



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

FILED

EXPEDITED SETTLEMENT AGREEMENT (ESA) 21 SEP 23 AM 10: 24

Enforcement Action Identifier No: **CAA 06-2021-3370**

This ESA is issued to: **Texas Instruments Inc. – RFAB Facility**

At: **300 W. Renner Road, Richardson, Texas 75080**

For: **Violating Section 112(r)(7) of the Clean Air Act**

REGIONAL HEARING CLERK
EPA REGION VI

The United States Environmental Protection Agency (EPA), through its delegated official, the Director of the Enforcement and Compliance Assurance Division, and Texas Instruments Inc. – RFAB Facility (Respondent) have agreed to a settlement of this action before filing a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 Code of Federal Regulations (C.F.R.) Part 22.

This ESA is an administrative action for the assessment of civil penalties instituted pursuant to Section 113(d) of the Clean Air Act (CAA or the Act), 42 United States Code (U.S.C.) § 7413(d). Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), the Administrator and the Attorney General jointly determined that cases which meet the criteria set forth in the EPA's Policies¹ are appropriate for administrative penalty action.

ALLEGED VIOLATIONS

From June 28 to July 1, 2021, an authorized representative of the EPA conducted a compliance inspection of the Respondent's facility, owned and operated at the time by Texas Instruments, Inc., located in Richardson, Texas, to determine compliance with the Risk Management Program (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the CAA, 42 U.S.C. § 7412(r). The EPA found that Respondent had violated the RMP regulations and Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), as follows:

1. 40 C.F.R. § 68.39 Hazard Assessment – Documentation

The owner or operator shall maintain the following records on the off-site consequence analyses:

(a) For worst-case scenarios, a description of the vessel or pipeline and substance selected as worst case, assumptions and parameters used, and the rationale for selection.

At the time of the inspection, the basis for selection of single-tank worst-case release scenarios for hydrogen and ammonia, and the rationale for selection for either a severe weather event (e.g., tornado or lightning strike) or a chemical terrorism attack, were not described in the written documentation. The language of the rule requires the rationale for scenario selection to be included in the written hazard assessment documentation.

2. 40 C.F.R. § 68.79 Compliance Audits

(a) The owner or operator shall certify that they have evaluated compliance with the provisions of this subpart at least every three years to verify that procedures and practices developed under this subpart are adequate and are being followed.

At the time of the inspection, the compliance audits completed in June 2017 and December 2020 did not include certification statements, as required by the rule.

¹ "Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Restrictions on the Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provisions" (2013)

SETTLEMENT

In consideration of the factors set forth in Section 113(e) of the Act, 42 U.S.C. § 7413(e), the criteria set forth in EPA's policies, and upon consideration of the entire record, EPA and Respondent enter into this ESA in order to settle the alleged violations, described above, for the total penalty amount of **\$1,800.00**. This settlement is subject to the following terms and conditions:

Respondent, by signing below, waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein, and consents to the assessment of the penalty as stated above. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own costs and fees, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has corrected the alleged violations listed above and has paid the full penalty of **\$1,800.00** by certified or cashier's check made payable to the "United States Treasury" and sent to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

or by alternate payment method (e.g., electronic funds transfer), as described at <http://www.epa.gov/financial/makepayment>.

The Enforcement Action Identifier Number of this ESA is **CAA 06-2021-3370** and must be included on the payment. **The signed ESA and a copy of payment must be sent by email to: lundelius.diana@epa.gov.**

Full payment of the ESA penalty shall only resolve Respondent's civil penalty liability for the violations alleged above. The EPA does not waive any other enforcement action by EPA for any other past, present, or future alleged violations under the CAA or any other statute.

If the signed ESA with a copy of the payment is not returned to EPA Region 6 at the above email address in correct form by Respondent **on or by September 25, 2021**, the proposed ESA is withdrawn, without prejudice to EPA's ability to file additional enforcement actions for the violations identified in this ESA.

This ESA is binding on the EPA and Respondent and is effective upon filing with the Regional Hearing Clerk.

The EPA and Respondent agree to the use of electronic signatures for this matter. The EPA and Respondent further agree to electronic service of this ESA, pursuant to 40 C.F.R. § 22.6, by email to the following addresses:

To EPA: lundelius.diana@epa.gov

To Respondent: z-broadhead@ti.com

SIGNATURE BY RESPONDENT:

Signature: 

Date: September 10, 2021

Name (print): Zane Broadhead

Title (print): Vice President, Worldwide Facilities

Cost of Corrective Actions: NA

Respondent's Brief Description of Complying Action: To correct the alleged violations, Texas Instruments delivered the following documentation to EPA Region 6 on July 19, 2021: (1) Description of rationale for selection of worst-case scenarios in off-site consequences analyses, in accordance with 40 CFR 68.39; and (2) Certification of evaluation of third-party compliance audits of the RFAB RMP/PSM programs by a duly-authorized representative of Texas Instruments, in accordance with 40 CFR 68.79. Texas Instruments has paid the full penalty of \$1800.00

If you need additional space or would like to provide additional supporting documentation, please attach to this document. If support documentation has already been provided, please indicate the date(s) in the description above.

SIGNATURE BY EPA:



Digitally signed by CHERYL SEAGER
DN: c=US, o=U.S. Government, ou=Environmental
Protection Agency, cn=CHERYL SEAGER,
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Date: 2021.09.22 16:56:38 -05'00'

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

It is so ORDERED. This Order shall become effective upon filing of the fully executed ESA with the Regional Hearing Clerk.

**THOMAS
RUCKI**

Digitally signed by THOMAS RUCKI
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=THOMAS RUCKI,
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Thomas Rucki
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify, on the date identified below, a true and correct copy of the foregoing Expedited Settlement Agreement was electronically delivered to the Regional Hearing Clerk, U.S. EPA Region 6 (Mail Code ORC), 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that a true and correct copy was sent this day in the following manner to the addressees:

Copy via email to EPA: lundelius.diana@epa.gov

Copy via email to Respondent: z-broadhead@ti.com

Mr. Zane Broadhead
Vice President, Worldwide Facilities
13542 N. Central Expwy., MS 396
Dallas, Texas 75243

Diana Lundelius, CHMM
United States Environmental Protection Agency,
Region 6