EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1133-AIR-E **TCEQ ID:** RN100825413 **CASE NO.:** 30590

RESPONDENT NAME: PD Glycol

ORDER TYPE:

X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__AMENDED ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__SHUTDOWN ORDER	__FINDINGS DEFAULT ORDER	__EMERGENCY ORDER	

CASE TYPE:

__AGRICULTURE	X AIR	__INDUSTRIAL AND HAZARDOUS WASTE	__MUNICIPAL SOLID WASTE
__OCCUPATIONAL CERTIFICATION	__PETROLEUM STORAGE TANKS	__PUBLIC WATER SUPPLY	__RADIOACTIVE WASTE
__MULTI-MEDIA (check all that apply)	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL	__USED OIL
__USED OIL FILTER	__WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: PD Glycol Beaumont Plant, 3510 Gulf States Road, Beaumont, Jefferson County

TYPE OF OPERATION: Chemical manufacturing plant

SMALL BUSINESS: ___ Yes __X__ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is one pending enforcement action regarding this facility location, Docket No. 2006-2102-AIR-E.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on January 15, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Mr. Daniel Siringi, Enforcement Division, Enforcement Section III, MC R-10, (409) 899-8799; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896
TCEQ Field Investigator: Ms. Pratima Singh, Beaumont Regional Office, MC R-10, (409) 898-3838
Respondent: Mr. Randal Tatum, Plant Manager, PD Glycol, P.O. Box 3785, Beaumont, Texas 77704
Respondent's Attorney: Not represented by counsel on this enforcement matter

Attachment: Site Compliance History

RESPONDENT'S NAME: PD Glycol
DOCKET NO.: 2006-1133-AIR-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint __X_ Routine __ Enforcement Follow-up __ Records Review **Date of Complaint Relating to this Case:** None **Dates of Investigations Relating to this Case:** June 5 and September 6, 2006 **Date of NOE Relating to this Case:** July 27, 2006 (NOE) **Background Facts:** These were routine investigations. Three violations were documented. **AIR** 1) Failed to prevent unauthorized emissions. Specifically, 66.10 pounds ("lbs") of gaseous Ethylene and 79.20 lbs of Ethylene Oxide were released over three hours from the Ethylene Glycol Unit 1 Emergency Vent during the April 18, 2006 emissions event. Since the emissions event could have been avoided, Glycol failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 3361A, Special Condition 3 and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failed to prevent unauthorized emissions. Specifically, 1,924 lbs of gaseous Ethylene and 18.2 lbs of Ethylene Oxide were released over two minutes from the Ethylene Glycol Unit II Emergency Vent, during the April 25, 2006 emissions event. Since the emissions event could have been avoided, Glycol failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 8639A, Special Condition 3A and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 3) Failed to prevent unauthorized emissions. Specifically, 11.0 lbs of gaseous Ethylene and 3,214 lbs of Ethylene Oxide were released over 24 minutes from the Ethylene Glycol Unit I Emergency Vent, during the July 20, 2006 emissions event. Since the emissions event could have been avoided, Glycol failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 3361A, Special Condition 3 and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed:** $10,575 **Total Deferred:** $2,115 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $4,230 **Total Paid to General Revenue:** $4,230 **Site Compliance History Classification:** __High __X_ Avg. __Poor **Person Compliance History Classification:** __High __X_ Avg. __Poor **Major Source:** __X_ Yes __ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** 1) The Executive Director recognizes that Glycol implemented the following measures on September 22 and 29, 2006 in order to prevent a recurrence of unauthorized emissions due to same causes: a. Designated cleaning of Boiler Feed Water Strainers as a "minor maintenance task" to enable production personnel to perform while waiting for maintenance assistance, modified Boiler Feed Water Strainer baskets, and reviewed the incident and maintenance task revisions with appropriate personnel; b. Corrected the leaking problem with the pressure accumulator bladder, developed a procedure for production personnel to "leak test" the nitrogen fittings on the accumulator bladder and reviewed the incident with the appropriate personnel; and c. Conducted personnel training on the proper operation of the steam traps associated with the glycol reactor heater and correctly calibrated the Level Control Transmitter at the medium pressure condensate tank. **Ordering Provisions:** 2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A).

Attachment A
Docket Number: 2006-1133-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**PD Glycol**
Payable Penalty Amount:	**Ten Thousand Five Hundred Seventy-Five Dollars ($10,575)**
SEP Amount:	**Four Thousand Two Hundred Thirty Dollars ($4,230)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Jefferson County-Southeast Texas Regional Air Monitoring Network**
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 the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to maintain and repair the existing Southeast Texas Regional Air Monitoring Network. The network includes seven monitoring stations located at Sabine Pass, Mauriceville, Southeast Texas Regional Airport, West Orange, Beaumont, Port Neches, and Cove School sites. SEP monies will be used to pay for the labor and materials costs associated with maintaining, repairing, and replacing the existing air monitoring stations at the seven sites.

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 measuring ozone and nitrogen oxide at Sabine Pass, Mauriceville, Southeast Texas Regional Airport, West Orange, Beaumont, Port Neches, and Cove School sites. This data is accessible to TCEQ and the public. Continued monitoring will help TCEQ and local government better respond to citizen's questions about public health as it relates to air quality and will enable TCEQ to better identify emission sources.

C. Minimum Expenditure

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:

The Honorable Carl R. Griffith, Jr.
Jefferson County Judge
1149 Pearl Street, 4th Floor
Beaumont, Texas 77701

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)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision April 25, 2006*

DATES					
Assigned	31-Jul-2006				
PCW	27-Sep-2006	Screening	03-Aug-2006	EPA Due	30-Apr-2007

RESPONDENT/FACILITY INFORMATION

Respondent	PD Glycol		
Reg. Ent. Ref. No.	RN100825413		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	30590	No. of Violations	3
Docket No.	2006-1133-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Daniel Siringi
Multi-Media		EC's Team	Enforcement Team 6
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $7,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 41% Enhancement *Subtotals 2, 3, & 7* $3,075

Notes: Enhancement for two (2) NOVs without same or similar violations, one (1) self-reported effluent violation and two (2) 1660 orders with denial of liability in the past five years. Reduction for one (1) notice of audit and two (2) disclosures.

Culpability No 0% Enhancement *Subtotal 4* $0

Notes: The Respondent does not meet 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 a small x)*

Notes: The Respondent completed corrective actions on September 22, 2006.

Economic Benefit 0% Enhancement* *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$134
Approx. Cost of Compliance	$5,550

SUM OF SUBTOTALS 1-7 Final Subtotal $10,575

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 $10,575

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $10,575

DEFERRAL 20% Reduction Adjustment -$2,115

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $8,460

Screening Date	03-Aug-2006	**Docket No.** 2006-1133-AIR-E	**PCW**
Respondent	PD Glycol		*Policy Revision 2 (September 2002)*
Case ID No.	30590		*PCW Revision April 25, 2006*
Reg. Ent. Reference No.	RN100825413		
Media [Statute]	Air Quality		
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	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements 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*	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which violations were disclosed)*	2	-4%
		Please Enter Yes or No	
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) **41%**

>> 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 two (2) NOVs without same or similar violations, one (1) self-reported effluent violation and two (2) 1660 orders with denial of liability in the past five years. Reduction for one (1) notice of audit and two (2) disclosures.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **41%**

PCW

Policy Revision 2 (September 2002)
PCW Revision April 25, 2006

Screening Date	03-Aug-2006
Docket No.	2006-1133-AIR-E
Respondent	PD Glycol
Case ID No.	30590
Reg. Ent. Reference No.	RN100825413
Media [Statute]	Air Quality
Enf. Coordinator	Daniel Siringi

Violation Number 1

Primary Rule Cite(s) Air Permit No. 3361A, Special Condition 3

Secondary Rule Cite(s) 30 Tex. Admin. Code § 116.115(c) and Texas Health & Safety Code § 382.085(b)

Violation Description Failure to prevent unauthorized emissions. Specifically, 66.10 pounds (lbs) of gaseous Ethylene and 79.20 lbs of Ethylene Oxide were released over three (3) hours from the Ethylene Glycol Unit 1 Emergency Vent during the April 18, 2006 emissions event. Since the emissions event could have been avoided, Glycol failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment has been exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one use a small 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

Estimated EB Amount $75

Statutory Limit Test

Violation Final Penalty Total $3,525

This violation Final Assessed Penalty (adjusted for limits) $3,525

Economic Benefit Worksheet

Respondent: PD Glycol
Case ID No.: 30590
Reg. Ent. Reference No.: RN100825413
Media [Statute]: Air Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$2,500	18-Apr-2006	22-Sep-2006	0.4	$4	$72	$75
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)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost of preventing emissions. Date required is the date of occurrence and final date is the date corrective actions were completed.						
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: $2,500

TOTAL: $75

PCW

Policy Revision 2 (September 2002)
PCW Revision April 25, 2006

Screening Date	03-Aug-2006
Docket No.	2006-1133-AIR-E
Respondent	PD Glycol
Case ID No.	30590
Reg. Ent. Reference No.	RN100825413
Media [Statute]	Air Quality
Enf. Coordinator	Daniel Siringi
Violation Number	2
Primary Rule Cite(s)	Air Permit No. 8639A, Special Condition 3A
Secondary Rule Cite(s)	30 Tex. Admin. Code § 116.115(c) and Texas Health & Safety Code § 382.085(b)
Violation Description	Failure to prevent unauthorized emissions. Specifically, 1,924 pounds (lbs) of gaseous Ethylene and 18.2 lbs of Ethylene Oxide were released over two (2) minutes from the Ethylene Glycol Unit II Emergency Vent, during the April 25, 2006 emissions event. Since the emissions event could have been avoided, Glycol failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment has been exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events: 1

1 Number of violation days

mark only one use a small 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

Estimated EB Amount $45

Statutory Limit Test

Violation Final Penalty Total $3,525

This violation Final Assessed Penalty (adjusted for limits) $3,525

Economic Benefit Worksheet

Respondent: PD Glycol
Case ID No.: 30590
Reg. Ent. Reference No.: RN100825413
Media [Statute]: Air Quality
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$1,550	25-Apr-2006	22-Sep-2006	0.4	$2	$42	$45
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)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost of preventing emissions. Date required is the date of occurrence and final date is the date corrective actions were completed.						
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: $1,550

TOTAL: $45

PCW

Policy Revision 2 (September 2002)
PCW Revision April 25, 2006

Screening Date	03-Aug-2006
Docket No.	2006-1133-AIR-E
Respondent	PD Glycol
Case ID No.	30590
Reg. Ent. Reference No.	RN100825413
Media [Statute]	Air Quality
Enf. Coordinator	Daniel Siringi

Violation Number 3

Primary Rule Cite(s) Air Permit No. 3361A, Special Condition 3

Secondary Rule Cite(s) 30 Tex. Admin. Code§ 116.115(c) and Texas Health & Safety Code § 382.085(b)

Violation Description Failure to prevent unauthorized emissions. Specifically, on July 20, 2006, 11.0 pounds (lbs) of gaseous ethylene and 3,214 lbs of ethylene oxide were released from the Glycol 1 Emergency Vent. No emissions were authorized from Glycol 1 Emergency Vent in the permit. Since the emissions event was avoidable, Glycol failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code 101.222.

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

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

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one use a small 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

Estimated EB Amount $15

Statutory Limit Test

Violation Final Penalty Total $3,525

This violation Final Assessed Penalty (adjusted for limits) $3,525

Economic Benefit Worksheet

Respondent: PD Glycol
Case ID No.: 30590
Reg. Ent. Reference No.: RN100825413
Media [Statute]: Air Quality
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	$1,500	20-Jul-2006	29-Sep-2006	0.2	$15	n/a	$15
Notes for DELAYED costs	Estimated cost of proper training of operations personnel on update procedures which may have prevented the emissions. The date required is the date of the emissions event and the final date is the date of 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: $1,500

TOTAL: $15

Compliance History

Customer/Respondent/Owner-Operator:	CN600505648	PD Glycol	Classification: AVERAGE	Rating: 1.25
Regulated Entity:	RN100825413	PD GLYCOL BEAUMONT PLANT	Classification: AVERAGE	Site Rating: 1.25

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0049K
AIR OPERATING PERMITS	PERMIT	1620
AIR OPERATING PERMITS	PERMIT	2190
WASTEWATER	PERMIT	WQ0000490000
WASTEWATER	PERMIT	TPDES0008931
WASTEWATER	PERMIT	TX0008931
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	37988
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30583
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD020805446
AIR NEW SOURCE PERMITS	REGISTRATION	54604
AIR NEW SOURCE PERMITS	PERMIT	8639A
AIR NEW SOURCE PERMITS	PERMIT	3361A
AIR NEW SOURCE PERMITS	REGISTRATION	55286
AIR NEW SOURCE PERMITS	PERMIT	54514
AIR NEW SOURCE PERMITS	REGISTRATION	78746
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0049K
AIR NEW SOURCE PERMITS	AFS NUM	0005
AIR NEW SOURCE PERMITS	PERMIT	16357
AIR NEW SOURCE PERMITS	PERMIT	3361A
AIR NEW SOURCE PERMITS	PERMIT	8639A
AIR NEW SOURCE PERMITS	PERMIT	10261
AIR NEW SOURCE PERMITS	PERMIT	11673
AIR NEW SOURCE PERMITS	PERMIT	11820
AIR NEW SOURCE PERMITS	PERMIT	12799
STORMWATER	PERMIT	TXR05O019
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30583

Location:	3510 GULF STATES RD, BEAUMONT, TX, 77701	Rating Date: September 01 05	Repeat Violator: NO
TCEQ Region:	REGION 10 - BEAUMONT		
Date Compliance History Prepared:	August 08, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	August 08, 2001 to August 08, 2006		

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?	N/A
4. if Yes, who was/were the prior owner(s)?	N/A
5. When did the change(s) in ownership occur?	N/A

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: 08/28/2004 ADMINORDER 2004-0204-AIR-E

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failed to prevent unauthorized emissions on August 6 and August 22, 2003.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)

Description: Failed to include the preconstruction authorization rule citation in the final record submitted to the TCEQ for the emission event that occurred on August 22, 2003.

Effective Date: 02/20/2006 ADMINORDER 2005-0633-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 3361A MAERT PERMIT

Description: Failure to prevent emissions from sources not authorized by the permit, the Ethylene Glycol Unit No. I and II Emergency Vents, on July 12 and August 10, 2004, and from September 15 through October 3, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Air Permit No. 3361A MAERT PERMIT

Description: Failure to prevent emissions from sources not authorized by the permit, the Ethylene Glycol Unit No. I Emergency Vent, on March 25, 2005.

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	07/17/2002	(161616)
2	08/15/2001	(161618)
3	08/23/2002	(161619)
4	09/14/2001	(161621)
5	09/20/2002	(161622)
6	11/14/2005	(468887)
7	08/01/2002	(3922)
8	10/09/2001	(161624)
9	12/16/2005	(468888)
10	10/21/2002	(161625)
11	11/08/2001	(161627)
12	11/18/2002	(161628)
13	12/14/2001	(161629)
14	12/13/2002	(161630)
15	01/18/2002	(161632)
16	01/20/2006	(468889)
17	01/17/2003	(161633)
18	02/24/2006	(450862)
19	11/17/2005	(406277)
20	06/21/2005	(375835)
21	01/27/2006	(439364)
22	07/13/2006	(465277)
23	06/11/2003	(35304)
24	08/31/2004	(275950)
25	11/13/2003	(252664)
26	11/15/2005	(436085)
27	03/31/2006	(455423)
28	02/10/2004	(296758)
29	03/20/2003	(296759)
30	11/21/2001	(106024)
31	03/23/2004	(296760)
32	09/10/2001	(106023)
33	08/16/2005	(394905)
34	06/08/2004	(352749)
35	04/20/2004	(296761)
36	09/10/2001	(106022)
37	08/25/2004	(264050)

38	07/15/2004	(352750)
39	08/30/2001	(106021)
40	03/31/2006	(455364)
41	08/16/2004	(352751)
42	05/21/2003	(296763)
43	08/03/2004	(283981)
44	09/13/2004	(352752)
45	06/20/2003	(296764)
46	10/15/2004	(352753)
47	01/13/2004	(256356)
48	07/18/2003	(296765)
49	08/15/2003	(296766)
50	09/19/2003	(296767)
51	10/21/2003	(296768)
52	01/13/2004	(256357)
53	08/01/2002	(4737)
54	11/14/2003	(296769)
55	12/22/2003	(296770)
56	01/16/2004	(296771)
57	01/13/2004	(256358)
58	03/02/2005	(345738)
59	11/21/2001	(124825)
60	09/10/2001	(124824)
61	09/10/2001	(124823)
62	08/30/2001	(124822)
63	02/21/2006	(468884)
64	03/23/2006	(468885)
65	02/21/2002	(161602)
66	02/10/2003	(161603)
67	02/22/2005	(441102)
68	03/18/2002	(161605)
69	04/18/2005	(441103)
70	09/09/2005	(404884)
71	05/20/2005	(441104)
72	07/27/2006	(483370)
73	06/14/2005	(441105)
74	04/05/2002	(161607)
75	07/19/2005	(441106)
76	04/04/2003	(161608)
77	08/12/2005	(441107)
78	09/16/2005	(441108)
79	05/09/2002	(161610)
80	04/22/2004	(262190)
81	03/16/2005	(382126)
82	10/09/2005	(468886)
83	11/10/2004	(382127)
84	12/16/2004	(382128)
85	06/17/2002	(161613)
86	01/21/2005	(382129)

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

Date: 08/31/2002 (161622)

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: 06/11/2003 (35304)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rqmt Prov: PA IA

Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or second valve. During the monitoring, open-ended (OEL) lines were documented next to valves numbered 1052 and 13282 and near relief valve 12886.

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)

Rqmt Prov: PA IA

Description: Failure to conduct monthly monitoring on pumps in volatile organic compound (VOC) service. During the review of the monitoring records from January 2002 through February 2003, three pumps were not monitored monthly.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(2)

Rqmt Prov: PA IA

Description: Failure to conduct monthly monitoring on three valves for two successive leak free months after a leak was detected and repaired.

Date: 07/13/2006 (465277)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

PERMIT IA

Description: Failure to equip one open-ended line with a cap, blind flange, plug, or a second valve at the Glycol I Unit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP IA

PERMIT IA

Description: Failure to equip eleven open-ended lines containing VOC with a cap, blind flange, plug, or a second valve at the Glycol II Unit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit copies of the annual compliance certification for Permits O-1620 and O-2190 to the EPA.

F. Environmental audits.

Notice of Intent Date: 02/18/2002 (35071)

Disclosure Date: 07/29/2002

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354[G] Req Prpv: PERMITSC2

40 CFR Part 60, Subpart VV 60.482-8[G] PERMITSC2

Description: Failure to properly tag Connectors 492/425 to identify if necessary to be included in LDAR program and meet inspection requirements.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354[G] Req Prpv: PERMITSC1

40 CFR Part 60, Subpart VV 60.482-7[G] PERMITSC1

Description: Failure to properly tag Valves 732/459 and to identify if necessary to be included in LDAR program and meet inspection requirements.

Notice of Intent Date: 07/03/2001 (35658)

Disclosure Date: 03/14/2002

Viol. Classification: Minor

Req Prpv: PERMITSC2

Description: Failure to include Connectors in fugitive LDAR.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354[G]

Description: Failure to include Drains in fugitive LDAR

Viol. Classification: Moderate

Req Prpv: PERMITSC1

Description: Failure to include Pressure release valve and other valves in fugitive LDAR.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.356[G]

40 CFR Part 60, Subpart VV 60.486

40 CFR Part 60, Subpart VV 60.487

Description: Failure to satisfy recordkeeping requirements for regulation V and NSPS, VV.

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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
PD GLYCOL	§	
RN100825413	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2006-1133-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 PD Glycol ("Glycol") 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 Glycol appear before the Commission and together stipulate that:

1. Glycol owns and operates a chemical manufacturing plant at 3510 Gulf States Road in Beaumont, 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 Glycol agree that the Commission has jurisdiction to enter this Agreed Order, and that Glycol is subject to the Commission's jurisdiction.

4. Glycol received notice of the violations alleged in Section II ("Allegations") on or about August 2, 2006.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Glycol of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Ten Thousand Five Hundred Seventy-Five Dollars ($10,575) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Glycol has paid Four Thousand Two Hundred Thirty Dollars ($4,230) of the administrative penalty and Two Thousand One Hundred Fifteen Dollars ($2,115) is deferred contingent upon Glycol'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 Glycol fails to timely and satisfactorily comply with all requirements of this Agreed Order, the

Executive Director may require Glycol to pay all or part of the deferred penalty. Four Thousand Two Hundred Thirty Dollars ($4,230) shall be conditionally offset by Glycol'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 Glycol 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 Glycol implemented the following measures on September 22 and 29, 2006 in order to prevent a recurrence of unauthorized emissions due to same causes:

   a. Designated cleaning of Boiler Feed Water Strainers as a "minor maintenance task" to enable production personnel to perform while waiting for maintenance assistance, modified Boiler Feed Water Strainer baskets, and reviewed the incident and maintenance task revisions with appropriate personnel;

   b. Corrected the leaking problem with the pressure accumulator bladder, developed a procedure for production personnel to "leak test" the nitrogen fittings on the accumulator bladder and reviewed the incident with the appropriate personnel; and

   c. Conducted personnel training on the proper operation of the steam traps associated with the glycol reactor heater and correctly calibrated the Level Control Transmitter at the medium pressure condensate tank.

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 Glycol 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, Glycol is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 3361A, Special Condition 3 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 5, 2006. Specifically, 66.10 pounds ("lbs") of gaseous Ethylene and 79.20 lbs of Ethylene Oxide were released over three hours from the

Ethylene Glycol Unit 1 Emergency Vent during the April 18, 2006 emissions event. Since the emissions event could have been avoided, Glycol failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 8639A, Special Condition 3A and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 5, 2006. Specifically, 1,924 lbs of gaseous Ethylene and 18.2 lbs of Ethylene Oxide were released over two minutes from the Ethylene Glycol Unit II Emergency Vent, during the April 25, 2006 emissions event. Since the emissions event could have been avoided, Glycol failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

3. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 3361A, Special Condition 3 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 6, 2006. Specifically, 11.0 lbs of gaseous Ethylene and 3,214 lbs of Ethylene Oxide were released over 24 minutes from the Ethylene Glycol Unit I Emergency Vent, during the July 20, 2006 emissions event. Since the emissions event could have been avoided, Glycol failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Glycol pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Glycol'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: PD Glycol, Docket No. 2006-1133-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. Glycol shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 6 above, Four Thousand Two Hundred Thirty Dollars ($4,230) of the assessed administrative penalty shall be offset with the condition that Glycol implement the SEP defined in Attachment A, incorporated herein by reference. Glycol'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 Glycol. Glycol 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 Glycol 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, Glycol's failure to comply is not a violation of this Agreed Order. Glycol shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Glycol shall notify the Executive Director within seven days after Glycol 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 Glycol shall be made in writing to the Executive Director. Extensions are not effective until Glycol 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 Glycol 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 Glycol, or three days after the date on which the Commission mails notice of the Order to Glycol, 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

_____ 3/7/07
For the Executive Director 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, if any, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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

_____ 10/19/2006
Signature Date

RANDAL TATUM _____ 10/19/2006 PLANT MANAGER
Name (Printed or typed) Title
Authorized Representative of
PD Glycol

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.

Attachment A
Docket Number: 2006-1133-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**PD Glycol**
Payable Penalty Amount:	**Ten Thousand Five Hundred Seventy-Five Dollars ($10,575)**
SEP Amount:	**Four Thousand Two Hundred Thirty Dollars ($4,230)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Jefferson County-Southeast Texas Regional Air Monitoring Network**
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 the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to maintain and repair the existing Southeast Texas Regional Air Monitoring Network. The network includes seven monitoring stations located at Sabine Pass, Mauriceville, Southeast Texas Regional Airport, West Orange, Beaumont, Port Neches, and Cove School sites. SEP monies will be used to pay for the labor and materials costs associated with maintaining, repairing, and replacing the existing air monitoring stations at the seven sites.

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 measuring ozone and nitrogen oxide at Sabine Pass, Mauriceville, Southeast Texas Regional Airport, West Orange, Beaumont, Port Neches, and Cove School sites. This data is accessible to TCEQ and the public. Continued monitoring will help TCEQ and local government better respond to citizen's questions about public health as it relates to air quality and will enable TCEQ to better identify emission sources.

C. Minimum Expenditure

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:

The Honorable Carl R. Griffith, Jr.
Jefferson County Judge
1149 Pearl Street, 4th Floor
Beaumont, Texas 77701

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.