 C.F.R. § 63.2520(d)(4).

38. Subpart FFFF also contains pressure release management requirements for all PRD in organic HAP service. 40 C.F.R. § 63.2480(e)(3).
39. Specifically, each PRD must be equipped with a device or use a monitoring system that notifies operators immediately that a pressure release is occurring. The device or monitoring system must be either specific to the PRD itself or must be associated with the process system or piping, sufficient to indicate a pressure release to the atmosphere. 40 C.F.R. § 63.2480(e)(3)(i)(c).

B. New Source Performance Standards

40. Section 111(b)(1)(A) of the CAA requires EPA to publish and periodically revise a list of categories of stationary sources, including those that, in EPA's judgment, cause or contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. 42 U.S.C. § 7411(b)(1)(A).
41. Once a category is included on the list EPA is required to promulgate federal standards of performance for new sources within the category, also known as an NSPS 42 U.S.C. § 7411(b)(1)(B). An owner or operator of a new source is prohibited from operating that source in violation of a NSPS after the effective date of the NSPS applicable to such source. 42 U.S.C. § 7411(e).
42. The NSPS rules are contained in Part 60 of Title 40 of the Code of Federal Regulations.
 - i. **40 C.F.R. Part 60, Subpart VV—Standards of Performance for Equipment Leaks of VOCs in the SOCMI for which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006**
43. EPA promulgated the NSPS for equipment leaks of VOC in the SOCMI on October 18, 1983. *See* 48 Fed. Reg. 48335.
44. The provisions of Subpart VV are applicable to SOCMI affected facilities that commenced construction, reconstruction, or modification after January 5, 1981, and on or before November 7, 2006. 40 C.F.R. § 60.480(a)-(b).
45. An affected facility is all equipment, as defined in § 60.481, within a process unit. 40 C.F.R. § 60.480(b). Equipment includes PRDs and other devices or systems required by Subpart VV. 40 C.F.R. § 60.481.
46. Each PRD in gas/vapor service is required to be operated with no detectable emissions, as indicated by an instrument reading of less than 500 parts per million ("ppm") above background, as specified in § 60.485(c). 40 C.F.R. § 60.482-4(a).

47. 40 C.F.R. § 60.485 contains the test methods and procedures owners and operators are required to follow, including requirements to determine compliance with the no detectable emissions standard.

C. Texas State Implementation Plan

48. Section 108(a) of the CAA requires EPA to identify and prepare air quality criteria for each air pollutant, emissions of which may endanger public health or welfare, and the presence of which results from numerous or diverse mobile or stationary sources. 42 U.S.C. § 7408(a).
49. For each such “criteria” pollutant EPA is required to promulgate national ambient air quality standards (“NAAQS”) requisite to protect the public health and welfare. 42 U.S.C. § 7409.
50. Each state is required to adopt and submit a plan to EPA that provides for the implementation, maintenance, and enforcement of NAAQS in each air quality control region. This plan is known a state implementation plan (“SIP”). 42. U.S.C. § 7410(a).
51. Each SIP must include regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure NAAQS are achieved. 42 U.S.C. § 7410(a)(2)(c).
52. Upon EPA approval, SIP requirements are federally enforceable under Section 113 of the CAA. 42 U.S.C. § 7413(a)-(b). In addition, any permit limitation or condition contained within a permit issued under an EPA-approved program that is incorporated in a SIP is federally enforceable under Section 113. 40 C.F.R. § 52.23.
53. Pursuant to Section 110 of the CAA, Texas adopted regulations that comprise the SIP for Texas (“Texas SIP”). 42. U.S.C. § 7410. The Texas SIP regulations, as approved by EPA, are contained in 40 C.F.R. § 52.2270(c).
54. The Texas SIP control requirements for loading and unloading VOCs were approved by EPA on July 16, 2001. See 66 Fed. Reg. 36,913.
55. All land-based VOC transfers to or from transport vessels are required to be conducted in a way that all liquid and vapor lines are equipped with fittings which make vapor-tight connections that close automatically when disconnected; or equipped to permit residual VOC after transfer is complete to discharge into a recovery or disposal system which routes all VOC emissions to a vapor control system or a vapor balance system. 30 TAC § 115.212 (a)(3)(A)(ii).
56. Texas, through the Texas Commission on Environmental Quality (“TCEQ”), is authorized to issue and enforce NSR Permits. 30 TAC Chapter 116, Subpart B.

- 57. Under the Texas NSR Permit program, a source must apply for, and obtain, a permit to construct any new or modified source of air contaminants. 30 TAC § 116.110(a)(1).
- 58. Texas NSR permits may contain general or special conditions. 30 TAC § 116.115(a).
- 59. Texas NSR Permit holders must comply with all special conditions in the permit. 30 TAC § 116.115(c).
- 60. Requirements and conditions in NSR Permits issued by Texas pursuant to its federally-approved NSR program are federally enforceable. 30 TAC §§ 101.1(36) and 116.10(5).

II. Findings of Fact

- 61. Goodyear owns and operates the Beaumont Chemical Plant located at 11357 Interstate Highway 10 East, Jefferson County, Beaumont, TX 77705.
- 62. The Facility is a synthetic rubber manufacturing plant that produces synthetic rubbers, including polyisoprene, polybutadiene, and styrene-butadiene. The following units at the Facility are relevant to this NOV:
 - i. 821 Unit ("Isoprene Unit") separates polymerization-grade isoprene from by-product streams and pentane (C5s) purchased from ethylene manufacturers. The purified isoprene is sent to the 829 Unit ("Natsyn Unit") for use in synthetic rubber production or sold to external customers (SIC code 2869/NAICS code 325199);
 - ii. Natsyn Unit uses solution polymerization to produce synthetic rubber (polyisoprene) using acetonitrile and n-hexane (SIC code 2822/NAICS code 325212);
 - iii. 840 Unit ("Budene Unit") produces polybutadiene, styrene-butadiene rubbers, and speciality polymers using isoprene;
 - iv. 850 Unit ("Polybutadiene Unit") produces polybutadiene rubber and solution styrene butadiene rubber; and
 - v. 880 Unit ("Budene NA Unit") produces polybutadiene rubber.
- 63. The Facility is a major source for VOCs and was issued CAA Title V Federal Operating Permit O-2294, on February 3, 2021, with an expiration date of February 3, 2026.
- 64. The Facility also operates under the following NSR Permits relevant to this NOV:
 - i. NSR Permit No. 22110 is associated with the Isoprene and Natsyn Units and was issued on December 7, 2022, with an expiration date of December 11, 2027; and
 - ii. NSR Permit No. 124670 is associated with the Budene Unit and was issued on July 8, 2022, with an expiration date of July 20, 2026.

65. The Facility operates continuous processes and uses three steam-assisted flares to control emissions:
- i. Flare 130FL-Q501 (“Natsyn Flare”) controls emissions from the Isoprene and Natsyn Units and is subject to 40 C.F.R. 63 Subparts A and FFFF;
 - ii. Flare 280FL-Q504 (“Budene Flare”) controls emissions from the Budene and Budene NA Units and is subject to 40 C.F.R. 63 Subparts A and U; and
 - iii. Flare 850FL-Q504 (“850 Flare”) controls emissions from the Polybutadiene Unit and is subject to 40 C.F.R. 63 Subparts A and U.
66. On February 9, 2024, inspectors from EPA Region 6, Air Enforcement Division and EPA National Enforcement Investigation Center conducted an inspection at the Facility to evaluate compliance with its Title V Air Permit, the CAA, and potential sources of excess emissions using EPA’s Geospatial Measurement of Air Pollution (“GMAP”) vehicle (“GMAP Inspection”).
67. EPA conducted a follow-up inspection of the Facility on February 13, 2024, (“February 2024 Inspection”).
68. EPA requested additional information from the Facility, including flaring data, Leak Detection and Repair (“LDAR”) database, and a copy of the Facility’s NOCS, including any addendums and supplements on February 21, 2024.

A. 40 C.F.R. Part 63, Subpart A

69. As a Facility with a unit subject to 40 C.F.R. Part 63, Subpart FFFF, the Facility is also subject to certain requirements under 40 C.F.R. § 63, Subpart A, including §§ 63.6(e) and 63.11(b). *See* 40 C.F.R. Part 63, Subpart FFFF, Table 12.
70. During February 2024 Inspection, EPA inspectors observed trailing emissions from the Natsyn Flare with an optical gas imaging (“OGI”) camera, indicating insufficient combustion efficiency of hydrocarbons.
71. Based on a review of data provided by the Facility, EPA calculated the steam to vent gas ratio (“SVG”) and determined that the SVG was greater than 3 to 1 for at least one 15-minute block on 631 days at the Natsyn Flare between January 1, 2021, to August 11, 2023.
72. Based on a review of data provided by the Facility, EPA calculated the flare tip exit velocity and determined that the $V_{\max}$ for steam-assisted flares was exceeded in at least one 15-minute block at the following flares:
- i. Natsyn Flare exceeded $V_{\max}$ on 74 days between February 24, 2021, and July 19, 2023;

- ii. Budene Flare exceeded $V_{\max}$ on 61 days between August 31, 2021, and December 22, 2023; and
- iii. 850 Flare exceeded $V_{\max}$ on 20 days between March 19, 2021, and October 17, 2023.

B. 40 C.F.R. Part 63, Subpart H

- 73. The Natsyn Unit is subject to Subpart FFFF. Hexane, a HAP, is stored in a battery of tanks within the Natsyn Unit. The hexane tanks, including Tank F-109, operate in series and are gradually concentrated for use as solvent in the process. Because the predominant use of the hexane tanks is associated with a MCPU, they must be assigned to that MCPU. 40 C.F.R. § 63.2435(d).
- 74. Table 6 of Subpart FFFF lists requirements for leaks from equipment in HAP service that is part of any MCPU. MCPUs in HAP service must comply with the requirements of Subpart UU or Subpart H of Part 63, or Subpart F of Part 65. The Facility elects to comply with Subpart H.
- 75. During the February 2024 Inspection, EPA inspectors observed an open-ended line on Tank F-109 without a cap, blind flange, plug, or second valve.
- 76. Based on a review of the Facility's LDAR database, EPA determined that 190 accessible connectors in HAP service listed as recover/recycle hexane components in the Natsyn Unit were not monitored on an annual basis. For example, the LDAR database indicated component 5205F, a connector in hexane service located in the Natsyn Unit, was last monitored by the Facility in 2008.
- 77. During the February 2024 Inspection, EPA inspectors monitored and identified component 5205F as leaking. The leak was measured by EPA at 1,000 ppm by volume ("ppmv") total VOC.

C. 40 C.F.R. Part 63, Subpart U

- 78. Based on a review of data provided by the Facility, EPA calculated the SVG and determined that the SVG was greater than 3 to 1 for at least one 15-minute block on 1,093 days at the Budene Flare between January 1, 2021 to December 31, 2023.
- 79. During the February 2024 Inspection, EPA inspectors observed trailing emissions from the Budene Flare with an OGI camera, indicating insufficient combustion efficiency for hydrocarbons.
- 80. Based on a review of data provided by the Facility, EPA calculated the SVG and determined that the SVG was greater than 3 to 1 for at least one 15-minute block on 1,080 days at the 850 Flare between January 1, 2021 to December 31, 2023.

D. 40 C.F.R. Part 63, Subpart FFFF

81. Based on a review of data provided by the Facility, EPA calculated the SVG and determined that the SVG was greater than 3 to 1 for at least one 15-minute block on 174 days at the Natsyn Flare between August 12, 2023 and February 1, 2024.
82. The Natsyn and Isoprene Units feature PRDs that route emissions to the atmosphere.
83. The Facility provided the following response to EPA on March 8, 2024: “The initial MON NOCS submittal hardcopy, submitted in 2008 to both EPA and TCEQ, in Goodyear’s files was lost in flooding attributed to Hurricane Harvey and Tropical Storm Imelda. This was prior to Goodyear’s established protocol of scanning all regulatory submittals. A search of the TCEQ’s Online Records repository shows that it was received by the TCEQ on October 03, 2008. Goodyear is in the process of preparing a supplement to the Notification Letter as required by 40 C.F.R. § 63.2520(d)(3), (4), and (5).”
84. The supplement to the NOCS was due on January 9, 2024.
85. The Facility submitted a supplement to the NOCS on May 15, 2024.
86. Based on a review of the supplement to the NOCS, the Facility uses a network of hydrocarbon detectors within the Natsyn Unit that are not associated with individual PRDs sufficient to notify operators immediately of a pressure release to the atmosphere.

E. 40 C.F.R. Part 60, Subpart VV

87. During the February 2024 Inspection, EPA inspectors conducted monitoring and identified a leaking bonnet vent on a PRD (component #6996) that was venting propane hydrocarbons to the atmosphere. The leak was measured by EPA at above 10,000 ppmv VOC.

F. Texas State Implementation Plan

88. NSR Permit No. 22110 Special Condition 9.F requires fugitive emissions monitoring at accessible valves in the Isoprene Unit and Natsyn Unit on a quarterly basis.
89. NSR Permit No. 22110 Special Condition 9.H implements a leak definition of 500 ppmv and repair schedule.
90. NSR Permit No. 22110 Special Condition 9.I provides conditions for allowed skip periods, not to exceed an annual basis.

91. Based on a review of the Facility's LDAR database, EPA determined that 21 accessible valves in gas and light liquid service in the Natsyn Unit were not monitored within the required inspection frequencies.
92. During the February 2024 Inspection, EPA inspectors conducted monitoring and identified a leaking valve (component tag #6961) in VOC propane service located at the Natsyn Unit. The leak was measured by EPA at above 10,000 ppmv total VOC.
93. Based on a review of the Facility's LDAR database the previous inspections were conducted at component tag #6961 on December 13, 2023 and September 19, 2022. The length of time between the previous inspections was 450 days.
94. During the February 2024 Inspection, EPA inspectors conducted monitoring and identified a leaking valve (component tag #6882) in VOC propane service located at Natsyn Unit. The leak was measured by EPA at above 10,000 ppmv total VOC.
95. Based on a review of the Facility's LDAR database the previous inspections were conducted at component tag #6882 on December 8, 2023 and August 10, 2022. The length of time between the previous inspections was 485 days.
96. During the GMAP Inspection, EPA inspectors observed emissions at a loading hose in the old loading rack area associated with stream 11, a mixed C5 product stream containing piperidines and cyclopentane.

III. Conclusions of Law

Based on the Findings of Fact in Section II, EPA has reached the following Conclusions of Law:

Count 1: Violation of 40 C.F.R. § 63.6(e)(1)(i) and 40 C.F.R. § 63.2450(u)

97. Goodyear violated 40 C.F.R. § 63.6(e)(1)(i) because it failed to operate and maintain the Natsyn Flare in a manner consistent with good air pollution control practices for minimizing emissions on 631 days from January 1, 2021 through August 11, 2023 when the SVG was greater than 3 to 1 for at least one 15-minute block.
98. Goodyear violated 40 C.F.R. § 63.2450(u) because it failed to operate and maintain the Natsyn Flare in a manner consistent with good air pollution control practices for minimizing emissions on 174 days from August 12, 2023 through February 1, 2024 when the SVG was greater than 3 to 1 for at least one 15-minute block.

Counts 2 and 3: Violations of 40 C.F.R. § 63.483(a)

99. Goodyear violated 40 C.F.R. § 63.483(a) because it failed to operate and maintain the Budene Flare in a manner consistent with good air pollution control practices for

minimizing emissions on 1,093 days from January 1, 2021 through December 31, 2023 when the SVG was greater than 3 to 1 for at least one 15-minute block.

100. Goodyear violated 40 C.F.R. § 63.483(a) because it failed to operate and maintain the 850 Flare in a manner consistent with good air pollution control practices for minimizing emissions on 1,080 days from January 1, 2021 through December 31, 2023 when the SVG was greater than 3 to 1 for at least one 15-minute block.

Counts 4, 5, and 6: Violations of 40 C.F.R. § 63.11(b)(7)(iii)

101. Goodyear violated 40 C.F.R. § 63.11(b)(7)(iii) because it failed to maintain an exit velocity less than the $V_{\max}$ at the Natsyn Flare on 74 days from February 24, 2021 through July 19, 2023.
102. Goodyear violated 40 C.F.R. § 63.11(b)(7)(iii) because it failed to maintain an exit velocity less than the $V_{\max}$ at the Budene Flare on 61 days from August 31, 2021 through December 22, 2023.
103. Goodyear violated 40 C.F.R. § 63.11(b)(7)(iii) because it failed to maintain an exit velocity less than the $V_{\max}$ at the 850 Flare on 20 days from March 19, 2021 through October 17, 2023.

Count 7: Violation of 40 C.F.R. § 63.2520(d)(4)

104. Goodyear violated 40 C.F.R. § 63.2520(d)(4) because it failed to submit a supplement to the NOCS within 150 days of August 12, 2023, including each PRD subject to the pressure release management work practice standards in 40 § 63.2480(e)(3). The NOCS was due January 9, 2024. Goodyear did not submit the supplement to the NOCS until May 15, 2024.

Count 8: Violation of 40 C.F.R. § 63.2480(e)(3)

105. Goodyear violated 40 C.F.R. § 63.2480(e)(3) because it failed to equip each affected PRD with a device(s) or use a monitoring system capable of identifying a pressure release, recording the time and duration of each pressure release, and notifying operators immediately that a pressure release occurred.

Count 9: Violation of 40 C.F.R. § 63.167(a)

106. Goodyear violated 40 C.F.R. § 63.167(a) because it failed to keep all open-ended valves or lines equipped with a cap, blind flange, plug, or second valve that seals the open end at all times. On February 13, 2024, EPA inspectors observed an open-ended line was not equipped with a cap, blind flange, plug, or second valve, at Tank F-109.

Count 10: Violation of 40 C.F.R. § 63.174(b)(3)

107. Goodyear violated 40 C.F.R. § 63.174(b)(3) because it failed to monitor 190 accessible connectors in the Natsyn Unit at least annually or within an allowable skip period of four years.

Count 11: Violation of 40 C.F.R. § 60.482-4(a)

108. Goodyear violated 40 C.F.R. § 60.482-4(a) because it failed to operate component #6996, a PRD in gas/vapor service, with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as specified in § 60.485(c).

Count 12: Violation of 30 TAC § 115.212(a)(3)(A)(ii)

109. Goodyear violated 30 TAC § 115.212(a)(3)(A)(ii) because it failed to ensure all liquid and vapor lines were equipped to permit residual VOCs after transfer is complete to discharge into a recovery or disposal system which routes all VOC emissions to a vapor control system or a vapor balance system.

Count 13: Violation of 30 TAC § 116.115(c)

110. Goodyear violated 30 TAC § 116.115(c) and Special Conditions 9.F and 9.I of NSR Permit No. 22110 because it failed to timely monitor accessible valves in the Natsyn Unit within the required frequencies.

IV. Enforcement

The EPA's investigation into this matter is continuing. The above information represents specific violations of the CAA, and regulations promulgated thereunder, and the Texas SIP, that EPA believes, at this point, are sufficiently supported by evidence to warrant the allegations in this NOV. The EPA may find additional violations as the investigation continues.

Section 113(a)(3) of the CAA, 42 U.S.C § 7413(a)(3), provides the EPA Administrator with several enforcement options to resolve this SIP violation and other federal violations, including issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action.

V. Opportunity to Confer

This NOV provides you with the opportunity to confer with EPA. EPA requests that Goodyear contact Amber Gremillion Litchfield, Assistant Regional Counsel, at litchfield.amber@epa.gov or (214) 665-2245, within ten (10) business days of receipt of this NOV to discuss this pending matter.

VI. Effective Date

This Notice shall become effective immediately upon issuance.

Cheryl T. Seager
Director Enforcement and
Compliance Assurance Division
U.S. EPA, Region 6