

Page 1 of 2

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2007-1033-AIR-E **TCEQ ID:** RN100870898 **CASE NO.:** 34019  
**RESPONDENT NAME:** The Goodyear Tire & Rubber Company

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Goodyear Houston Chemical Plant, 2000 Goodyear Drive, Houston, Harris County</p> <p><b>TYPE OF OPERATION:</b> Synthetic rubber manufacturing plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on October 8, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768  <b>TCEQ Enforcement Coordinator:</b> Ms. Kimberly Morales, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8938; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468  <b>Respondent:</b> Mr. Winfred T. Colbert, Attorney, The Goodyear Tire &amp; Rubber Company, 1144 East Market Street, Akron, Ohio 44316-0001  Mr. Don E. Stanley, VP, Product Quality and Plant Technology, The Goodyear Tire &amp; Rubber Company, 1144 East Market Street, Akron, Ohio 44316-0001  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> June 8, 2007</p> <p><b>Date of NOV Relating to this Case:</b> June 26, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation. One significant program violation was observed.</p> <p><b>AIR</b></p> <p>Failure to prevent unauthorized emissions. Specifically, 53.04 pounds ("lbs") of Volatile Organic Compounds ("VOCs") (including 49.09 lbs of 1,3 Butadiene), 17.73 lbs of Carbon Monoxide, and 3.48 lbs of Nitrogen Oxides were released from the flare (BPN R1-Q4501) when a B2 Building operator failed to ensure that the correct valve was closed when conducting maintenance on the C Stripping Column, resulting in an emissions event that occurred on May 26, 2007 in the J2 Tank Farm and lasted for five hours (Incident No. 91778). Since this emissions event was avoidable, Goodyear failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.715(a), Flexible Air Permit No. 6618, Special Condition 1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$4,450</p> <p><b>Total Deferred:</b> \$890  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$1,780</p> <p><b>Total Paid (Due) to General Revenue:</b> \$1,780</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (See SEP Attachment A).</p> <p>2) The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent the recurrence of emissions events due to the same cause as the emissions event that occurred on May 26, 2007; and</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public.</p>

Additional ID No(s): HG0289K

**Attachment A**  
**Docket Number: 2007-1033-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** The Goodyear Tire & Rubber Company  
**Payable Penalty Amount:** Three Thousand Five Hundred Sixty Dollars (\$3,560)  
**SEP Amount:** One Thousand Seven Hundred Eighty Dollars (\$1,780)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program  
**Location of SEP:** Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality*.

SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.



The Goodyear Tire & Rubber Company  
Agreed Order – Attachment A

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council  
Houston-Galveston AERCO  
P.O. Box 22777  
Houston, Texas 77227-2777

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088



The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision June 26, 2007

<b>DATES</b>	Assigned	26-Jun-2007	Screening	27-Jun-2007	EPA Due	21-Mar-2008
	PCW	5-Jul-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	The Goodyear Tire & Rubber Company		
Reg. Ent. Ref. No.	RN100870898		
Facility/Site Region	12-Houston	Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	34019	No. of Violations	1
Docket No.	2007-1033-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Kimberly Morales
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 \$2,500

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 78% Enhancement Subtotals 2, 3, & 7 \$1,950

Notes: Penalty enhancement due to four NOVs for the same or similar violations, nine NOVs for non-similar violations (which includes three months of self-reported effluent violations), and two agreed orders containing a denial of liability.

**Culpability** No 0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 0% Reduction Subtotal 5 \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

**EB Amounts** 0% Enhancement\* Subtotal 6 \$0  
 \*Capped at the Total EB \$ Amount

Total EB Amounts	\$162
Approx. Cost of Compliance	\$4,700

**SUM OF SUBTOTALS 1-7** Final Subtotal \$4,450

**OTHER FACTORS AS JUSTICE MAY REQUIRE** Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

**Final Penalty Amount** \$4,450

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty \$4,450

**DEFERRAL** 20% Reduction Adjustment -\$890

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$3,560

<b>Screening Date</b>	27-Jun-2007	<b>Docket No.</b>	2007-1033-AIR-E	<b>PCW</b>
<b>Respondent</b>	The Goodyear Tire & Rubber Company			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	34019			<i>PCW Revision June 26, 2007</i>
<b>Reg. Ent. Reference No.</b>	RN100870898			
<b>Media [Statute]</b>	Air			
<b>Enf. Coordinator</b>	Kimberly Morales			

### Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	4	20%
	Other written NOVs	9	18%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 78%

>> **Repeat Violator (Subtotal 3)**

<span style="border: 1px solid black; padding: 2px;">No</span>	<b>Adjustment Percentage (Subtotal 3)</b> <span style="border: 1px solid black; padding: 2px;">0%</span>
--	--

>> **Compliance History Person Classification (Subtotal 7)**

<span style="border: 1px solid black; padding: 2px;">Average Performer</span>	<b>Adjustment Percentage (Subtotal 7)</b> <span style="border: 1px solid black; padding: 2px;">0%</span>
---	--

>> **Compliance History Summary**

<b>Compliance History Notes</b>	Penalty enhancement due to four NOVs for the same or similar violations, nine NOVs for non-similar violations (which includes three months of self-reported effluent violations), and two agreed orders containing a denial of liability.
---------------------------------	---

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 78%

<b>Screening Date</b>	27-Jun-2007	<b>Docket No.</b>	2007-1033-AIR-E	<b>PCW</b>
<b>Respondent</b>	The Goodyear Tire & Rubber Company			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	34019			<i>PCW Revision June 26, 2007</i>
<b>Reg. Ent. Reference No.</b>	RN100870898			
<b>Media [Statute]</b>	Air			
<b>Enf. Coordinator</b>	Kimberly Morales			

<b>Violation Number</b>	<input type="text" value="1"/>
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 116.715(a), Flexible Air Permit No. 6618, Special Condition 1, and Tex. Health & Safety Code § 382.085(b)
<b>Violation Description</b>	Failed to prevent unauthorized emissions. Specifically, 53.04 pounds ("lbs") of Volatile Organic Compounds (including 49.09 lbs of 1,3 Butadiene), 17.73 lbs of Carbon Monoxide, and 3.48 lbs of Nitrogen Oxides were released from the flare (EPN R1-Q4501) when a B2 Building operator failed to ensure that the correct valve was closed when conducting maintenance on the C Stripping Column, resulting in an emissions event that occurred on May 26, 2007 in the J2 Tank Farm and lasted for five hours (Incident No. 91778). Since this emissions event was avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="X"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				<b>Percent</b> <input type="text" value="25%"/>

**>> Programmatic Matrix**

	<b>Falsification</b>	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.				

**Adjustment**

**Violation Events**

Number of Violation Events        Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text" value="X"/>

**Violation Base Penalty**

One single event is recommended.

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** The Goodyear Tire & Rubber Company  
**Case ID No.** 34019  
**Reg. Ent. Reference No.** RN100870898  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$4,700	26-May-2007	1-Feb-2008	0.7	\$162	n/a	\$162

Notes for DELAYED costs

Estimated cost to train operations personnel on proper procedures for cleaning columns during maintenance events. Date required is the date of the emissions event. Final date is the projected date of corrective action completion.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$4,700

TOTAL

\$162



5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: Special Provision No. 3E PERMIT  
Description: Failure to install a second valve, a blind flange, or tightly-fitting plug or a cap on 138 open ended lines.  
Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(9)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: Special Provision No. 3F PERMIT  
Description: Failure to re-install a pressure gauge between the relief valve and the rupture disk.  
Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter B 117.206(i)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: General Terms & Conditions & Prov 1.E. OP  
Description: Failure to cease operations of firewater pump diesel engines for testing/maintenance between the hours of 6:00 a.m. and noon on 3/4/03, 3/5/03, 3/6/03, 3/10/03, 3/20/03, and 3/26/03. Specifically, Goodyear reported ten deviations of firewater pump diesel engines (U3101A and U3101) operating during restricted hours.  
Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.145(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Gen Terms & Conditions & Prov 2.C(ii) OP  
Description: Failure to conduct sandblasting with adequate enclosure of work areas to prevent airborne particulate emissions on February 12, 2003.  
Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B 115.122(a)(1)[G]  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Gen Terms & Conditions & Provision 1.F. OP  
Description: Failure to use a vapor control system to control a vent gas stream with a control efficiency of at least 90% or to a VOC concentration of no more than 20 ppmv (on a dry basis corrected to 3.0% oxygen for combustion devices).  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.721(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: General Condition No. 1 PERMIT  
Description: Failure to follow operational procedures that resulted in the release of insignificant amounts of contaminants.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.354(4)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165(b)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Gen Terms & Conditions & Prov 1.D. OP  
Description: Failure to measure emissions from a relief valve which has vented to the atmosphere within 24 hours. Specifically, the relief valve vented to atmosphere on July 2, 2003 and was monitored on December 19, 2003.  
Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter E 115.421(a)(9)(A)(iii)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Gen Terms & Conditions & Prov 1.A. OP  
Description: Failure to use a surface coating that would not exceed the VOC emissions limit for miscellaneous metal parts coating. Specifically, Goodyear used a surface coating containing 0.45 kg/liter of VOC.  
Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter B 117.214(b)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Gen Terms & Conditions & Prov 1.E. OP  
Description: Failure to check the engines C2007 and C2008 for proper operation at least quarterly. Specifically, Goodyear failed to test the engine C2008 in the second quarter of 2003 and the engine C2007 in the third quarter of 2003.  
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Condition No. 10 PERMIT

Description: Failure to keep the thermal oxidizer operating when vapors were routed to it. Specifically, Goodyear failed to keep the thermal oxidizer, which was being shutdown due to high water level in the seal pot from operating, which resulted in releases of styrene, carbon disulfide, formaldehyde, and 4-vinylcyclohexene.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Condition 1 PERMIT  
General Terms and Conditions OP  
Special Condition 10A OP

Description: Failure to maintain emissions below permitted limits. Specifically, seven recordable emissions events occurred between December 14, 2003 and January 27, 2004 at Dryers P and Q, and these emissions are not authorized under a flexible permit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Condition 1 PERMIT  
General Terms and Conditions OP  
Special Condition 11A OP

Description: Failure to maintain emissions below permitted limits. Specifically, 14 reportable emissions events occurred between February 29, 2004 and September 20, 2004 at Dryer L, M, P, and Q, and these emissions are not authorized under a flexible permit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 10A OP

Description: Failure to comply with the rolling 12-month, permitted emission cap for ammonia. Specifically, the ammonia limit for December 2003 was 72.6 tons per year and the reported emissions were 74.9 tons.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Condition 10A OP  
Special Condition 3F PERMIT

Description: Failure to install a pressure gauge between the relief valve and a rupture disk. Specifically, Goodyear reported failing to install pressure gauges on reactor R-305G, R-310-C, R-312D, R-314D, R-305D.

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Condition 11A OP  
Special Condition 3F PERMIT

Description: Failure to install a pressure gauge between the relief valve and a rupture disk. Specifically, Goodyear reported failing to install a pressure gauge on reactor R-312D.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Condition 10A OP  
Special Condition 3E PERMIT

Description: Failure to install a second valve, a blind flange, or a tightly fitting plug or cap on eight open

ended lines.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Condition 11A OP  
Special Condition 3E PERMIT

Description: Failure to install a second valve, a blind flange, or a tightly-fitting plug or cap on 13 open ended lines.

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.214(b)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. O-01227, Spec. Cond. No. 1.E. OP

Description: Failure to monitor for nitrogen oxides and carbon monoxide emissions. Specifically, Goodyear was required to sample the emissions from its gas-fired internal combustion engine, C2008, during the first quarter of 2005, but failed to do so.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter H 115.781(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Condition 1A OP  
Special Condition 1K(iv) OP

Description: Failure to identify fugitive components in a process unit in highly-reactive volatile organic compound (HRVOC) service. Specifically, Goodyear failed to identify twenty (20) fugitive components associated with storage vessel F432C.

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)(10)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. O-01227, Spec. Cond. No. 1.E. OP

Description: Failure to record complete information of engine testing and maintenance. Specifically, the backup diesel air compressor, P3NAIR, was tested on January 24, 2003, but Goodyear failed to record the start and end times of that operation.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Condition 2F OP

Description: Failure to timely create a final record of emissions events as soon as practicable. Specifically, emissions events occurred on February 24, 2004, March 11, 2004, and March 16, 2004, but the final records were created one, nine, and four days late, respectively.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failure to report all instances of deviations in a deviation report. Specifically, the deviation report for the period December 13, 2002 through June 13, 2003, failed to include the violation that occurred on January 24, 2003, wherein Goodyear failed to include the start and end times of the operation of P3NAIR.

Effective Date: 02/18/2007

ADMINORDER 2006-0108-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Flexible Permit #6618, SC#1 PA

Description: Failed to maintain emissions below the permitted limit.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	06/27/2002	(1529)
2	07/03/2002	(1605)
3	07/12/2002	(137385)
4	07/12/2002	(137384)
5	07/22/2002	(156759)
6	08/21/2002	(2792)
7	08/21/2002	(156762)
8	09/27/2002	(156765)
9	10/18/2002	(156768)
10	11/22/2002	(156772)
11	11/22/2002	(15946)
12	12/23/2002	(156776)
13	12/31/2002	(20059)
14	01/24/2003	(156780)
15	02/28/2003	(156740)
16	04/10/2003	(156743)
17	04/21/2003	(156748)
18	05/20/2003	(35271)
19	06/23/2003	(156756)
20	07/14/2003	(156752)
21	07/18/2003	(294801)
22	07/28/2003	(114192)
23	08/04/2003	(134070)
24	08/15/2003	(146425)
25	08/18/2003	(144592)
26	08/25/2003	(294803)
27	08/25/2003	(149281)
28	08/26/2003	(149845)
29	09/22/2003	(294805)
30	10/23/2003	(294807)
31	11/14/2003	(250310)
32	11/24/2003	(294808)
33	12/22/2003	(294809)
34	01/02/2004	(255411)
35	01/22/2004	(294810)
36	02/09/2004	(260820)
37	02/25/2004	(294793)
38	02/27/2004	(262209)
39	03/22/2004	(294795)
40	04/07/2004	(263473)
41	04/21/2004	(269401)
42	04/22/2004	(294796)
43	05/25/2004	(294798)
44	06/17/2004	(273894)
45	06/21/2004	(351871)
46	07/22/2004	(351872)
47	08/24/2004	(351873)
48	08/31/2004	(287439)
49	08/31/2004	(291869)
50	08/31/2004	(255443)
51	09/28/2004	(351874)
52	10/11/2004	(333602)
53	10/19/2004	(335249)
54	10/22/2004	(351875)
55	10/22/2004	(335422)
56	11/08/2004	(339909)
57	11/11/2004	(292784)
58	11/18/2004	(336337)
59	11/22/2004	(351876)
60	12/06/2004	(336496)
61	12/20/2004	(351877)
62	01/24/2005	(381739)

63	02/03/2005	(345591)
64	02/24/2005	(381737)
65	03/04/2005	(345793)
66	03/17/2005	(371507)
67	03/22/2005	(381738)
68	03/31/2005	(376107)
69	04/15/2005	(375992)
70	05/18/2005	(371486)
71	06/07/2005	(378740)
72	07/13/2005	(396961)
73	08/11/2005	(402529)
74	08/24/2005	(402035)
75	08/25/2005	(402054)
76	01/09/2006	(438577)
77	02/17/2006	(438968)
78	02/23/2006	(455879)
79	02/25/2006	(456992)
80	04/04/2006	(461480)
81	04/25/2006	(455625)
82	05/26/2006	(467425)
83	05/30/2006	(480187)
84	05/30/2006	(480179)
85	05/30/2006	(480188)
86	05/30/2006	(480180)
87	05/30/2006	(480189)
88	05/30/2006	(480190)
89	05/30/2006	(480191)
90	05/30/2006	(480167)
91	05/30/2006	(480192)
92	05/30/2006	(480168)
93	05/30/2006	(480181)
94	05/30/2006	(480169)
95	05/30/2006	(480170)
96	05/30/2006	(480172)
97	05/30/2006	(480111)
98	05/30/2006	(480173)
99	05/30/2006	(480176)
100	05/30/2006	(480183)
101	05/30/2006	(480178)
102	05/31/2006	(480606)
103	05/31/2006	(480831)
104	05/31/2006	(480690)
105	05/31/2006	(480678)
106	05/31/2006	(480608)
107	05/31/2006	(480650)
108	05/31/2006	(480792)
109	05/31/2006	(480778)
110	05/31/2006	(480661)
111	05/31/2006	(480596)
112	05/31/2006	(480662)
113	05/31/2006	(480849)
114	05/31/2006	(480663)
115	05/31/2006	(480664)
116	05/31/2006	(480611)
117	05/31/2006	(480665)
118	05/31/2006	(480657)
119	05/31/2006	(480667)
120	05/31/2006	(480668)
121	05/31/2006	(480658)
122	05/31/2006	(480659)
123	05/31/2006	(480660)
124	05/31/2006	(480669)
125	05/31/2006	(480670)
126	05/31/2006	(480732)
127	05/31/2006	(480671)
128	05/31/2006	(480672)
129	05/31/2006	(480673)
130	05/31/2006	(480674)

131 05/31/2006 (480685)  
 132 05/31/2006 (480598)  
 133 05/31/2006 (480614)  
 134 05/31/2006 (480817)  
 135 05/31/2006 (480701)  
 136 05/31/2006 (480723)  
 137 05/31/2006 (480773)  
 138 05/31/2006 (480617)  
 139 05/31/2006 (480827)  
 140 05/31/2006 (480599)  
 141 05/31/2006 (480619)  
 142 05/31/2006 (480620)  
 143 05/31/2006 (480804)  
 144 05/31/2006 (480593)  
 145 05/31/2006 (480604)  
 146 05/31/2006 (480621)  
 147 08/16/2006 (486207)  
 148 10/13/2006 (511467)  
 149 10/31/2006 (517141)  
 150 11/28/2006 (531342)  
 151 03/06/2007 (542002)  
 152 03/14/2007 (542004)  
 153 03/15/2007 (542014)  
 154 03/20/2007 (543458)  
 155 03/30/2007 (541041)  
 156 04/13/2007 (555191)  
 157 05/14/2007 (560326)  
 158 06/11/2007 (563799)  
 159 06/25/2007 (563998)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 10/18/2002 (137378)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.7[G]  
 Description: Failure to Comply  
 Date: 10/31/2002 (156772)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 11/15/2002 (15946)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(a)  
 30 TAC Chapter 319, SubChapter A 319.11(b)  
 Description: Failure to correctly collect oil and grease (O&G) sample.  
 Date: 11/30/2002 (156776)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 05/20/2003 (35271)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)  
 Description: Failure to provide a hatch on the GST that has a raised curbing of four inches and  
 overhangs by 2 inches.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(v)  
 Description: Failure to provide pressure facilities.  
 Date: 01/02/2004 (255411)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 Rqmt Prov: PERMIT 6618  
 Description: During the investigation conducted on November 3-5, 2003, it was determined that  
 Goodyear failed to equip five open-ended valves with a second valve, plug, cap or  
 a blind.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)(4)(ii)(C)  
Description: During the investigation conducted on November 5, 2003, it was determined that Goodyear failed to use approximately 5,000 ppm calibration gas to calibrate instrument to monitor pumps to which a 5,000 parts per million (ppm) leak definition applies

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)(ix)  
Description: During the investigation conducted on November 5, 2003, it was determined that Goodyear failed to correctly report the summary of the total number of connectors found leaking on semi annual reports for the period from October 1, 2001 through December 31, 2001, January 1, 2002 through March 31, 2002, and April 1, 2002 t

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(e)  
Description: During the investigation conducted on November 3-5, 2003, it was determined that Goodyear failed to correctly report percent leaking valves in a monitoring period (on a quarterly basis). Goodyear reported percent leaking of valves as rolling average of two consecutive quarters in periodic reports required by 40 CFR 63

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(d)(4)  
Description: During the investigation conducted on November 5, 2003, it was determined that Goodyear failed to correctly report percent leaking pumps in a monthly basis. Goodyear reported percent leaking pumps as rolling average of six months in periodic report required by 40 CFR 63 Subparts H and U dated June 29, 2001, January 7,

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.352(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)  
Description: During the investigation conducted on November 3-5, 2003, it was determined that Goodyear failed to attempt the repair of a leaking valve (tag number 805296), within the required five days of discovery.  
Date: 02/29/2004 (294795)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter  
Date: 08/31/2004 (287439)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.721(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: PA TCEQ AIR PERMIT NO. 6618  
OP Title V Permit No. 1227  
Description: Due to inadequate dryer cleaning, a buildup of rubber ignited a fire within the dryer on December 14, 2004. This is a violation of 30 TAC Chapter 116.721(a).  
Date: 11/18/2004 (336337)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)  
Rqmt Prov: PERMIT Special Condition 3F  
Description: Failure to monitor five valves included on Unit C-3 Blowdown Tank No. 3-F in the 4th quarter of 2003.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
Rqmt Prov: OP Special Terms and Conditions 1. K (iv)  
Description: Failed to attempt the required first repair within one (1) business day or repair within seven calendar days for seven (7) components in HRVOC service found leaking above 10,000 ppmv.  
Date: 06/07/2005 (378740)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.721(a)

Rqmt Prov: PERMIT TCEQ Air Permit No. 6618 GC #1  
 Description: Failure to operate in accordance with the operation procedures represented in the application for a flexible permit.  
 Date: 02/21/2006 (438968)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PA Flexible Permit #6618, SC #2  
 Description: An accumulation of oxidized crumb rubber fines inside the dryer caught fire resulting in 80% opacity for the 10 minute period.  
 Date: 04/26/2006 (455625)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]  
 30 TAC Chapter 101, SubChapter F 101.201(c)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: PERMIT Flexible Permit 6618  
 Description: Failure to comply with the emissions event reporting requirements.  
 Date: 04/13/2007 (555191)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to submit noncompliance notification for an effluent exceedence of greater than 40%.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
THE GOODYEAR TIRE & RUBBER  
COMPANY  
RN100870898

§  
§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2007-1033-AIR-E

I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding The Goodyear Tire & Rubber Company ("Goodyear") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Goodyear appear before the Commission and together stipulate that:

1. Goodyear owns and operates a synthetic rubber manufacturing plant at 2000 Goodyear Drive in Houston, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Goodyear agree that the Commission has jurisdiction to enter this Agreed Order, and that Goodyear is subject to the Commission's jurisdiction.
4. Goodyear received notice of the violations alleged in Section II ("Allegations") on or about July 1, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Goodyear of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Four Thousand Four Hundred Fifty Dollars (\$4,450) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Goodyear has paid One Thousand Seven Hundred Eighty Dollars (\$1,780) of the administrative penalty and Eight Hundred Ninety Dollars (\$890) is deferred contingent upon



Goodyear's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Goodyear fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Goodyear to pay all or part of the deferred penalty. One Thousand Seven Hundred Eighty Dollars (\$1,780) shall be conditionally offset by Goodyear's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Goodyear have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Goodyear has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, Goodyear is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Flexible Air Permit No. 6618, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 8, 2007. Specifically, 53.04 pounds ("lbs") of Volatile Organic Compounds (including 49.09 lbs of 1,3 Butadiene), 17.73 lbs of Carbon Monoxide, and 3.48 lbs of Nitrogen Oxides were released from the flare (EPN R1-Q4501) when a B2 Building operator failed to ensure that the correct valve was closed when conducting maintenance on the C Stripping Column, resulting in an emissions event that occurred on May 26, 2007 in the J2 Tank Farm and lasted for five hours (Incident No. 91778). Since this emissions event was avoidable, Goodyear failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

## III. DENIALS

Goodyear generally denies each allegation in Section II ("Allegations").



#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Goodyear pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Goodyear's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Goodyear Tire & Rubber Company, Docket No. 2007-1033-AIR-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. Goodyear shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, One Thousand Seven Hundred Eighty Dollars (\$1,780) of the assessed administrative penalty shall be offset with the condition that Goodyear implement the SEP defined in Attachment A, incorporated herein by reference. Goodyear's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that Goodyear shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent the recurrence of emissions events due to the same cause as the emissions event that occurred on May 26, 2007; and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087



Austin, Texas 78711-3087

with a copy to:

Air Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon Goodyear. Goodyear is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If Goodyear fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Goodyear's failure to comply is not a violation of this Agreed Order. Goodyear shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Goodyear shall notify the Executive Director within seven days after Goodyear becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Goodyear shall be made in writing to the Executive Director. Extensions are not effective until Goodyear receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against Goodyear in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Goodyear, or three days after the date on which the Commission mails notice of the Order to Goodyear, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

John S. Sullivan  
\_\_\_\_\_  
For the Executive Director

9/11/07  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Don E. Stanley  
\_\_\_\_\_  
Signature

July 31, 2007  
\_\_\_\_\_  
Date

Don E. Stanley  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
The Goodyear Tire & Rubber Company

VP, Product Quality and  
Plant Technology  
\_\_\_\_\_  
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

ATTEST:

[Signature]  
\_\_\_\_\_  
ASST. SECRETARY

Handwritten text, possibly a signature or name, located in the lower right quadrant of the page.

Handwritten text, possibly a signature or name, located in the lower center of the page.

Attachment A  
Docket Number: 2007-1033-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>The Goodyear Tire &amp; Rubber Company</b>
<b>Payable Penalty Amount:</b>	<b>Three Thousand Five Hundred Sixty Dollars (\$3,560)</b>
<b>SEP Amount:</b>	<b>One Thousand Seven Hundred Eighty Dollars (\$1,780)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program</b>
<b>Location of SEP:</b>	<b>Harris County</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality*.

SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.



The Goodyear Tire & Rubber Company  
Agreed Order – Attachment A

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Houston-Galveston Area Council  
Houston-Galveston AERCO  
P.O. Box 22777  
Houston, Texas 77227-2777

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088



The Goodyear Tire & Rubber Company  
Agreed Order – Attachment A

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

