EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1841-AIR-E **TCEQ ID:** RN101211498 **CASE NO.:** 31477

RESPONDENT NAME: Haldor Topsoe, Inc.

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: Haldor Topsoe Bayport, 10010 Bayport Boulevard, Pasadena, Harris County

TYPE OF OPERATION: Catalyst manufacturing

SMALL BUSINESS: ___ Yes __X_ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

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 March 26, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, Enforcement Division, MC 219, (512) 239-1768
TCEQ Enforcement Coordinator: Ms. Miriam Hall, Enforcement Division, Enforcement Section III, MC 149, (512) 239-1044; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896
TCEQ Field Investigator: Ms. Alethea Seals, Houston Regional Office, MC R-12, (713) 767-3744
Respondent: Mr. Raymond Yellig, Vice President of Manufacturing, Haldor Topsoe, Inc., 10010 Bayport Boulevard, Pasadena, Texas 77507
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint __ Routine __ Enforcement Follow-up _X_ Records Review **Date of Complaint Relating to this Case:** None **Date of Investigation Relating to this Case:** May 24, 2006 **Date of NOE Relating to this Case:** August 29, 2006 (NOE) **Background Facts:** This was a routine record review. Three violations were documented. **AIR** 1) Failed to seal two open-ended lines in volatile organic compound service during the time period of June 15, 2005 through September 2, 2005. Specifically, in the Permit by Rule (PBR) Registration number 70832, HTI represented to implement the 28MID fugitive monitoring program. As per 28 MID Condition E, each open-ended valve or line shall be equipped with a cap, blind flange, plug or second valve [30 TEX. ADMIN. CODE § 106.6(b) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failed to consistently maintain the pH level for the scrubbing solution of the Thermal Oxidizer Caustic Scrubber at or above 10 from May 25, 2005 through November 13, 2005. This resulted in excess Nitrogen Oxides (NO_x) emissions. The scrubber's maximum allowable emission rate for NO_x is 0.25 pounds per hour ("lbs/hr"). During periods of low pH readings, the estimated emission rate for NO_x was 0.7 lbs/hr. Because the event was avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), 122.143(4), Federal Operating Permit ("FOP") O-01217, Special Condition ("SC") 12, New Source Review ("NSR") Permit No. 43752, SC 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 3) Failed to include an emissions event which occurred at the A301 baghouse on July 12, 2005 in the semiannual deviation report dated December 16, 2005 [30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A), FOP O-01217, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed:** $8,816 **Total Deferred:** $1,763 _X_ Expedited Settlement __ Financial Inability to Pay **SEP Conditional Offset:** $3,526 **Total Paid to General Revenue:** $3,527 **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 the Respondent has implemented the following corrective measures at the Plant: a. On September 2, 2005, plugged two open ended lines, one on the K-6215 blower and one on X-6402; and b. On October 10, 2006, submitted application to amend NSR Permit No. 43752 to increase the emission limits for NO_x. **Ordering Provisions:** 2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A) 3) The Order will also require the Respondent to: a. Respond completely and adequately, as determined by the Air Permits Division, to all letters requesting information concerning NSR Permit No. 43752 amendment application within 30 days of the date of such letters, or by any other deadline specified in writing; b. Within 30 days after the effective date of this Agreed Order, submit an amended deviation report for FOP No. O-01217 for the semiannual period which ended on November 16, 2005 to include the July 12, 2005 emissions event; c. Within 30 days after the effective date of this Agreed Order, install a larger capacity storage tank for caustic; and d. Within 180 days after the effective date of this Agreed Order, submit written certification that the Respondent is operating the Thermal Oxidizer Caustic Scrubber within permitted pH and emission limits or that operation has ceased until such time that appropriate authorization is obtained. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.

Attachment A
Docket Number: 2006-1841-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Haldor Topsoe, Inc.**
Payable Penalty Amount:	**Seven Thousand Fifty-Three Dollars ($7,053)**
SEP Amount:	**Three Thousand Five Hundred Twenty-Six Dollars ($3,526)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Harris County Public Health and Environmental Services-Pollution Control Division's Fourier Transform Infra Red (FTIR) Project**
Location of SEP:	**Harris County**

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

1. Project Description

A. Project

The Respondent will contribute to Harris County Public Health and Environmental Services-Pollution Control Division's FTIR Project. This project includes the lease/contracting for services of air monitoring equipment, FTIR and other associated monitoring equipment, site preparation (including power and a shelter for the monitoring equipment), installation, operation and maintenance for a minimum of a two year period. Data validation management and reporting, and site closure and restoration will also be performed as a part of this project using methods approved by the TCEQ. The FTIR will analyze volatile organic compounds in ambient air. Harris County, in cooperation with the TCEQ, will establish Internet connectivity and automated data ingestion into the TCEQ LEADS system. SEP monies will fund the lease/contract for services of the FTIR and related equipment, site creation, preparation and installation of the FTIR, and the operation and maintenance of the FTIR site for a minimum of two years. SEP monies will also be used to pay for any equipment, software, and programming associated with establishing Internet connectivity and automated data ingestion.

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 significant and discernible environmental benefits to the Harris County area by

providing measurements of concentrations of certain air pollutants. The information obtained from this monitoring site will provide the community with more knowledge of the types and quantities of pollutants present in this industrialized area. Data obtained from the monitoring site, and made available to the public, may be used by the TCEQ, Environmental Protection Agency (EPA), scientists, local government and industry to reduce emissions, as appropriate. Because air quality is an important priority in the Harris County area, this project is focused on providing air quality data that may be used by the TCEQ, local programs, and other stakeholders to investigate and improve knowledge of any identified air quality concerns. Data from the project may be used to detect and track air emissions in near real-time to determine air pollution source locations for enforcement actions, permitting and regulatory decisions, potential future health effects studies and/or as part of a pollution program such as the Environmental Monitoring and Response System. The data also can be used by the TCEQ and the EPA to help determine if additional air quality problems that have not yet been detected exist in the Harris County area.

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:

Mr. Chris Barry
Harris County Pollution Control Division
P.O. Box 6031
Pasadena, Texas 77506

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	05-Sep-2006				
PCW	19-Oct-2006	Screening	17-Oct-2006	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Haldor Topsoe, Inc.		
Reg. Ent. Ref. No.	RN101211498		
Facility/Site Region	12-Houston	Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	31477	No. of Violations	3
Docket No.	2006-1841-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Miriam Hall
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* $7,600

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 16% Enhancement *Subtotals 2, 3, & 7* $1,216

Notes: Penalty enhanced for three same or similar NOVs and one unrelated NOV. Penalty reduced for one letter of audit.

Culpability No 0% Enhancement *Subtotal 4* $0

Notes: The respondent does not meet the culpability criteria.

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

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

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

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$1,348
Approx. Cost of Compliance	$11,100

SUM OF SUBTOTALS 1-7 Final Subtotal $8,816

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 $8,816

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $8,816

DEFERRAL 20% Reduction Adjustment -$1,763

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 $7,053

Screening Date 17-Oct-2006 **Docket No.** 2006-1841-AIR-E **PCW**
Respondent Haldor Topsoe, Inc. *Policy Revision 2 (September 2002)*
Case ID No. 31477 *PCW Revision April 25, 2006*
Reg. Ent. Reference No. RN101211498
Media [Statute] Air Quality
Enf. Coordinator Miriam Hall

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)*	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	0	0%
	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)*	0	0%
		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) **16%**

>> **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 Penalty enhanced for three same or similar NOVs and one unrelated NOV. Penalty reduced for one letter of audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **16%**

Screening Date 17-Oct-2006 **Docket No.** 2006-1841-AIR-E **PCW**

Respondent Haldor Topsoe, Inc. *Policy Revision 2 (September 2002)*

Case ID No. 31477 *PCW Revision April 25, 2006*

Reg. Ent. Reference No. RN101211498

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 106.6(b)

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to seal two open-ended lines in volatile organic compound (VOC) service during the time period of June 15, 2005 through September 2, 2005. In the Permit by Rule (PBR) Registration number 70832, the respondent represented to implement the 28MID fugitive monitoring program. As per 28 MID Condition E, each open-ended valve or line shall be equipped with a cap, blind flange, plug or second valve.

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 was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1 — 79 Number of violation days

mark only one use a small x	
daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event was documented during the record review conducted on May 24, 2006.

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $2,900

This violation Final Assessed Penalty (adjusted for limits) $2,900

Economic Benefit Worksheet

Respondent Haldor Topsoe, Inc.
Case ID No. 31477
Reg. Ent. Reference No. RN101211498
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	$50	15-Jun-2005	02-Sep-2005	0.2	$0	$1	$1
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)				0.0	$0	n/a	$0
Notes for DELAYED costs	The estimated cost of capping the lines. The missing caps were discovered during quarterly valve monitoring. Exact Date Required is the previous monitoring date. Final date is the compliance date.						
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 $50

TOTAL $1

Screening Date 17-Oct-2006 **Docket No.** 2006-1841-AIR-E **PCW**

Respondent Haldor Topsoe, Inc. *Policy Revision 2 (September 2002)*

Case ID No. 31477 *PCW Revision April 25, 2006*

Reg. Ent. Reference No. RN101211498

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.115(c), 122.143(4), Federal Operating Permit (FOP) O-01217, Special Condition (SC) 12, New Source Review Permit No. 43752, SC 8

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to consistently maintain the pH level for the scrubbing solution of the Thermal Oxidizer Caustic Scrubber at or above 10 from May 25, 2005 through November 13, 2005. This resulted in excess nitrogen oxides (NO_x) emissions. The scrubber's maximum allowable emission rate for NO_x is 0.25 pounds per hour (lbs/hr). During periods of low pH readings, the estimated emission rate for NO_x was 0.7 lbs/hr. Because the event was avoidable, the respondent 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 was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or the environment. According to scrubber simulation modeling, the required sulfur dioxide emissions were maintained during periods of low pH readings. However, the total excess NOx emissions were 50.29 lbs for events totaling 111 hours and 45 minutes.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 2 | 24 Number of violation days

mark only one use a small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $5,000

Two quarterly events were documented during the record review conducted on May 24, 2006.

Economic Benefit (EB) for this violation

Estimated EB Amount $1,346

Statutory Limit Test

Violation Final Penalty Total $5,800

This violation Final Assessed Penalty (adjusted for limits) $5,800

Economic Benefit Worksheet

Respondent Haldor Topsoe, Inc.
Case ID No. 31477
Reg. Ent. Reference No. RN101211498
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	$3,000	25-May-2005	30-Apr-2007	1.9	$19	$386	$406
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	$8,000	25-May-2005	30-Sep-2007	2.4	$940	n/a	$940
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: The estimated cost of a larger capacity caustic storage tank is $3,000. The estimated cost for a permit amendment is $8,000. The Date Required is the date of the first documented violation and Final Dates are the projected completion dates.

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: $11,000

TOTAL $1,346

Screening Date 17-Oct-2006 **Docket No.** 2006-1841-AIR-E **PCW**

Respondent Haldor Topsoe, Inc. *Policy Revision 2 (September 2002)*

Case ID No. 31477 *PCW Revision April 25, 2006*

Reg. Ent. Reference No. RN101211498

Media [Statute] Air Quality

Enf. Coordinator Miriam Hall

Violation Number 3

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4), 122.145(2)(A), FOP O-01217, General Terms and Conditions

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to include an emissions event (STEERS #61076) which occurred at A301 baghouse on July 12, 2005 in the semiannual deviation report for the period ending November 16, 2005.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: The respondent met more than 70% of the rule requirement.

Adjustment -$9,900

Base Penalty Subtotal $100

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 $100

One single event was documented during the record review conducted on May 24, 2006.

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $116

This violation Final Assessed Penalty (adjusted for limits) $116

Economic Benefit Worksheet

Respondent Haldor Topsoe, Inc.
Case ID No. 31477
Reg. Ent. Reference No. RN101211498
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)	$50	16-Dec-2006	30-Apr-2007	0.4	$1	n/a	$1

Notes for DELAYED costs: The estimated cost of submitting a corrected report calculated from due date to projected compliance date.

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: $50

TOTAL $1

Compliance History

Customer/Respondent/Owner-Operator:	CN600132435	Haldor Topsoe, Inc.	Classification: AVERAGE	Rating: 0.58
Regulated Entity:	RN101211498	HALDOR TOPSOE	Classification: AVERAGE	Site Rating: 1.17

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0903L
AIR OPERATING PERMITS	PERMIT	1217
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1012763
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD054460464
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	34841
AIR NEW SOURCE PERMITS	PERMIT	9203
AIR NEW SOURCE PERMITS	PERMIT	11054
AIR NEW SOURCE PERMITS	PERMIT	21178
AIR NEW SOURCE PERMITS	PERMIT	23333
AIR NEW SOURCE PERMITS	PERMIT	23824
AIR NEW SOURCE PERMITS	PERMIT	32528
AIR NEW SOURCE PERMITS	PERMIT	41655
AIR NEW SOURCE PERMITS	PERMIT	43441
AIR NEW SOURCE PERMITS	PERMIT	43752
AIR NEW SOURCE PERMITS	PERMIT	47849
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0903L
AIR NEW SOURCE PERMITS	PERMIT	53936
AIR NEW SOURCE PERMITS	REGISTRATION	70832
AIR NEW SOURCE PERMITS	REGISTRATION	72828
AIR NEW SOURCE PERMITS	REGISTRATION	74499
AIR NEW SOURCE PERMITS	REGISTRATION	77885
AIR NEW SOURCE PERMITS	AFS NUM	1413
AIR NEW SOURCE PERMITS	AFS NUM	0359
AIR NEW SOURCE PERMITS	REGISTRATION	79765
WATER LICENSING	LICENSE	1012763

Location: 10010 BAYPORT BLVD, PASADENA, TX, 77507 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: October 10, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 01, 2001 to October 10, 2006

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

Name: Miriam Hall Phone: (512) 239-1044

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.

N/A

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 08/27/2002 (9061)
2 10/28/2002 (14081)

3 03/19/2003 (27776)
4 09/15/2003 (248430)
5 09/30/2003 (249720)
6 09/28/2004 (335352)
7 10/20/2003 (252094)
8 08/27/2002 (9138)
9 02/02/2004 (257723)
10 09/01/2004 (291929)
11 01/06/2004 (254169)
12 01/07/2005 (340039)
13 01/21/2005 (340041)
14 12/30/2005 (434737)
15 08/29/2006 (457260)
16 08/12/2003 (145896)
17 08/27/2002 (9021)
18 12/12/2001 (80269)
19 02/14/2002 (80270)
20 04/11/2002 (80271)
21 03/01/2005 (347523)
22 04/16/2002 (80272)
23 03/29/2005 (375241)

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

Date: 03/20/2003 (27776)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PA IA

Description: Failure to submit test notification 45 days before testing as required by Special Condition 10 and 7A.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PA IA

Description: Failure to submit test report within 30 days of testing.

Date: 03/01/2005 (347523)

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT UUU 60.735(c)(2)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT UUU 60.735(c)(3)

Description: Failure to submit a semiannual report as required in 40 CFR 60.735(c)(2) and 60.735(c)(3)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT IA

Description: Failure to maintain required pH level of the scrubber solution for the Thermal Oxidizer caustic scrubber as required by NSR Permit No.: 43752, Special Condition 8.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter H 101.354(f)

Description: Failure to limit the NOx emissions from a facility to the allowables in the compliance account for the control period.

Date: 09/16/2003 (248430)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PA IA

Description: RE failed to perform stack testing within the required 90 day time frame.

Date: 12/30/2004 (340041)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PA IA

Description: RE exceeded permitted emission limits for PM.

Self Report? NO Classification: Moderate

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

40 CFR Chapter 60, SubChapter C, PT 60, SubPT UUU 60.736(a)

Description: RE failed to test ST-14 stack as required by 40 CFR 60, Subpart UUU within 180 days as required by 40 CFR 60.736(a).

F. Environmental audits.

Notice of Intent Date: 04/24/2002 (32955)

No DOV Associated

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**
HALDOR TOPSOE, INC.	§	
RN101211498	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2006-1841-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 Haldor Topsoe, Inc. ("HTI") 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 HTI appear before the Commission and together stipulate that:

1. HTI owns and operates a catalyst manufacturing plant at 10010 Bayport Boulevard in Pasadena, Harris County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. The Commission and HTI agree that the Commission has jurisdiction to enter this Agreed Order, and that HTI is subject to the Commission's jurisdiction.

4. HTI received notice of the violations alleged in Section II ("Allegations") on or about September 3, 2006.

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

6. An administrative penalty in the amount of Eight Thousand Eight Hundred Sixteen Dollars ($8,816) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). HTI has paid Three Thousand Five Hundred Twenty-Seven Dollars ($3,527) of the administrative penalty and One Thousand Seven Hundred Sixty-Three Dollars ($1,763) is deferred contingent upon HTI'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 HTI fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require HTI to pay all or part of the deferred penalty. Three Thousand Five Hundred Twenty-

Six Dollars ($3,526) shall be conditionally offset by HTI's completion of a Supplemental Environmental Project.

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 HTI 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 HTI has implemented the following corrective measures at the Plant:

   a. On September 2, 2005, plugged two open ended lines, one on the K-6215 blower and one on X-6402; and

   b. On October 10, 2006, submitted application to amend New Source Review ("NSR") Permit No. 43752 to increase the emission limits for Nitrogen Oxides ("NO_x").

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 HTI 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, HTI is alleged to have:

1. Failed to seal two open-ended lines in volatile organic compound service during the time period of June 15, 2005 through September 2, 2005, in violation of 30 TEX. ADMIN. CODE § 106.6(b) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on May 24, 2006. Specifically, in the Permit by Rule (PBR) Registration number 70832, HTI represented to implement the 28MID fugitive monitoring program. As per 28 MID Condition E, each open-ended valve or line shall be equipped with a cap, blind flange, plug or second valve.

2. Failed to consistently maintain the pH level for the scrubbing solution of the Thermal Oxidizer Caustic Scrubber at or above 10 from May 25, 2005 through November 13, 2005, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), 122.143(4), Federal Operating Permit ("FOP") O-01217, Special Condition ("SC") 12, NSR Permit No. 43752, SC 8, and TEX. HEALTH & SAFETY

CODE § 382.085(b), as documented during a record review conducted on May 24, 2006. This resulted in excess NO_x emissions. The scrubber's maximum allowable emission rate for NO_x is 0.25 pounds per hour ("lbs/hr"). During periods of low pH readings, the estimated emission rate for NO_x was 0.7 lbs/hr. Because the event was avoidable, HTI failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

3. Failed to include an emissions event which occurred at the A301 baghouse on July 12, 2005 in the semiannual deviation report dated December 16, 2005, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A), FOP O-01217, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on May 24, 2006.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that HTI pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and HTI'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: Haldor Topsoe, Inc., Docket No. 2006-1841-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. HTI shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Three Thousand Five Hundred Twenty-Six Dollars ($3,526) of the assessed administrative penalty shall be offset with the condition that HTI implement the SEP defined in Attachment A, incorporated herein by reference. HTI's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. It is further ordered that HTI shall undertake the following technical requirements:

   a. Respond completely and adequately, as determined by the Air Permits Division, to all letters requesting information concerning NSR Permit No. 43752 amendment application within 30 days of the date of such letters, or by any other deadline specified in writing to:

Air Permits Division, MC 162
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

b. Within 30 days after the effective date of this Agreed Order, submit an amended deviation report for FOP No. O-01217 for the semiannual period which ended on November 16, 2005 to include the July 12, 2005 emissions event;

c. Within 30 days after the effective date of this Agreed Order, install a larger capacity storage tank for caustic;

d. Within 180 days after the effective date of this Agreed Order, submit written certification that HTI is operating the Thermal Oxidizer Caustic Scrubber within permitted pH and emission limits or that operation has ceased until such time that appropriate authorization is obtained. The certification shall, include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

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

e. Submit all correspondence, reports, and documentation required by Ordering Provisions 3.b. through 3.d. to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

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

4. The provisions of this Agreed Order shall apply to and be binding upon HTI. HTI is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

5. If HTI 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, HTI's failure to comply is not a violation of this Agreed Order. HTI shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. HTI shall notify the Executive Director within seven days after HTI becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by HTI shall be made in writing to the Executive Director. Extensions are not effective until HTI receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. This Agreed Order, issued by the Commission, shall not be admissible against HTI in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to HTI, or three days after the date on which the Commission mails notice of the Order to HTI, 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

_____ 4/12/07
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.

Raymond V. Yellig
Signature

JANUARY 29, 2007
Date

RAYMOND V. YELLIG
Name (Printed or typed)
Authorized Representative of
Haldor Topsoe, Inc.

VICE PRESIDENT OF MANUFACTURING
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

Attachment A
Docket Number: 2006-1841-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Haldor Topsoe, Inc.**
Payable Penalty Amount:	**Seven Thousand Fifty-Three Dollars ($7,053)**
SEP Amount:	**Three Thousand Five Hundred Twenty-Six Dollars ($3,526)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Harris County Public Health and Environmental Services-Pollution Control Division's Fourier Transform Infra Red (FTIR) Project**
Location of SEP:	**Harris County**

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

1. Project Description

A. Project

The Respondent will contribute to Harris County Public Health and Environmental Services-Pollution Control Division's FTIR Project. This project includes the lease/contracting for services of air monitoring equipment, FTIR and other associated monitoring equipment, site preparation (including power and a shelter for the monitoring equipment), installation, operation and maintenance for a minimum of a two year period. Data validation management and reporting, and site closure and restoration will also be performed as a part of this project using methods approved by the TCEQ. The FTIR will analyze volatile organic compounds in ambient air. Harris County, in cooperation with the TCEQ, will establish Internet connectivity and automated data ingestion into the TCEQ LEADS system. SEP monies will fund the lease/contract for services of the FTIR and related equipment, site creation, preparation and installation of the FTIR, and the operation and maintenance of the FTIR site for a minimum of two years. SEP monies will also be used to pay for any equipment, software, and programming associated with establishing Internet connectivity and automated data ingestion.

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 significant and discernible environmental benefits to the Harris County area by

providing measurements of concentrations of certain air pollutants. The information obtained from this monitoring site will provide the community with more knowledge of the types and quantities of pollutants present in this industrialized area. Data obtained from the monitoring site, and made available to the public, may be used by the TCEQ, Environmental Protection Agency (EPA), scientists, local government and industry to reduce emissions, as appropriate. Because air quality is an important priority in the Harris County area, this project is focused on providing air quality data that may be used by the TCEQ, local programs, and other stakeholders to investigate and improve knowledge of any identified air quality concerns. Data from the project may be used to detect and track air emissions in near real-time to determine air pollution source locations for enforcement actions, permitting and regulatory decisions, potential future health effects studies and/or as part of a pollution program such as the Environmental Monitoring and Response System. The data also can be used by the TCEQ and the EPA to help determine if additional air quality problems that have not yet been detected exist in the Harris County area.

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:

Mr. Chris Barry
Harris County Pollution Control Division
P.O. Box 6031
Pasadena, Texas 77506

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.