

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2007-0750-AIR-E **TCEQ ID:** RN102736089 **CASE NO.:** 33426
RESPONDENT NAME: Lucite International, Inc.

| | | |
|--|---|--|
| ORDER TYPE: | | |
| <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 | |
| CASE TYPE: | | |
| <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>SITE WHERE VIOLATION(S) OCCURRED: Lucite Beaumont Site, 6350 North Twin City Highway, Nederland, Jefferson County</p> <p>TYPE OF OPERATION: Industrial organic chemical plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2007-115-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on September 17, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Mr. Daniel Siringi, Enforcement Division, Enforcement Team 5, R-10, (409) 899-8799; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. Robert Wisenbaker, Plant Manager, Lucite International, Inc., 6350 North Twin City Highway, Nederland, Texas 77627; Mr. Kevin B. Burgason, Site Manager, Beaumont Site, Lucite International, Inc., 6350 North Twin City Highway, Nederland, Texas 77627 Respondent's Attorney: Not represented by counsel on this enforcement matter</p> | | |

VIOLATION SUMMARY CHART:

| VIOLATION INFORMATION | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED |
|--|---|---|
| <p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: March 1, 2007</p> <p>Date of NOE Relating to this Case: April 27, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation. One violation was documented.</p> <p>AIR</p> <p>Failure to prevent unauthorized emissions of 179.58 pounds ("lbs") of Nitrogen Oxides ("NOx") and 1754.92 lbs of Sulfur Dioxide ("SO2") during a 15.98 hour ("hr") emissions event which occurred at the Spent Acid Regeneration ("SAR") Unit Main Stack, beginning on October 26, 2006. Since the emissions event was avoidable with proper operational procedures, Lucite failed to meet the demonstrations for an affirmative defense 30 TEX. ADMIN. CODE § 101.222(b)(1) [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), 122.143(4), Federal Operating Permit ("FOP") No. O-01437, General Conditions, Special Condition 2(I) and 12, Air Permit No. 19005/PSD-TX-753, Special Condition 1 and TEXAS HEALTH & SAFETY CODE § 382.085(b)].</p> | <p>Total Assessed: \$3,050</p> <p>Total Deferred: \$610 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$1,220</p> <p>Total Paid to General Revenue: \$1,220</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> | <p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that on June 1, 2007, the Respondent submitted documentation that the motor base for the North Process Pre-heater Recycle Fan which caused unauthorized emissions on October 26-27, 2006, has been clearly labeled with permanent markings with the correct rotation for the motor.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See Attachment A).</p> |

Attachment A
Docket Number: 2007-0750-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Lucite International, Inc.

Payable Penalty Amount: Two Thousand Four Hundred Forty Dollars (\$2,440)

SEP Amount: One Thousand Two Hundred Twenty Dollars (\$1,220)

Type of SEP: Pre-approved

Third-Party Recipient: South East Texas Regional Planning Commission-West Port Arthur Home Energy Efficiency Program

Location of SEP: Jefferson 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 shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to conduct home energy audits and to assist low income residents in the West Port Arthur area by weatherizing their homes which will improve their homes' energy efficiency. SEP monies will be used to pay for the cost of caulking and insulating homes, replacing heating and cooling systems and major appliances with new, energy efficient equipment.

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.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and nitrogen oxides associated with the combustion of fuel and generation of electricity. Additionally, the improvements will improve homes as shelters for responding to emergency releases.

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.

Lucite International, Inc.
Agreed Order – Attachment A

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:

South East Texas Regional Planning Commission
Transportation and Environmental Resources
Bob Dickenson, Director
2210 Eastex Freeway
Beaumont, Texas 77703

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.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 26, 2007

TCEQ

| | | | | | | |
|-------|----------|-------------|-----------|------------|---------|------------|
| DATES | Assigned | 30-Apr-2007 | Screening | 7-May-2007 | EPA Due | 1-Feb-2008 |
| | PCW | 7-May-2007 | | | | |

| | | | |
|--|----------------------------|--------------------|-------|
| RESPONDENT/FACILITY INFORMATION | | | |
| Respondent | Lucite International, Inc. | | |
| Reg. Ent. Ref. No. | RN102736089 | | |
| Facility/Site Region | 10-Beaumont | Major/Minor Source | Major |

| | | | |
|-------------------------|-----------------|-------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 33426 | No. of Violations | 1 |
| Docket No. | 2007-0750-AIR-E | Order Type | 1660 |
| Media Program(s) | Air | Enf. Coordinator | Daniel Siringi |
| 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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement Subtotals 2, 3, & 7

Notes: Enhancement for one (1) 1660 order and one (1) NOV without same or similar violations in the past five years at this plant.

Culpability Enhancement Subtotal 4

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Reduction Subtotal 5

| | | |
|---------------|-------------------------------------|-------------------------------|
| | Before NOV | NOV to EDPRP/Settlement Offer |
| Extraordinary | <input type="text"/> | <input type="text"/> |
| Ordinary | <input type="text"/> | <input type="text"/> |
| N/A | <input checked="" type="checkbox"/> | (mark with x) |

Notes: The Respondent came into compliance on 6/1/07 after the settlement offer (5/23/07).

Total EB Amounts Subtotal 6
Approx. Cost of Compliance *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

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

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Reduction Adjustment

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

Screening Date 7-May-2007

Docket No. 2007-0750-AIR-E

PCW

Respondent Lucite International, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33426

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN102736089

Media [Statute] Air

Enf. Coordinator Daniel Siringi

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 (number of NOVs meeting criteria) | 0 | 0% |
| | Other written NOVs | 1 | 2% |
| Orders | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria) | 1 | 20% |
| | 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 (number of judgments or consent decrees meeting criteria) | 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 (number of counts) | 0 | 0% |
| Emissions | Chronic excessive emissions events (number of events) | 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 (number of audits for which notices were submitted) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) | 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) 22%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one (1) 1660 order and one (1) NOV without same or similar violations in the past five years at this plant.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 22%

Screening Date 7-May-2007

Docket No. 2007-0750-AIR-E

PCW

Respondent Lucite International, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33426

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN102736089

Media [Statute] Air

Enf. Coordinator Daniel Siringi

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), 122.143(4), Federal Operating Permit ("FOP") No. O-01437, General Conditions, Special Condition 2(I) and 12, Air Permit No. 19005/PSD-TX-753, Special Condition 1 and Texas Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions of 179.58 pounds ("lbs") of Nitrogen Oxides ("NOx") and 1754.92 lbs of Sulfur Dioxide ("SO2") during a 15.98 hour ("hr") emissions event which occurred at the Spent Acid Regeneration ("SAR") Unit Main Stack, beginning on October 26, 2006. Since the emissions event was avoidable with proper operational procedures, Lucite failed to meet the demonstrations for an affirmative defense 30 Tex. Admin. Code § 101.222(b)(1).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | X |
| Potential | | | |

Percent 25%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0%

Matrix Notes

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 \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

| | | |
|-------------------------|--------------|---|
| mark only one with an x | daily | |
| | monthly | |
| | quarterly | |
| | semiannual | |
| | annual | |
| | single event | X |

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$72

Violation Final Penalty Total \$3,050

This violation Final Assessed Penalty (adjusted for limits) \$3,050

Economic Benefit Worksheet

Respondent Lucite International, Inc.
Case ID No. 33426
Reg. Ent. Reference No. RN102736089
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

| | | | | | | | |
|--------------------------|---------|-------------|------------|-----|------|-----|------|
| 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) | \$2,400 | 26-Oct-2006 | 1-Jun-2007 | 0.6 | \$72 | n/a | \$72 |

Notes for DELAYED costs

Estimated cost of maintaining the north preheater air recycle fan in the SAR Unit. Date required is the date the emissions event began and the final date is the date Lucite completed all corrective actions.

Avoided Costs

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

| | | | | | | | |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| 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

\$2,400

TOTAL

\$72

Compliance History

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|------------------------------|---------------------|------------------------|--------|-------|------------------------|--------|-------|------------------------|--------|-------|------------------------|--------|-------|------------------------|----------------|---------|------------------------|--------|-------|------------------------|---------|------------|------------------------|--------|----------|------------------------|--------|------|------------------------|--------|-------|------------------------|--------|-----|------------------------|--------------|-------|------------------------|--------------|-------|------------------------|--------------|-------|-----------------------|--------|------|-----------------------|----------------|---------|-----------------------|--------|------|-----------------------|--------|------|---|--------|--------------|---|----------------------------------|-------|----------------------------|--------------|---------|
| Customer/Respondent/Owner-Operator: | CN601448764 Lucite International, Inc. | Classification: AVERAGE | Rating: 3.24 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Regulated Entity: | RN102736089 LUCITE BEAUMONT SITE | Classification: AVERAGE | Site Rating: 2.46 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ID Number(s): | <table style="width: 100%; border-collapse: collapse;"> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>19005</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>19004</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>19003</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>29568</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>ACCOUNT NUMBER</td><td>JE0425E</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>53554</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>AFS NUM</td><td>4824500136</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>EPA ID</td><td>PSDTX753</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>1743</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>2796A</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>318</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>79737</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>80291</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>81499</td></tr> <tr><td>AIR OPERATING PERMITS</td><td>PERMIT</td><td>1437</td></tr> <tr><td>AIR OPERATING PERMITS</td><td>ACCOUNT NUMBER</td><td>JE0425E</td></tr> <tr><td>AIR OPERATING PERMITS</td><td>PERMIT</td><td>1959</td></tr> <tr><td>AIR OPERATING PERMITS</td><td>PERMIT</td><td>1960</td></tr> <tr><td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td><td>EPA ID</td><td>TXD988088761</td></tr> <tr><td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td><td>SOLID WASTE REGISTRATION # (SWR)</td><td>81282</td></tr> <tr><td>PUBLIC WATER SYSTEM/SUPPLY</td><td>REGISTRATION</td><td>1230066</td></tr> </table> | | | AIR NEW SOURCE PERMITS | PERMIT | 19005 | AIR NEW SOURCE PERMITS | PERMIT | 19004 | AIR NEW SOURCE PERMITS | PERMIT | 19003 | AIR NEW SOURCE PERMITS | PERMIT | 29568 | AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | JE0425E | AIR NEW SOURCE PERMITS | PERMIT | 53554 | AIR NEW SOURCE PERMITS | AFS NUM | 4824500136 | AIR NEW SOURCE PERMITS | EPA ID | PSDTX753 | AIR NEW SOURCE PERMITS | PERMIT | 1743 | AIR NEW SOURCE PERMITS | PERMIT | 2796A | AIR NEW SOURCE PERMITS | PERMIT | 318 | AIR NEW SOURCE PERMITS | REGISTRATION | 79737 | AIR NEW SOURCE PERMITS | REGISTRATION | 80291 | AIR NEW SOURCE PERMITS | REGISTRATION | 81499 | AIR OPERATING PERMITS | PERMIT | 1437 | AIR OPERATING PERMITS | ACCOUNT NUMBER | JE0425E | AIR OPERATING PERMITS | PERMIT | 1959 | AIR OPERATING PERMITS | PERMIT | 1960 | INDUSTRIAL AND HAZARDOUS WASTE GENERATION | EPA ID | TXD988088761 | INDUSTRIAL AND HAZARDOUS WASTE GENERATION | SOLID WASTE REGISTRATION # (SWR) | 81282 | PUBLIC WATER SYSTEM/SUPPLY | REGISTRATION | 1230066 |
| AIR NEW SOURCE PERMITS | PERMIT | 19005 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | PERMIT | 19004 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | PERMIT | 19003 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | PERMIT | 29568 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | JE0425E | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | PERMIT | 53554 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | AFS NUM | 4824500136 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | EPA ID | PSDTX753 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | PERMIT | 1743 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | PERMIT | 2796A | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | PERMIT | 318 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | REGISTRATION | 79737 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80291 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | REGISTRATION | 81499 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR OPERATING PERMITS | PERMIT | 1437 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR OPERATING PERMITS | ACCOUNT NUMBER | JE0425E | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR OPERATING PERMITS | PERMIT | 1959 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR OPERATING PERMITS | PERMIT | 1960 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| INDUSTRIAL AND HAZARDOUS WASTE GENERATION | EPA ID | TXD988088761 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| INDUSTRIAL AND HAZARDOUS WASTE GENERATION | SOLID WASTE REGISTRATION # (SWR) | 81282 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PUBLIC WATER SYSTEM/SUPPLY | REGISTRATION | 1230066 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Location: | 6350 N TWIN CITY HWY, NEDERLAND, TX, 77627 | Rating Date: September 01 06 | Repeat Violator: NO | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| TCEQ Region: | REGION 10 - BEAUMONT | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Date Compliance History Prepared: | May 04, 2007 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Agency Decision Requiring Compliance History: | Enforcement | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Compliance Period: | May 04, 2003 to May 04, 2007 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Daniel Siringi Phone: (409) 899-8799

Site Compliance History Components

- | | |
|--|------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

| | |
|--|----------------------------|
| Effective Date: 12/15/2005 | ADMINORDER 2005-0310-AIR-E |
| Classification: Minor | |
| Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B) 5C THC Chapter 382, SubChapter A 382.085(b) | |
| Description: Failed to properly notify the regional office of a reportable emissions event within 24 hours from the discovery of the event which occurred on September 12, 2004. | |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b) | |
| Rqmt Prov: 19003, Special Condition 1 PERMIT | |
| Description: Failed to maintain an emission rate below the allowable emission limit at EPN 357 during an emissions event which occurred on September 12, 2004 and lasted 9 hours and 51 minutes. | |

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 | 02/11/2004 | (258840) |
| 2 | 06/14/2004 | (274802) |
| 3 | 07/30/2004 | (284838) |
| 4 | 10/20/2004 | (292104) |
| 5 | 11/23/2004 | (338187) |
| 6 | 01/31/2005 | (343751) |
| 7 | 05/31/2005 | (393525) |
| 8 | 06/17/2005 | (392967) |
| 9 | 11/10/2005 | (435904) |
| 10 | 12/21/2005 | (440007) |
| 11 | 01/04/2006 | (450132) |
| 12 | 02/21/2006 | (454858) |
| 13 | 02/23/2006 | (454749) |
| 14 | 02/27/2006 | (457064) |
| 15 | 02/28/2006 | (457230) |
| 16 | 02/28/2006 | (457587) |
| 17 | 02/28/2006 | (457291) |
| 18 | 02/28/2006 | (457248) |
| 19 | 04/11/2006 | (461173) |
| 20 | 04/21/2006 | (461908) |
| 21 | 04/26/2006 | (460716) |
| 22 | 05/11/2006 | (464040) |
| 23 | 11/01/2006 | (511600) |
| 24 | 11/27/2006 | (465011) |
| 25 | 12/19/2006 | (519732) |
| 26 | 12/20/2006 | (515191) |
| 27 | 04/26/2007 | (554316) |
| 28 | 04/27/2007 | (542915) |

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

Date: 11/23/2004 (338187)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 19005/PSD-TX-753, SC 13D
PERMIT 19005/PSD-TX-753, SC 3

Description: Failure to maintain records of H2SO4 acid produced on a daily basis.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 19005/PSD-TX-753, SC 13D
PERMIT 19005/PSD-TX-753, SC 4

Description: Failure to maintain records of nitrogen oxide emissions at the H2SO4 unit main stack on a three-hour average.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 19005/PSD-TX-753, SC 13D
PERMIT 19005/PSD-TX-753, SC 5

Description: Failure to maintain records of nitrogen oxide emissions from the No. 1 and No. 2 Preheaters.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 19005/PSD-TX-753, SC 13B
PERMIT 19005/PSD-TX-753, SC 13D

Description: Failure to span the nitrogen oxide CEMS at the North Preheater Stack on a daily basis.

F. Environmental audits.

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
LUCITE INTERNATIONAL, INC.
RN102736089**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-0750-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 Lucite International, Inc. ("Lucite") 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 Lucite appear before the Commission and together stipulate that:

1. Lucite owns and operates an industrial organic chemical plant at 6350 North Twin City Highway in Nederland, Jefferson 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 Lucite agree that the Commission has jurisdiction to enter this Agreed Order, and that Lucite is subject to the Commission's jurisdiction.
4. Lucite received notice of the violations alleged in Section II ("Allegations") on or about May 2, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Lucite of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Three Thousand Fifty Dollars (\$3,050) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Lucite has paid One Thousand Two Hundred Twenty Dollars (\$1,220) of the administrative penalty and Six Hundred Ten Dollars (\$610) is deferred contingent upon Lucite'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 Lucite fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Lucite to pay all or part of the deferred penalty. One Thousand Two Hundred Twenty Dollars (\$1,220) shall be conditionally offset by Lucite's completion of the 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 Lucite have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on June 1, 2007, Lucite submitted documentation that the motor base for the North Process Pre-heater Recycle Fan which caused unauthorized emissions on October 26-27, 2006, has been clearly labeled with permanent markings with the correct rotation for the motor.
10. 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 Lucite has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.
12. 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, Lucite is alleged to have failed to prevent unauthorized emissions of 179.58 pounds ("lbs") of Nitrogen Oxides ("NOx") and 1754.92 lbs of Sulfur Dioxide ("SO2") during a 15.98 hour ("hr") emissions event which occurred at the Spent Acid Regeneration ("SAR") Unit Main Stack, EPN SAR-SARSTK, beginning on October 26, 2006, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), 122.143(4), Federal Operating Permit ("FOP") No. O-01437, General Conditions, Special Condition 2(l) and 12, Air Permit No. 19005/PSD-TX-753, Special Condition 1 and TEXAS HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 1, 2007. Since the emissions event was avoidable with proper operational procedures, Lucite failed to meet the demonstrations for an affirmative defense 30 TEX. ADMIN. CODE § 101.222(b)(1).

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Lucite pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Lucite'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: Lucite International, Inc., Docket No. 2007-0750-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. Lucite 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 Two Hundred Twenty Dollars (\$1,220) of the assessed administrative penalty shall be offset with the condition that Lucite implement the SEP defined in Attachment A, incorporated herein by reference. Lucite'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. The provisions of this Agreed Order shall apply to and be binding upon Lucite. Lucite 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.
4. If Lucite 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, Lucite's failure to comply is not a violation of this Agreed Order. Lucite shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Lucite shall notify the Executive Director within seven days after Lucite becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. 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 Lucite shall be made in writing to the Executive Director. Extensions are not effective until Lucite receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Lucite 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.

7. 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Lucite, or three days after the date on which the Commission mails notice of the Order to Lucite, 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 Sadler
For the Executive Director

9/7/07
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.

Kevin B. Burdison
Signature

7/6/07
Date

KEVIN B BURDISON
Name (Printed or typed)
Authorized Representative of
Lucite International, Inc.

BERNARD SITE MANAGER
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.

1/10/08

Received of the Treasurer of the
British Association of Teachers

the sum of £100.00

Attachment A
Docket Number: 2007-0750-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

| | |
|--------------------------------|--|
| Respondent: | Lucite International, Inc. |
| Payable Penalty Amount: | Two Thousand Four Hundred Forty Dollars (\$2,440) |
| SEP Amount: | One Thousand Two Hundred Twenty Dollars (\$1,220) |
| Type of SEP: | Pre-approved |
| Third-Party Recipient: | South East Texas Regional Planning Commission-West Port Arthur Home Energy Efficiency Program |
| Location of SEP: | Jefferson 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 shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to conduct home energy audits and to assist low income residents in the West Port Arthur area by weatherizing their homes which will improve their homes' energy efficiency. SEP monies will be used to pay for the cost of caulking and insulating homes, replacing heating and cooling systems and major appliances with new, energy efficient equipment.

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.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic compounds, and nitrogen oxides associated with the combustion of fuel and generation of electricity. Additionally, the improvements will improve homes as shelters for responding to emergency releases.

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:

South East Texas Regional Planning Commission
Transportation and Environmental Resources
Bob Dickenson, Director
2210 Eastex Freeway
Beaumont, Texas 77703

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.

