

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NUMBER: 2005-1671-AIR-E TCEQ ID NO: RN102561925 ENF ID NO: 26972
RESPONDENT NAME: THE GOODYEAR TIRE & RUBBER COMPANY

ORDER TYPE:

<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:

<input type="checkbox"/> AGRICULTURE	<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> DRY CLEANER REGISTRATION	

SITE WHERE VIOLATION(S) OCCURRED: 11241 Interstate Highway 10, Beaumont, Jefferson County

TYPE OF OPERATION: Synthetic rubber manufacturing plant

SMALL BUSINESS: Yes No

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

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 12, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Laurencia Fasoyiro, Litigation Division, MC R-12, (713) 422-8914; Ms. Jennifer Cook, Litigation Division, MC 175 (512) 239-1873
TCEQ SEP Coordinator: Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223
TCEQ Enforcement Coordinator: Mr. Terry Murphy, Enforcement Division, Section III, MC 149, (512) 239-5025
TCEQ Regional Contact: Ms. Heather Ross, Beaumont Regional Office, MC R-10, (409) 898-3838
Respondent: Mr. Donald Stanley, Vice President, The Goodyear Tire & Rubber Company, 650 N. St. Paul Street, Dallas, Texas 75201
Respondent's Attorney: Mr. Winfred T. Colbert, The Goodyear Tire & Rubber Company, Law Department - D/822, 1144 E. Market Street, Akron, OH 44316-0001

RESPONDENT'S NAME: THE GOODYEAR TIRE & RUBBER COMPANY
DOCKET NO.: 2005-1671-AIR-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date(s) of Investigation(s) Relating to this Case: July 18, 2005 to July 21, 2005, August 1, 2005 to August 3, 2005, and August 22, 2005</p> <p>Date(s) of NOV(s)/NOE(s) Relating to this Case: September 4, 2005 (NOE)</p> <p>Background Facts:</p> <p>On November 9, 2006, Litigation mailed a proposed Agreed Order to the Respondent. On November 13, 2006, the Respondent signed and returned the Agreed Order.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>AIR:</p> <ol style="list-style-type: none"> Failed to properly operate the 850 Unit Flare (Unit ID 2Q504) [30 TEX. ADMIN. CODE §§ 101.20(2), 113.100 and 113.260, 116.115(c), and 122.143(4), New Source Review ("NSR") Permit No. 38755/NO16, Special Conditions ("SC") 3 and 5, Operating Permit("OP") No. O-02294, Special Terms and Conditions ("STC") 1.A., 1.D., 1.E., and 9.A., 40 CFR § 63.11(b)(5) and (b)(6)(ii), and Tex. Health & Safety Code § 382.085(b)]. Failed to operate the Budene Flare (Unit ID 3Q504) using gas with a net heating value of less than 300 BTU/scf [30 TEX. ADMIN. CODE §§ 101.20(2), 113.100 and 113.260, 116.115(c), and 122.143(4), NSR Permit No. 9481, SC 5.A., OP No. O-01593, STC 1.A., 1.D., 1.F., and 12.A., 40 CFR § 63.11(b)(6)(ii), and TEX. HEALTH & SAFETY CODE §382.085(b)]. Failed to keep hourly thermocouple monitoring records for the 850 Unit Flare [30 TEX. ADMIN. CODE § 122.143(4), OP No. O-02294, STC - Additional Monitoring Requirements, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. Failed to record the time of day in the log of daily flare observations for the 850 Unit Flare [30 TEX. ADMIN. CODE §§ 111.111(a)(4)(A)(ii), 122.143(4), OP No. O-02294, STC 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)]. Failed to record the time of day or whether the flare was smoking in the daily flare operation log for the 870 unit3Q503 Wing flare and the 3Q504 Budene Flare [30 TEX. ADMIN. CODE §§ 111.111(a)(4)(A)(ii), 122.143(4), OP No. O-0153, STC 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)]. Failed to measure and record the pilot flame for the 870 Unit 3Q503 Wing Flare and for the 880 Unit 3Q504 Budene Flare [30 TEX. ADMIN. CODE § 122.143(4), OP No. O-01593, STC 11, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 	<p>Initial Calculated Penalty: \$354,568</p> <p>Total Assessed: \$283,654*</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Settlement</p> <p><input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset:: \$141,827</p> <p>Total Paid/Due to General Revenue: \$141,827</p> <p>The Respondent has paid \$141,827 of the administrative penalty. The remaining amount of \$141,827 shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project (SEP).</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 1, 2002</p> <p>Findings Order Justification: This is a findings order due to the absence of management practices designed to ensure compliance.</p> <p>*Explanation for Reduction in Penalty: The penalty was reduced in consideration of litigation risk.</p>	<p>Corrective Action(s) Taken</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures:</p> <ol style="list-style-type: none"> In order to address the proper operation of flares, on or before August 31, 2004, completed improvements in equipment, procedures, and training. In order to address incomplete flare records, on or before November 30, 2004, completed improvements to procedures and training. In order to ensure contents of tanks in VOC service remain above their fill pipes, on or before January 13, 2006, installed level controllers on tanks. In order to address fugitive emission violations, on or before October 19, 2004, capped all open ended lines and completed improvements to the fugitive monitoring program and training. In order to address incomplete startup, shutdown, and maintenance records, on or before May 30, 2004, provided additional record keeping training. In order to address incomplete records of tank-truck VOC transfers, on or before may 30, 2004, provided additional record keeping training. In order to address incomplete emissions data, on or before December 31, 2004, installed new and improved data collection equipment. In order to address excess vent gas pressure, on or before January 1, 2005, routed emissions from one vent to a flare and capped another vent.

RESPONDENT'S NAME: THE GOODYEAR TIRE & RUBBER COMPANY
DOCKET NO.: 2005-1671-AIR-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>7. Failed to maintain the Tiba Solution Tank's, the NBL Storage Tank's, and the Modifier Makeup Tank's contents above the fill pipe [30 TEX. ADMIN. CODE § 122.143(4), OP No. O-02294, STC - Additional Monitoring Requirements, OP No. O-01593, STC - Additional Monitoring Requirements, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>8. Failed to install a second valve, a blind flange, or a tightly-fitting plug or cap on open ended lines in the 850 Unit [30 TEX. ADMIN. CODE §§ 101.20(1) and (2), 113.260, 115.352(4), 116.115(c), and 122.143(4), 40 CFR §§ 63.167(a)(1), 60.482-6(a)(1), and 63.502(a), NSR Permit No. 38755/NO16, SC 3 and 9.E., OP No. O-02294, STC 1.A., and 1.D., and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>9. Failed to install a second valve, a blind flange, or a tightly-fitting plug or cap on open ended lines in the 840 and 880 Units [30 TEX. ADMIN. CODE §§ 101.20(1) and (2), 113.260, 115.352(4), 116.115(c), and 122.143(4), 40 CFR §§ 63.167(a)(1), 60.482-6(a)(1), and 63.502(a), NSR Permit No. 9481, SC 7.E., NSR Permit No. 22110, SC 2 and 5.E., OP No. O-01593, STC 1.A., 1.D., and 12.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>10. Failed to timely remonitor repaired leaking fugitive emission components [30 TEX. ADMIN. CODE §§ 101.20(2), 113.260, 116.115(c), and 122.143(4), 40 CFR § 63.502(a), NSR Permit No. 38755/NO16, SC 3 and 9.N., and OP No. O-02294, STC 1.A., 1.D., and 9.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>11. Failed to timely submit an ACC [30 TEX. ADMIN. CODE §§ 122.143(4), 122.146(2), OP No. O-02294, General Terms and Conditions (GTC), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>12. Failed to include a Certification by a Responsible Official form in a semiannual deviation report [30 TEX. ADMIN. CODE §§ 122.143(4), 122.143(15), 122.165(a)(7), OP No. O-02294, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>13. Failed to report the untimely submittal of an ACC [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), OP No. O-02294, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>14. Failed to report excess opacity events [30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A), OP No. O-01593, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>15. Failed to report excess opacity events that were not properly reported to the TCEQ Regional Office [30 TEX. ADMIN. CODE §§ 101.201(e) and 122.143(4), OP No. O-01593, SC 2.F., and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>16. Failed to sample fugitive emission components [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 1040, SC 4.F., NSR Permit No. 9481, SC 7.F., NSR Permit No. 22110, SC 5.F., OP No. O-01593, STC 12.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>17. Failed to conduct timely repair attempts on leaking fugitive emission components [30 TEX. ADMIN. CODE §§ 101.20(1) and (2), 115.352(2), 116.115(c) and 122.143(4), 40 CFR §§ 60.482-2(c)(2) and 63.502(a), NSR Permit No. 22110, SC 2, OP No. O-01593, STC 1.A., and 12.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		<p>9. In order to address the failure to report excess opacity events, on January 6, 2006, agreed to report any future excess opacity events.</p> <p>10. In order to address the failure to comply with permitted emissions limits on November 2, 2004, on or before November 4, 2004, provided additional operational training.</p> <p>11. In order to address the failure to sample cooling tower emissions, on or before November 30 2005, provided improved, and back-up, sampling equipment.</p> <p>Ordering Provision(s)</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Within 30 days: <ol style="list-style-type: none"> a. Submit a revised semiannual deviation report for September 2, 2004 through March 8, 2005, in order to include the untimely submittal of the September 9, 2003 through September 1, 2004 ACC; b. Submit a revised semiannual deviation report for April 21, 2004 to October 19, 2004, in order to include the untimely submittal of the three opacity events that occurred on May 27, June 9, and September 2, 2004; and c. Provide improvements to the oversight and/or operations of the Consumat Incinerator, in order to address opacity exceedances. 2. Within 45 days, submit written certification of compliance with Ordering Provision 1. 3. Implement and complete a Supplemental Environmental Project as defined in "Attachment A."

DOCKET NO.: 2005-1671-AIR-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>18. Failed to conduct a second monitoring of a repaired component [30 TEX. ADMIN. CODE §§ 101.20(1) and (2), 116.115(c) and 122.143(4), 40 CFR §§ 60.482-2(c)(2) and 63.502(a), NSR Permit No. 22110, SC 2, OP No. O-01593, STC 1.A., 1.D., and 12.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
<p>19. Failed to properly isolate a pump from the process [30 TEX. ADMIN. CODE §§ 101.20(1) and (2), 113.260 and 122.143(4), 40 CFR § 63.502(a), OP No. O-01593, STC 1.A., and 1.D., and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
<p>20. Failed to conduct timely repairs on leaking fugitive emission components in the 840 and 880 Units [30 TEX. ADMIN. CODE §§ 101.20(1) and (2), 113.260, 116.115(c) and 122.143(4), 40 CFR §§ 60.482-2(c)(2) and 63.502(a), NSR Permit No. 9481, SC 7.H., OP No. O-01593, STC 1.A., 1.D., and 12.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
<p>21. Failed to conduct timely repairs on leaking fugitive emission components in the Isoprene Unit [30 TEX. ADMIN. CODE §§ 101.20(1) and (2), 113.260, 116.115(c) and 122.143(4), 40 CFR §§ 60.482-2(c)(2) and 63.502(a), NSR Permit No. 22110, SC 2 and 5.F., OP No. O-01593, STC 1.A., 1.D., and 12.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
<p>22. Failed to maintain visual inspection records [30 TEX. ADMIN. CODE §§ 101.20(2), 113.260, and 122.143(4), 40 CFR § 63.502(a), OP No. O-01593, STC 1.A., and 1.D., and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
<p>23. Failed to properly monitor a fugitive emission component [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 1040, SC 4.F., OP No. O-01593, STC 12.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
<p>24. Failed to keep complete startup, shutdown, and maintenance records [30 TEX. ADMIN. CODE §§ 101.20(2), 113.260, and 122.143(4), 40 CFR § 63.506(b)(1)(i)(A), OP No. O-01593, STC 1.D. and 1.F., and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
<p>25. Failed to keep complete records of tank-truck VOC transfers [30 TEX. ADMIN. CODE §§ 115.216(3)(A)(iii) and 122.143(4), OP No. O-01593, STC 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
<p>26. Failed to tag visually leaking fugitive emission components [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 1040, SC 4.H., NSR Permit No. 22110, SC 5.H., OP No. O-01593, STC 12.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
<p>27. Failed to record complete emissions data [30 TEX. ADMIN. CODE §§ 101.20(1), 101.20(3), and 122.143(4), 40 CFR § 60.48b(b)(1), NSR Permit 20040/PSD-TX-801, SC 2 and 13, OP No. O-01593, STC 1.A., 1.G., and 12.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
<p>28. Failed to limit vent gas pressure [30 TEX. ADMIN. CODE §§ 115.131(a) and 122.143(4), OP No. O-01593, STC 1.A., and TEX. HEALTH & SAFETY CODE §§ 382.085(b)].</p>		
<p>29. Failed to limit opacity [30 TEX. ADMIN. CODE §§ 111.121(6) and 122.143(4), OP No. O-01593, STC 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		

RESPONDENT'S NAME: THE GOODYEAR TIRE & RUBBER COMPANY
DOCKET NO.: 2005-1671-AIR-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
30. Failed to report excess opacity events [30 TEX. ADMIN. CODE §§ 122.143(4), OP No. O-01593, STC 2.F., and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
31. Failed to properly monitor emissions control devices [30 TEX. ADMIN. CODE §§ 115.136(a)(2)(B) and 122.143(4), OP No. O-01593, STC 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
32. Failed to comply with permitted emissions limits [30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 1040, SC 1 and NSR Permit No. 22110, SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
33. Failed to sample cooling tower emissions [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 9481, SC 4 and OP No. O-01593, STC 12.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)].		



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	06-Sep-2005	Screening	27-Sep-2005	EPA Due	10-Jul-2006
	PCW	27-Jan-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	The Goodyear Tire & Rubber Company
Reg. Ent. Ref. No.	RN102561925
Facility/Site Region	10-Beaumont <input type="checkbox"/> Major/Minor Source Major Source <input checked="" type="checkbox"/>

CASE INFORMATION			
Enf./Case ID No.	26972	No. of Violations	23
Docket No.	2005-1671-AIR-E	Order Type	Findings <input checked="" type="checkbox"/>
Media Program(s)	Air Quality <input checked="" type="checkbox"/>	Enf. Coordinator	Terry Murphy
Multi-Media		EC's Team	Enforcement Team 5 <input checked="" type="checkbox"/>
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Reduction **Subtotal 5**

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

Notes

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts	<input type="text" value="\$5,255"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$29,850"/>	

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

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

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 27-Sep-2005

Docket No. 2005-1671-AIR-E

PCW

Respondent The Goodyear Tire & Rubber Company

Policy Revision 2 (September 2002)

Case ID No. 26972

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102561925

Media [Statute] Air Quality

Enf. Coordinator Terry Murphy

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	12	24%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	<i>Please Enter Yes or No</i>		
	Environmental management systems in place for one year or more	Yes	-10%
	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) 84%

>> 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

The penalty was enhanced by two NOVs for same or similar violations, 12 NOVs for dissimilar violations, and three 1660-style TCEQ agreed orders. The penalty was reduced by an EMS.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 84%

Screening Date 27-Sep-2005 **Docket No.** 2005-1671-AIR-E **PCW**
Respondent The Goodyear Tire & Rubber Company *Policy Revision 2 (September 2002)*
Case ID No. 26972 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN102561925
Media [Statute] Air Quality
Enf. Coordinator Terry Murphy
Violation Number 1

Primary Rule Cite(s) 30 Texas Administrative Code (TAC) §§ 101.20(2), 113.100, 113.260, 116.115(c), and 122.143(4), 40 Code of Federal Regulations (CFR) § 63.11(b)(5) and (b)(6)(ii), New Source Review (NSR) Permit No. 38755/NO16, Special Conditions (SC) 3. and 5., NSR Permit No. 9481, SC 5.A., Operating Permit (OP) No. O-02294, Special Terms and Conditions (STC) 1.A., 1.D., 1.E. and 9.A., and OP No. O-01593, STC 1.A., 1.D., 1.E., 1.F., and 12.A.
Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to properly operate flares. Specifically, the Respondent reported that it operated the 850 Unit Flare (Unit ID 2Q504) without a flame for approximately 2 hours on November 18, 2003, and that it failed to operate that flare using gas with a net heating value of at least 300 British thermal units per standard cubic feet (BTU/scf) on 20 days during the period September 9, 2003 to March 2, 2004. Additionally, the Respondent reported that it operated the Budene Flare (Unit ID 3Q504) using gas with a net heating value of less than 300 BTU/scf on November 10, 2003, December 12 - 14, 2003, January 10 - 12, 16, 20 - 21, and 23, 2004, and February 8, 2004. These violations were documented during record reviews conducted July 18 - 21, 2005 and August 1 - 3, 2005.

Base Penalty \$10,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 25%
	Potential		X		

>> **Programmatic Matrix**

		Major	Moderate	Minor	
Falsification					Percent

Matrix Notes Operating a flare without being lit and using BTU-deficient combustion gas could have resulted in human health or the environment having been exposed to significant amounts of pollutants not exceeding levels 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 33

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

Violation Base Penalty \$82,500

Thirty-three single events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,556

Violation Final Penalty Total \$151,800

This violation Final Assessed Penalty (adjusted for limits) \$151,800

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company
Case ID No. 26972
Reg. Ent. Reference No. RN102561925
Media [Statute] Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$1,000	18-Nov-2003	31-Aug-2004	0.8	\$39	n/a	\$39
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 costs to train personnel on improved flare operation oversight. The Date Required is the date the Respondent reported the flare flame outage, and the final Date is the date the Respondent completed improvements in procedures and training.

Item Description	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Avoided Costs							
Personnel - Budene Flare				0.0	\$0	\$0	\$0
Disposal				0.0	\$0	\$0	\$0
Inspections				0.0	\$0	\$0	\$0
Higher BTU/scf fuel	\$5,000	09-Sep-2003	02-Mar-2004	0.5	\$120	\$2,397	\$2,517
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 Estimated costs to have provided a more accurate instrument to monitor fuel BTU content for the flares. The Date Required is the date of the first reported operational deficiency, and the final Date is the date a new instrument was placed in service.

Approx. Cost of Compliance \$6,000
TOTAL \$2,556

Screening Date 27-Sep-2005 **Docket No.** 2005-1671-AIR-E **PCW**
Respondent The Goodyear Tire & Rubber Company *Policy Revision 2 (September 2002)*
Case ID No. 26972 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN102561925
Media [Statute] Air Quality
Enf. Coordinator Terry Murphy
Violation Number 2

Primary Rule Cite(s) 30 TAC §§ 111.111(a)(4)(A)(ii), 122.143(4), OP No. O-02294, STC 1.A. and STC - Additional Monitoring Requirements, OP No. O-01593, STC 1.A. and STC 11.
Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to keep complete flare records. Specifically, the Respondent reported that, for the 850 Unit Flare, it failed to keep hourly thermocouple monitoring records for a period of 12 hours and 48 minutes on November 2 and November 3, 2003, and failed, during the period September 9, 2003 through February 22, 2004, to record the time of day in the log of daily flare observations. Additionally, the Respondent reported that, for the 870 Unit 3Q503 Wing Flare during the period April 21, 2004 to October 19, 2004, it did not record the time of day (for 2 days) nor whether or not it was smoking (for 21 days) in the daily flare operation log, and also failed to measure and record the pilot flame on October 20 - 21, 2004. The Respondent further reported that, for the 880 Unit 3Q504 Budene Flare, it failed to measure and record the presence of the flare's pilot flame on October 24, 28, 2003, November 5, 2003, December 12 -13, 2004, January 12, 2004, January 29 - February 3, 2004, and April 2 - 20, 2004. These violations were documented during record reviews conducted July 18 - 21, 2005 and August 1 - 3, 2005.

Base Penalty \$10,000

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

OR

		Harm			
Release		Major	Moderate	Minor	
Actual					Percent <input type="text"/>
Potential					

>> **Programmatic Matrix**

		Major	Moderate	Minor	
Falsification				X	Percent <input type="text" value="1%"/>

Matrix Notes

Adjustment
Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company
 Case ID No. 26972
 Reg. Ent. Reference No. RN102561925
 Media [Statute] Air Quality
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$2,000	24-Oct-2003	30-Nov-2004	1.1	\$110	n/a	\$110
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 costs to provide improvements to the record keeping system for the flares and/or provide additional record keeping training. The Date Required is the date of the first reported record keeping deficiency, and the final Date is the date the Respondent provided improvements to its procedures and additional training.

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	\$600	24-Oct-2003	19-Oct-2004	1.0	\$30	\$593	\$623
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

The estimated cost of additional personnel oversight. The Date Required is the date of the first reported record keeping deficiency, and the final Date is the date of the last reported deficiency.

Approx. Cost of Compliance **\$2,600**

TOTAL \$734

Screening Date 27-Sep-2005

Docket No. 2005-1671-AIR-E

PCW

Respondent The Goodyear Tire & Rubber Company

Policy Revision 2 (September 2002)

Case ID No. 26972

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102561925

Media [Statute] Air Quality

Enf. Coordinator Terry Murphy

Violation Number 3

Primary Rule Cite(s) 30 TAC § 122.143(4), OP No. O-02294, STC - Additional Monitoring Requirements, and OP No. O-01593, STC - Additional Monitoring Requirements

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

Violation Description Failed to maintain contents above fill pipes for three tanks in VOC service. Specifically, the Respondent reported that it failed to maintain the contents above the fill pipe in Modifier Makeup Tank (Unit ID 5F-227) on February 4, 2004, in the Tiba Solution Tank (Unit ID 8F-201) on 17 occasions during the period October 20, 2003 to October 19, 2004, and in the NBL Storage Tank (Unit ID 4F-200) on March 22, 2004. These violations were documented during record reviews conducted July 18 - 21, 2005 and August 1 - 3, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1%

Matrix Notes The Respondent failed to comply with less than 30% of the monitoring requirements.

Adjustment -\$9,900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 19

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

Violation Base Penalty \$1,900

Nineteen single events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$112

Violation Final Penalty Total \$3,496

This violation Final Assessed Penalty (adjusted for limits) \$3,496

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company
 Case ID No. 26972
 Reg. Ent. Reference No. RN102561925
 Media [Statute] Air Quality
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	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	\$1,000	20-Oct-2003	13-Jan-2006	2.2	\$112	n/a	\$112
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 costs to install level controllers on the three tanks. The Date Required is the date of the first reported deficiency, and the Final Date is the date the Respondent reported that the tanks had been fitted with level controllers.

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 \$1,000 TOTAL \$112

Screening Date 27-Sep-2005

Docket No. 2005-1671-AIR-E

PCW

Respondent The Goodyear Tire & Rubber Company

Policy Revision 2 (September 2002)

Case ID No. 26972

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102561925

Media [Statute] Air Quality

Enf. Coordinator Terry Murphy

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

30 TAC §§ 101.20(1) and 101.20(2), 113.260, 115.352(4), 116.115(c), and 122.143(4), 40 CFR §§ 63.167(a)(1), 60.482-6(a)(1), 63.502(a), NSR Permit 1040 SC 4.E., NSR Permit No. 9481 SC 7.E., NSR Permit No. 22110, SC 2. and 5.E., NSR Permit No. 38755/NO16, SC 3. and 9.E., and OP No. O-02294, STC 1.A. and 1.D. and OP No. O-01593, SC 1.A., SC 1.D., and SC 12.A.

Tex. Health & Safety Code § 382.085(b)

Failed to install a second valve, a blind flange, or a tightly-fitting plug or cap on open ended lines. Specifically, the Respondent reported that, during the period September 9, 2003 to October 19, 2004, it failed to install a second valve, a blind flange, or a tightly-fitting plug or cap on 21 open ended lines containing hazardous air pollutants (HAP) in the 840, 850, and 880 Units, as documented during record reviews conducted July 18 - 21, 2005 and August 1 - 3, 2005.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

Human health or the environment were exposed to an insignificant amount of pollutants (0.02 tons) not exceeding levels protective of human health or environmental receptors as a result of the violations.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

	daily	<input type="text"/>
	monthly	<input type="text"/>
mark only one	quarterly	<input checked="" type="checkbox"/>
use a small x	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Five quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company
 Case ID No. 26972
 Reg. Ent. Reference No. RN102561925
 Media [Statute] Air Quality
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$1,050	09-Sep-2003	19-Oct-2004	1.1	\$4	\$78	\$82
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	\$5,000	09-Sep-2003	30-Sep-2004	1.1	\$265	n/a	\$265
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: \$1,050 is the estimated cost to cap open ended lines (\$50/cap @ 21 caps). The Date Required is the date of the first reported installation failure, and the final Date is the date of the last reported installation failure. \$5,000 is the estimated cost to provide improvements to the fugitive monitoring program and/or provide additional fugitive monitoring training. The Date Required is the date of the first reported installation failure, and the final Date is the date the Respondent provided additional fugitive monitoring training.

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 \$6,050 TOTAL \$347

Screening Date 27-Sep-2005

Docket No. 2005-1671-AIR-E

PCW

Respondent The Goodyear Tire & Rubber Company

Policy Revision 2 (September 2002)

Case ID No. 26972

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102561925

Media [Statute] Air Quality

Enf. Coordinator Terry Murphy

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

30 TAC §§ 101.20(2), 113.260, 116.115(c), and 122.143(4), 40 CFR § 63.502(a), NSR Permit No. 38755/NO16, SC 3. and 9.N., and OP No. O-02294, STC 1.A., 1.D., and 9.A

Tex. Health & Safety Code § 382.085(b)

Failed to timely remonitor repaired leaking fugitive emission components. Specifically, the Respondent reported that, during the period March 9, 2004 to February 28, 2005, it failed to remonitor 12 repaired pumps in volatile organic compounds (VOC) service after their repair and within 15 days after the leaks were discovered, as documented during a record review conducted July 18 to July 21, 2005.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

The emissions resulted in the exposure of insignificant amounts of pollutants (0.5 tons) which did not exceed levels protective of human health or the environment.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Four quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company
Case ID No. 26972
Reg. Ent. Reference No. RN102561925
Media [Statute] Air Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs The economic benefits for the violation are included in Violation 4.

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 \$0
TOTAL \$0

Screening Date 27-Sep-2005

Docket No. 2005-1671-AIR-E

PCW

Respondent The Goodyear Tire & Rubber Company

Policy Revision 2 (September 2002)

Case ID No. 26972

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102561925

Media [Statute] Air Quality

Enf. Coordinator Terry Murphy

Violation Number

30 TAC §§ 122.143(4), 122.143(15), 122.145(2)(A), 122.146(2), 122.165(a)(7) and OP No. O-02294, General Terms and Conditions (GTC)

Primary Rule Cite(s)

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to timely submit an Annual Compliance Certification (ACC), include a Certification by a Responsible Official form, and report all deviations. Specifically, submittal of the ACC for the period September 9, 2003 through September 1, 2004 was required by October 1, 2004, but the Respondent did not submit it until October 7, 2004. The September 2, 2004 through March 8, 2005 semiannual deviation report did not include a Certification by a Responsible Official form and did not report the untimely submittal of the ACC for the period September 9, 2003 through September 1, 2004. These violations were documented during a record review conducted July 18 - 21, 2005.

Base Penalty

>> Environmental, Property and Human Health Matrix

Harm

Release	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>

Percent

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company
 Case ID No. 26972
 Reg. Ent. Reference No. RN102561925
 Media [Statute] Air Quality
 Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$100	01-Oct-2004	07-Oct-2004	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)	\$400	01-Oct-2004	01-Jun-2006	1.7	\$33	n/a	\$33

Notes for DELAYED costs

\$100 is the estimated cost to timely submit the ACC. The Date Required is the date the report should have been submitted, and the final Date is the date the Respondent submitted the report. \$400 is the estimated cost to submit a revised semiannual report. The Date Required is the date the report should have been submitted, and the final Date is the date the Respondent is expected to submit a revised report.

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 \$500

TOTAL \$33

Screening Date 27-Sep-2005

Docket No. 2005-1671-AIR-E

PCW

Respondent The Goodyear Tire & Rubber Company

Policy Revision 2 (September 2002)

Case ID No. 26972

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102561925

Media [Statute] Air Quality

Enf. Coordinator Terry Murphy

Violation Number

Primary Rule Cite(s)

30 TAC §§ 101.201(e), 122.143(4) and 122.145(2)(A) and OP No. O-01593, General Terms and Conditions (GTC) and SC 2.F.

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to report all deviations. Specifically, the Respondent failed to include, in the April 21, 2004 to October 19, 2004 semiannual deviation report, four excess opacity events that occurred on May 17, June 24, June 6 - 10, and July 23, 2004, and failed to include three improperly reported excess opacity events that occurred on May 27, June 9, and September 2, 2004. This violation was documented during a record review conducted August 1 - 3, 2005.

Base Penalty

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

		Major	Moderate	Minor	
	Falsification	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="1%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company
 Case ID No. 26972
 Reg. Ent. Reference No. RN102561925
 Media [Statute] Air Quality
 Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	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
Reporting				0.0	\$0	n/a	\$0
Reporting	\$400	19-Nov-2004	01-Jun-2006	1.5	\$31	n/a	\$31
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: \$400 is the estimated cost to submit a revised semiannual deviation report. The Date Required is the date the deficient semiannual report was submitted, and the final Date is the date the Respondent is expected to submit a revised report.

Item	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 TOTAL

Screening Date 27-Sep-2005

Docket No. 2005-1671-AIR-E

PCW

Respondent The Goodyear Tire & Rubber Company

Policy Revision 2 (September 2002)

Case ID No. 26972

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102561925

Media [Statute] Air Quality

Enf. Coordinator Terry Murphy

Violation Number

Primary Rule Cite(s)

30 TAC §§ 116.115(c), and 122.143(4), NSR Permit No. 1040, SC 4.F., NSR Permit No. 22110, SC 5.F., NSR Permit No. 9481 SC 7.F., and OP No. O-01593, STC 12.A.

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to sample fugitive emission components. Specifically, the Respondent reported that it repaired and maintained 31 components in VOC service between November 5, 2003 and April 7, 2004, but did not simultaneously sample emissions from those components with an approved gas analyzer, as documented during a record review conducted August 1 to August 3, 2005.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

Human health or the environment were exposed to an insignificant amount of pollutants not exceeding levels protective of human health or environmental receptors as a result of the violations.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Two quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company
 Case ID No. 26972
 Reg. Ent. Reference No. RN102561925
 Media [Statute] Air Quality
 Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs The economic benefits for the violation are included in Violation 4.

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 \$0 TOTAL \$0

Screening Date 27-Sep-2005

Docket No. 2005-1671-AIR-E

PCW

Respondent The Goodyear Tire & Rubber Company

Policy Revision 2 (September 2002)

Case ID No. 26972

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102561925

Media [Statute] Air Quality

Enf. Coordinator Terry Murphy

Violation Number

Primary Rule Cite(s)

30 TAC §§ 101.20(1), 101.20(2), 115.352(2), 116.115(c) and 122.143(4),
40 CFR §§ 60.482-2(c)(2) and 63.502(a), NSR Permit No. 22110, SC 2,
and OP No. O-01593, STC 1.A., 1.D., and 12.A.

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to conduct timely repair attempts on leaking fugitive emission components and failed to conduct a second monitoring of a repaired component. Specifically, the Respondent reported that, during the period November 1, 2003 to April 7, 2004, it delayed attempted repairs on 42 leaking components in VOC service for more than five days after their discovery, and did not monitor two repaired valves a second time after they had been repaired, as documented during a record review conducted August 1 to August 3, 2005.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes

Human health or the environment were exposed to an insignificant amount of pollutants not exceeding levels protective of human health or environmental receptors as a result of the violations.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Two quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company
Case ID No. 26972
Reg. Ent. Reference No. RN102561925
Media [Statute] Air Quality
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs The economic benefits for the violation are included in Violation 4.

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 \$0

TOTAL \$0

Screening Date 27-Sep-2005

Docket No. 2005-1671-AIR-E

PCW

Respondent The Goodyear Tire & Rubber Company

Policy Revision 2 (September 2002)

Case ID No. 26972

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102561925

Media [Statute] Air Quality

Enf. Coordinator Terry Murphy

Violation Number 10

Primary Rule Cite(s)

30 TAC §§ 101.20 (1) and (2), 113.260, and 122.143(4), 40 CFR § 63.502(a), and OP No. O-01593, STC 1.A. and 1.D.

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to properly isolate a pump from the process. Specifically, the Respondent reported that a pump in HAP service (in Unit ID 230FPRI) in need of repair was listed as out of service in order to delay the repair, but that the pump improperly remained in service from October 11, 2003 to December 4, 2003, as documented during a record review conducted August 1 to August 3, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes

Human health or the environment were exposed to an insignificant amount of pollutants not exceeding levels 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

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

Violation Base Penalty \$2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,600

This violation Final Assessed Penalty (adjusted for limits) \$4,600

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company
 Case ID No. 26972
 Reg. Ent. Reference No. RN102561925
 Media [Statute] Air Quality
 Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs The economic benefits for the violation are included in Violation 4.

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 \$0

TOTAL \$0

Screening Date 27-Sep-2005

Docket No. 2005-1671-AIR-E

PCW

Respondent The Goodyear Tire & Rubber Company

Policy Revision 2 (September 2002)

Case ID No. 26972

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102561925

Media [Statute] Air Quality

Enf. Coordinator Terry Murphy

Violation Number 11

30 TAC §§ 101.20(1) and (2), 113.260, 116.115(c) and 122.143(4), 40 CFR §§ 60.482-2(c)(2) and 63.502(a), NSR Permit No. 9481, SC 7.H., NSR Permit No. 22110, SC 2. and 5.F., and OP No. O-01593, STC 1.A., 1.D., and 12.A.

Primary Rule Cite(s)

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to conduct timely repairs on leaking fugitive emission components. Specifically, the Respondent reported that, during the period January 15, 2004 to November 12, 2004, it delayed the repair of 15 leaking components in VOC service for more than 15 days after their discovery in the 840, 880, and Isoprene Units, as documented during a record review conducted August 1 to August 3, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual			X	Percent 25%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes

Human health or the environment were exposed to an insignificant amount of pollutants not exceeding levels 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 4

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

Violation Base Penalty \$10,000

Four quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$18,400

This violation Final Assessed Penalty (adjusted for limits) \$18,400

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company
Case ID No. 26972
Reg. Ent. Reference No. RN102561925
Media [Statute] Air Quality
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The economic benefits for the violation are included in Violation 4.

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 \$0

TOTAL \$0

Screening Date 27-Sep-2005

Docket No. 2005-1671-AIR-E

PCW

Respondent The Goodyear Tire & Rubber Company

Policy Revision 2 (September 2002)

Case ID No. 26972

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102561925

Media [Statute] Air Quality

Enf. Coordinator Terry Murphy

Violation Number 12

Primary Rule Cite(s)

30 TAC §§ 101.20(2), 113.260, and 122.143(4), 40 CFR § 63.502(a), and OP No. O-01593, STC 1.A. and 1.D.

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain visual inspection records. Specifically, the Respondent reported that it failed to maintain weekly pump (in HAP service) visual inspection records (Unit ID 280FPRI) for the week of March 1-7, 2004, as documented during a record review conducted August 1 to August 3, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

OR

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1%

Matrix Notes

The Respondent kept more than 70% of the required records.

Adjustment -\$9,900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

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

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$184

This violation Final Assessed Penalty (adjusted for limits) \$184

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company
Case ID No. 26972
Reg. Ent. Reference No. RN102561925
Media [Statute] Air Quality
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The economic benefits for the violation are included in Violation 4.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance \$0
TOTAL \$0

Screening Date 27-Sep-2005 **Docket No.** 2005-1671-AIR-E **PCW**
Respondent The Goodyear Tire & Rubber Company *Policy Revision 2 (September 2002)*
Case ID No. 26972 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN102561925
Media [Statute] Air Quality
Enf. Coordinator Terry Murphy
Violation Number
Primary Rule Cite(s)
Secondary Rule Cite(s)
Violation Description

Base Penalty

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

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company
Case ID No. 26972
Reg. Ent. Reference No. RN102561925
Media [Statute] Air Quality
Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The economic benefits for the violation are included in Violation 4.

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 \$0
TOTAL \$0

Screening Date 27-Sep-2005

Docket No. 2005-1671-AIR-E

PCW

Respondent The Goodyear Tire & Rubber Company

Policy Revision 2 (September 2002)

Case ID No. 26972

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102561925

Media [Statute] Air Quality

Enf. Coordinator Terry Murphy

Violation Number 14

Primary Rule Cite(s)

30 TAC §§ 101.20(2), 113.260, and 122.143(4), 40 CFR § 63.506(b)(1)(i)(A), and OP No. O-01593, STC 1.D. and 1.F.

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to keep complete startup, shutdown, and maintenance records. Specifically, the Respondent reported that, on October 23, 2003 and November 26, 2003, it failed to include the ending date and time on a Startup, Shutdown, and Maintenance Plan checklist, as documented during a record review conducted August 1 to August 3, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> Programmatic Matrix

		Major	Moderate	Minor	
	Falsification			X	Percent 1%

Matrix Notes The Respondent provided more than 70% of the required information.

Adjustment -\$9,900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

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

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$30

Violation Final Penalty Total \$184

This violation Final Assessed Penalty (adjusted for limits) \$184

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company
Case ID No. 26972
Reg. Ent. Reference No. RN102561925
Media [Statute] Air Quality
Violation No. 14

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	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	\$1,000	23-Oct-2003	30-May-2004	0.6	\$30	n/a	\$30
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 costs to provide additional training or improvements in the record keeping system for startups, shutdowns, and maintenance. The Date Required is the date of the first reported deficiency, and the Final Date is the date the Respondent provided additional training.

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 \$1,000 **TOTAL** \$30

Screening Date 27-Sep-2005 **Docket No.** 2005-1671-AIR-E **PCW**
Respondent The Goodyear Tire & Rubber Company *Policy Revision 2 (September 2002)*
Case ID No. 26972 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN102561925
Media [Statute] Air Quality
Enf. Coordinator Terry Murphy
Violation Number 15
Primary Rule Cite(s) 30 TAC §§ 115.216(3)(A)(iii) and 122.143(4) and OP No. O-01953, STC 1.A.
Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to keep complete records of tank-truck VOC transfers. Specifically, the Respondent reported that, on November 15, 25, 2003, January 2, 10, 22, 2004, February 7, 2004, and April 13-14, 2004, it failed to include the trailer leak test date on the BC36 form (Tank-Truck Tank VOC Transfer Form), as documented during a record review conducted August 1 to August 3, 2005.

Base Penalty \$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
			X	1%

Matrix Notes The Respondent kept more than 70% of the required records.

Adjustment -\$9,900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

<i>mark only one use a small x</i>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	X	

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$26

Violation Final Penalty Total \$184

This violation Final Assessed Penalty (adjusted for limits) \$184

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company
 Case ID No. 26972
 Reg. Ent. Reference No. RN102561925
 Media [Statute] Air Quality
 Violation No. 15

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	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	\$1,000	25-Nov-2003	30-May-2004	0.5	\$26	n/a	\$26
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 costs to provide additional training or improvements in tank-truck transfer records. The Date Required is the date of the first reported deficiency, and the Final Date is the date the Respondent provided additional training.

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 \$1,000

TOTAL \$26

Screening Date 27-Sep-2005

Docket No. 2005-1671-AIR-E

PCW

Respondent The Goodyear Tire & Rubber Company

Policy Revision 2 (September 2002)

Case ID No. 26972

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102561925

Media [Statute] Air Quality

Enf. Coordinator Terry Murphy

Violation Number 16

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

30 TAC §§ 116.115(c) and 122.143(4), NSR Permit No. 1040, SC 4.H., NSR Permit No. 22110, SC 5.H., and OP No. O-01593, STC 12.A.

Tex. Health & Safety Code § 382.085(b)

Failed to tag visually leaking fugitive emission components. Specifically, the Respondent reported that, on May 13, June 18, and July 30, 2004, it failed, upon discovery, to tag a visually leaking pump seal in the Isoprene Unit and a visually leaking pump seal and valve in the Wing Unit (all three components in VOC service), as documented during a record review conducted August 1 to August 3, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1%

Matrix Notes

The Respondent complied with more than 70% of the leaking fugitive requirements.

Adjustment -\$9,900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 3

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

Violation Base Penalty \$300

Three single events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$552

This violation Final Assessed Penalty (adjusted for limits) \$552

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company
 Case ID No. 26972
 Reg. Ent. Reference No. RN102561925
 Media [Statute] Air Quality
 Violation No. 16

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The economic benefits for the violation are included in Violation 4.

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

TOTAL

Screening Date 27-Sep-2005

Docket No. 2005-1671-AIR-E

PCW

Respondent The Goodyear Tire & Rubber Company

Policy Revision 2 (September 2002)

Case ID No. 26972

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102561925

Media [Statute] Air Quality

Enf. Coordinator Terry Murphy

Violation Number 17

Primary Rule Cite(s)

30 TAC §§ 101.20(1), 101.20(3), and 122.143(4), 40 CFR § 60.48b(b)(1),
NSR Permit 20040/PSD-TX-801, SC 2. and 13., and OP No. O-01593,
STC 1.A., 1.G, and 12.A.

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to record complete emissions data. Specifically, the Respondent reported that, from August 7, 2004 to August 9, 2004, it failed to record nitrogen oxides emissions from Boiler B-108, as documented during a record review conducted August 1 to August 3, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1%

Matrix Notes The Respondent provided more than 70% of the required information.

Adjustment -\$9,900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

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

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$20

Violation Final Penalty Total \$184

This violation Final Assessed Penalty (adjusted for limits) \$184

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company
Case ID No. 26972
Reg. Ent. Reference No. RN102561925
Media [Statute] Air Quality
Violation No. 17

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	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	\$1,000	07-Aug-2004	31-Dec-2004	0.4	\$20	n/a	\$20
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 costs to provide additional training or improvements in the record keeping system for emissions data. The Date Required is the date of the first reported deficiency, and the Final Date is the date the Respondent installed a new NOX CEMS and a data acquisition system with redundant data collection systems.

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 \$1,000 **TOTAL** \$20

Screening Date 27-Sep-2005

Docket No. 2005-1671-AIR-E

PCW

Respondent The Goodyear Tire & Rubber Company

Policy Revision 2 (September 2002)

Case ID No. 26972

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102561925

Media [Statute] Air Quality

Enf. Coordinator Terry Murphy

Violation Number

Primary Rule Cite(s)

30 TAC §§ 115.131(a) and 122.143(4) and OP No. O-01593, STC 1.A.

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to limit vent gas pressure. Specifically, the Respondent reported that, during the period March 9, 2004 to October 19, 2004, it failed to maintain the true partial pressure of the VOC venting from the 8F403 and 9F409 water separator vents to less than 0.5 pounds per square inch absolute, as documented during a record review conducted August 1 to August 3, 2005.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

Human health or the environment were exposed to an insignificant amount of pollutants not exceeding levels protective of human health or environmental receptors as a result of the violations.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Six quarterly events are recommended: three for each vent.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company
Case ID No. 26972
Reg. Ent. Reference No. RN102561925
Media [Statute] Air Quality
Violation No. 18

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	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	\$3,000	09-Mar-2004	01-Jan-2005	0.8	\$122	n/a	\$122
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 costs to provide alternate vent controls. The Date Required is the date of the first reported deficiency, and the Final Date is the date the Respondent routed emissions from one vent to a flare and capped the other vent.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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: Estimated costs to provide additional oversight over VOC vent controls. The Date Required is the date of the first reported deficiency, and the Final Date is that of the last reported deficiency.

Approx. Cost of Compliance \$3,000
TOTAL \$122

Screening Date 27-Sep-2005

Docket No. 2005-1671-AIR-E

PCW

Respondent The Goodyear Tire & Rubber Company.

Policy Revision 2 (September 2002)

Case ID No. 26972

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102561925

Media [Statute] Air Quality

Enf. Coordinator Terry Murphy

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)
 Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification			Percent
	Major	Moderate	Minor	
<input type="text" value="Human health or the environment were exposed to an insignificant amount of pollutants not exceeding levels protective of human health or environmental receptors as a result of the violations."/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company
 Case ID No. 26972
 Reg. Ent. Reference No. RN102561925
 Media [Statute] Air Quality
 Violation No. 19

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	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	\$1,000	04-May-2004	01-Jun-2006	2.1	\$104	n/a	\$104
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 costs to provide additional training or improvements in the oversight of opacity exceedances. The Date Required is the date of the first reported deficiency, and the Final Date is the date the Respondent is expected to have provided additional training or improvements.

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	\$1,100	04-May-2004	16-Sep-2004	0.4	\$20	\$407	\$427
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: Estimated costs to provide additional oversight over opacity exceedances (11 days at \$100/day). The Date Required is the date of the first reported deficiency, and the Final Date is that of the last reported deficiency.

Approx. Cost of Compliance \$2,100

TOTAL \$531

Screening Date 27-Sep-2005

Docket No. 2005-1671-AIR-E

PCW

Respondent The Goodyear Tire & Rubber Company

Policy Revision 2 (September 2002)

Case ID No. 26972

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102561925

Media [Statute] Air Quality

Enf. Coordinator Terry Murphy

Violation Number 20

Primary Rule Cite(s)

30 TAC § 122.143(4) and OP No. O-01593, STC 2.F.

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to report excess opacity events. Specifically, the Respondent reported that, on May 27, June 9, and September 2, 2004, opacity from Consumat Incinerator (Unit ID 3B-501A), averaged over a six-minute period, was 31.3%, 26.8%, and 29.8 %, respectively, but the Respondent failed to notify the TCEQ Regional Office within 24 hours after the discovery of these events, as documented during a record review conducted August 1 to August 3, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			25%

Matrix Notes The Respondent failed to comply with 100% of the rule.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 3

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

Violation Base Penalty \$7,500

Three single events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$250

Violation Final Penalty Total \$13,800

This violation Final Assessed Penalty (adjusted for limits) \$13,800

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company

Case ID No. 26972

Reg. Ent. Reference No. RN102561925

Media [Statute] Air Quality

Violation No. 20

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,000	28-May-2004	06-Jan-2006	1.6	\$81	n/a	\$81
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 costs to provide additional training or improvements in opacity exceedance reporting. The Date Required is the due date for the first required report, and the Final Date is the date the Respondent agreed to report opacity exceedances.

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	\$600	28-May-2004	03-Sep-2004	0.3	\$8	\$161	\$169
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

Estimated costs to provide additional oversight over opacity exceedance reporting (three reports at \$200/report). The Date Required is the due date for the first required report, and the Final Date is due date of the last required report.

Approx. Cost of Compliance TOTAL

Screening Date 27-Sep-2005 **Docket No.** 2005-1671-AIR-E **PCW**
Respondent The Goodyear Tire & Rubber Company *Policy Revision 2 (September 2002)*
Case ID No. 26972 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN102561925
Media [Statute] Air Quality
Enf. Coordinator Terry Murphy
Violation Number
Primary Rule Cite(s)
Secondary Rule Cite(s)
Violation Description

Base Penalty

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>				

Matrix Notes

The failure to properly monitor these control devices could have exposed human health or the environment to an insignificant amount of pollutants not exceeding levels protective of human health or environmental receptors as a result of the violations.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Two single events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company
Case ID No. 26972
Reg. Ent. Reference No. RN102561925
Media [Statute] Air Quality
Violation No. 21

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs Economic benefits for this violation are included in Violation 18.

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 \$0
TOTAL \$0

Screening Date 27-Sep-2005

Docket No. 2005-1671-AIR-E

PCW

Respondent The Goodyear Tire & Rubber Company

Policy Revision 2 (September 2002)

Case ID No. 26972

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102561925

Media [Statute] Air Quality

Enf. Coordinator Terry Murphy

Violation Number 22

Primary Rule Cite(s)

30 TAC § 116.115(c), NSR Permit No. 1040, SC 1. and NSR Permit No. 22110, SC 1.

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with permitted emissions limits. Specifically, during an emission event that occurred on November 2, 2004 at the Wing Flare (EPN 370FL-Q503) in the 870 Unit, the flare emitted 991 pounds per hour (lbs/hr.) of VOC over a period of 8.75 hours, while the authorized emissions limit for VOC is 36.1 lbs/hr. Because the flare was improperly extinguished by the Respondent's personnel, the emission event was determined to have been avoidable. Therefore, the emissions do not meet the demonstrations in 30 Tex. Admin. Code § 101.222 and are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b)(1-11), as documented during a record review conducted on August 22, 2005.

Base Penalty \$10,000

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

		Harm		
Release		Major	Moderate	Minor
OR	Actual			X
	Potential			

Percent 25%

>> **Programmatic Matrix**

		Major	Moderate	Minor
Falsification				

Percent

Matrix Notes

Human health or the environment were exposed to an insignificant amount of pollutants not exceeding levels 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

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

Statutory Limit Test

Estimated EB Amount \$200

Violation Final Penalty Total \$4,600

This violation Final Assessed Penalty (adjusted for limits) \$4,600

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company

Case ID No. 26972

Reg. Ent. Reference No. RN102561925

Media [Statute] Air Quality

Violation No. 22

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Percent Interest	Years of Depreciation
						5.0	15
				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	\$400	02-Nov-2004	04-Nov-2004	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 costs for additional personnel training. The Date Required is the date of the emission event, and the Final Date is the date the Respondent provided additional training.

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]	\$200	02-Nov-2004	02-Nov-2004	0.0	\$0	\$200	\$200
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated costs for additional personnel oversight. The Date Required and the Final Date are the date of the emission event.

Approx. Cost of Compliance **\$600****TOTAL** **\$200**

Screening Date 27-Sep-2005

Docket No. 2005-1671-AIR-E

PCW

Respondent The Goodyear Tire & Rubber Company

Policy Revision 2 (September 2002)

Case ID No. 26972

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102561925

Media [Statute] Air Quality

Enf. Coordinator Terry Murphy

Violation Number 23

Primary Rule Cite(s) 30 TAC §§ 116.115(c) and 122.143(4), NSR Permit No. 9481, SC 4. and OP No. O-01593, STC 12A

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

Violation Description Failed to sample cooling tower emissions. Specifically, the Respondent reported that it did not sample VOC emissions from the cooling tower's H Cell (EPN 116CT) for ten days during February 2004, as documented during a record review conducted August 1 to August 3, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential		X		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes

The failure to monitor cooling tower emissions could have exposed human health or the environment to a significant amount of pollutants not exceeding levels 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

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

Violation Base Penalty \$2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount \$264

Statutory Limit Test

Violation Final Penalty Total \$4,600

This violation Final Assessed Penalty (adjusted for limits) \$4,600

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company
 Case ID No. 26972
 Reg. Ent. Reference No. RN102561925
 Media [Statute] Air Quality
 Violation No. 23

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	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	\$2,000	01-Feb-2004	30-Nov-2005	1.8	\$183	n/a	\$183
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 costs to improve the sampling program by, for example, providing stand-by equipment or implementing an expedited equipment repair protocol. The Date Required is the first day of the month during which the Respondent reported sampling failures, and the Final Date is when the Respondent provided improved, and back-up, sampling equipment.

Avoided Costs		ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)					
Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$1,000	01-Feb-2004	29-Feb-2004	0.1	\$4	\$77	\$81
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: The estimated costs to sample for ten days @ \$100/day. The Date Required is the first day of the month during which the Respondent reported a sampling failure, and the Final Date is the last day of the month during which a sampling failure was reported.

Approx. Cost of Compliance **\$3,000**

TOTAL \$264

Attachment A

Docket Number: 2005-1671-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: The Goodyear Tire & Rubber Company

Amount of Penalty: Two hundred eighty three thousand six hundred fifty four dollars (\$283,654.00)

Amount of Offset for the SEP: One hundred forty one thousand eight hundred twenty seven dollars (\$141,827.00)

Type of SEP: Pre-approved

Third-Party Recipient: Southeast Texas Regional Planning Commission

Location of SEP: West Port Arthur, Texas (Jefferson County)

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty assessed in this Agreed Order under the condition that the Respondent shall perform and comply with the following Supplemental Environmental Project ("SEP") provisions. The amount of the offset for the SEP is conditioned upon completion of the project in accordance with the terms set forth below.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the **Southeast Texas Regional Planning Commission's West Port Arthur Home Energy Efficiency Program**. This project is dedicated to reducing non-renewable energy usage and assisting low income residents in the West Port Arthur area by conducting home energy audits and weatherizing their homes, which will improve their homes' energy efficiency. SEP monies will be used to pay for the cost of caulking, and insulating the homes and appliances as well as for replacing heating and cooling systems and major appliances with new, energy efficient equipment.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing a reduction in residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter (PM), volatile organic compounds (VOCs), and nitrogen oxides (NOx) associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

The SEP is based upon the Respondent's agreement to spend at least **One hundred forty one thousand eight hundred twenty seven dollars (\$141,827.00)** to complete the project described above and to comply with all other provisions of this SEP.

2. Performance Schedule

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

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

3. Records and Reporting

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

Litigation Division
Attention: SEP Coordinator, MC 175
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 expenditure of all required funds and the submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the Amount of Offset for the SEP.

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.

Compliance History

Customer/Respondent/Owner-Operator: CN600616049 The Goodyear Tire & Rubber Company

Classification: Average

Rating: 2.660

Regulated Entity: RN102561925 Goodyear Tire & Rubber Beaumont Chemical Plant

Classification: Average

Site Rating: 3.88

ID Number(s):

WASTEWATER	PERMIT	TPDES0005061
WASTEWATER	PERMIT	WQ0000519000
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30012
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008077190
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	PERMIT	50379
AIR NEW SOURCE PERMITS	PERMIT	53698
AIR NEW SOURCE PERMITS	PERMIT	51694
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0039N
AIR NEW SOURCE PERMITS	PERMIT	50257
AIR NEW SOURCE PERMITS	PERMIT	50108
AIR NEW SOURCE PERMITS	PERMIT	50166
AIR NEW SOURCE PERMITS	PERMIT	50003
AIR NEW SOURCE PERMITS	PERMIT	49769
AIR NEW SOURCE PERMITS	PERMIT	49684
AIR NEW SOURCE PERMITS	PERMIT	49510
AIR NEW SOURCE PERMITS	PERMIT	49350
AIR NEW SOURCE PERMITS	PERMIT	47218
AIR NEW SOURCE PERMITS	PERMIT	48286
AIR NEW SOURCE PERMITS	PERMIT	47289
AIR NEW SOURCE PERMITS	PERMIT	45078
AIR NEW SOURCE PERMITS	PERMIT	44284
AIR NEW SOURCE PERMITS	PERMIT	39089
AIR NEW SOURCE PERMITS	PERMIT	38755
AIR NEW SOURCE PERMITS	PERMIT	35402
AIR NEW SOURCE PERMITS	PERMIT	32349
AIR NEW SOURCE PERMITS	PERMIT	22110
AIR NEW SOURCE PERMITS	PERMIT	20040
AIR NEW SOURCE PERMITS	PERMIT	16052
AIR NEW SOURCE PERMITS	PERMIT	15501
AIR NEW SOURCE PERMITS	PERMIT	15198
AIR NEW SOURCE PERMITS	PERMIT	9481
AIR NEW SOURCE PERMITS	PERMIT	7858
AIR NEW SOURCE PERMITS	PERMIT	3522
AIR NEW SOURCE PERMITS	PERMIT	1040
WASTEWATER LICENSING	LICENSE	WQ0000519000
AIR OPERATING PERMITS	PERMIT	2294
AIR OPERATING PERMITS	PERMIT	1593
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0039N
AIR NEW SOURCE PERMITS	REGISTRATION	70810
AIR NEW SOURCE PERMITS	REGISTRATION	76700
AIR NEW SOURCE PERMITS	REGISTRATION	75253
AIR NEW SOURCE PERMITS	REGISTRATION	75152
AIR NEW SOURCE PERMITS	REGISTRATION	74991
AIR NEW SOURCE PERMITS	REGISTRATION	74015
AIR NEW SOURCE PERMITS	REGISTRATION	73651
AIR NEW SOURCE PERMITS	REGISTRATION	73099
AIR NEW SOURCE PERMITS	PERMIT	53766
AIR NEW SOURCE PERMITS	PERMIT	51600
AIR NEW SOURCE PERMITS	PERMIT	53791
AIR NEW SOURCE PERMITS	PERMIT	53364
AIR NEW SOURCE PERMITS	PERMIT	53927
AIR NEW SOURCE PERMITS	PERMIT	53063
AIR NEW SOURCE PERMITS	PERMIT	50664
AIR NEW SOURCE PERMITS	PERMIT	54372
AIR NEW SOURCE PERMITS	PERMIT	52447
AIR NEW SOURCE PERMITS	PERMIT	52545
AIR NEW SOURCE PERMITS	PERMIT	52770
AIR NEW SOURCE PERMITS	PERMIT	55074
AIR NEW SOURCE PERMITS	PERMIT	56478
AIR NEW SOURCE PERMITS	PERMIT	52038
AIR NEW SOURCE PERMITS	REGISTRATION	70684
AIR NEW SOURCE PERMITS	PERMIT	70645
AIR NEW SOURCE PERMITS	PERMIT	56473
AIR NEW SOURCE PERMITS	REGISTRATION	70230
AIR NEW SOURCE PERMITS	REGISTRATION	70115
AIR NEW SOURCE PERMITS	REGISTRATION	56840
AIR NEW SOURCE PERMITS	AFS NUM	0016

AIR NEW SOURCE PERMITS	REGISTRATION	75848
AIR NEW SOURCE PERMITS	PERMIT	55427
AIR NEW SOURCE PERMITS	REGISTRATION	72103
AIR NEW SOURCE PERMITS	REGISTRATION	72058
INDUSTRIAL AND HAZARDOUS WASTE PROCESSING	PERMIT	50379

Location: 11241 Interstate Highway 10, Beaumont, TX, 77713 Rating Date: 9/1/05 Repeat Violator: No

TCEQ Region: REGION 10 - BEAUMONT
 Date Compliance History Prepared: January 10, 2006
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: September 26, 2000 to September 26, 2005
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Terry Murphy Phone: (512) 239-5025

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
6. Comments:	STEERS

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: 3/31/03 1660-style Admin. Order 2002-0879-AIR-E

Classification: Moderate

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

Citation: SC3A PERMIT

Description: Failure to comply with permitted nitrogen oxide emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
 30 TAC Chapter 117, SubChapter B 117.205(f)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)

Citation: Not specified PERMIT

Description: Failure to comply with permitted nitrogen oxide and carbon monoxide emission limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Part 60, Subpart Db 60.48b(c)
 40 CFR Part 60, Subpart Db 60.48b(e)
 5C THC Chapter 382, SubChapter A 382.085(b)

Citation: Not specified PERMIT
 SC13 PERMIT

Description: Failure to record NOx CEMS emissions data.

Classification: Moderate

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

Citation: Not specified PERMIT
 SC14C PERMIT
 SC14D PERMIT

Description: Failure to perform stack sampling to establish the actual pattern and quantities of air contaminants being emitted into the atmosphere.

Classification: Moderate

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

Description: Failure to prevent unauthorized emissions from entering the atmosphere.

Classification: Moderate

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

Description: Failure to prevent unauthorized emissions from entering the atmosphere.
- Effective Date: 1/30/05 1660-style Admin. Order 2004-0393-AIR-E

Classification: Moderate

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

Description: Failure to prevent the emission of an air contaminant that will contribute to air pollution.

3. Effective Date: 5/9/05 1660-style Admin. Order 2004-0802-AIR-E
- Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failure to maintain an emission rate below the allowable emission limit at the 840 Reactor Unit on January 19, 2003.
- Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failure to maintain an emission rate below the allowable emission limit at the Natsyn Unit on February 3, 2003.
- Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failure to maintain an emission rate below the allowable emission limit at the 880 Unit on February 26, 2003.
- Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failure to maintain an emission rate below the allowable emission limit at the 840 Unit on April 15, 2003.
- Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failure to maintain an emission rate below the allowable emission limit at the 880 Budene Unit on May 30, 2003.
- Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failure to maintain an emission rate below the allowable emission limit at the Utilities area on July 14-15, 2003.
- Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failure to maintain an emission rate below the allowable emission limit at the 840 Tiba Tank Farm on October 17, 2003.
- Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failure to maintain an emission rate below the allowable emission limit at the 870 Unit on November 22, 2003.
- Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failure to maintain an emission rate below the allowable emission limit at the Unit 821 Old Loading Rack on August 31, 2003, November 6, 2003, January 7, 2004, and January 25, 2004.
- Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failure to maintain an emission rate below the allowable emission limit at the 840 Unit on February 2, 2004.
- Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failure to maintain an emission rate below the allowable emission limit at the 870 Unit on February 2, 2004.
- Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: 9481 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limit at the Crumb Tank Vent Condenser from January 1, 2002 to February 19, 2003.
- Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: 38755 and N016 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limit at the 850 Unit on March 2, 2003.
- Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: 38755 and N016 PERMIT
Description: Failure to maintain an emission rate below the allowable emission limit at the 850 Unit on May 31, 2003.
- Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter K 106.262(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to maintain an emission rate below the allowable emission limit at the 850 Finishing Building on January 12-13, 2003, April 16-17, 2003, May 4-5, 2003, July 25-31, 2003, and September 19-20, 2003.
- Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Citation: 9481, SC 1 PERMIT
9481, SC 5B PERMIT
Description: Failure to maintain an emission rate below the allowable emission limit at the 840 Budene Unit on October

1, 2003.
 Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Failure to maintain an emission rate below the allowable emission limit at the 870 Unit on October 25, 2003.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Citation: 38755 and N016 PERMIT
 Description: Failure to maintain an emission rate below the allowable emission limit at the Budene 850 Unit on December 1, 2003.
 Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Failure to maintain an emission rate below the allowable emission limit at the 840 Budene Unit pipe rack on January 9, 2004.
 Classification: Moderate
 Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Failure to maintain an emission rate below the allowable emission limit at the 870 Unit on January 11, 2004.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Citation: 1040, SC 1 PERMIT
 1040, SC 3 PERMIT
 22110, SC 1 PERMIT
 22110, SC 4B PERMIT
 Description: Failure to maintain an emission rate below the allowable emission limit at the 870 Unit on February 2-3, 2004.

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.)

2	01/11/2002	(129614)	74	07/20/2001	(124691)	146	05/31/2005	(393287)
4	08/29/2001	(124701)	76	10/04/2004	(336372)	148	08/14/2001	(129584)
6	01/03/2002	(129613)	78	10/03/2001	(129594)	150	10/24/2003	(295300)
8	08/27/2002	(8432)	80	07/20/2001	(124690)	152	06/27/2001	(124680)
10	01/03/2002	(129612)	82	10/20/2004	(292090)	154	08/09/2001	(129583)
12	08/29/2001	(124700)	84	09/10/2001	(129593)	156	06/27/2001	(124679)
14	01/03/2002	(129611)	86	12/30/2003	(258239)	158	08/09/2001	(129582)
16	08/23/2001	(124699)	88	07/11/2001	(124689)	160	04/03/2001	(157865)
18	01/03/2002	(129610)	90	09/10/2001	(129592)	162	01/11/2002	(138145)
20	08/14/2001	(124698)	92	07/09/2001	(124688)	164	11/21/2003	(295301)
22	12/06/2001	(129609)	94	03/23/2005	(351195)	166	06/14/2001	(124678)
24	08/09/2001	(124697)	96	08/30/2005	(401255)	168	08/09/2001	(129581)
26	12/06/2001	(129608)	98	08/29/2001	(129591)	170	01/11/2002	(138144)
28	02/07/2003	(19387)	100	07/09/2001	(124687)	172	06/14/2001	(124677)
30	10/15/2002	(12553)	102	10/13/2000	(157861)	174	08/26/2004	(352028)
32	08/09/2001	(124696)	104	03/27/2003	(26346)	176	03/26/2002	(157866)
34	12/06/2001	(129607)	106	08/29/2001	(129590)	178	08/09/2001	(129580)
36	08/09/2001	(124695)	108	07/09/2001	(124686)	180	12/29/2003	(295302)
38	12/06/2001	(129606)	110	09/22/2003	(295298)	182	01/03/2002	(138143)
40	08/09/2001	(124694)	112	08/29/2001	(129589)	184	12/30/2003	(258248)
42	11/29/2001	(129605)	114	01/07/2004	(259027)	186	06/14/2001	(124676)
44	08/09/2001	(124693)	116	07/09/2001	(124685)	188	08/09/2001	(129579)
46	11/29/2001	(129604)	118	02/27/2001	(157862)	190	03/31/2003	(157867)
48	11/28/2001	(129603)	120	08/29/2001	(129588)	192	01/03/2002	(138142)
50	11/28/2001	(129602)	122	06/27/2001	(124684)	194	06/14/2001	(124675)
52	11/28/2001	(129601)	124	08/29/2001	(129587)	196	01/03/2002	(138141)
54	11/28/2001	(129600)	126	06/27/2001	(124683)	198	01/26/2004	(295303)
56	10/31/2003	(253397)	128	02/25/2002	(157863)	200	05/01/2001	(124674)
58	11/28/2001	(129599)	130	08/29/2001	(129586)	202	01/03/2002	(138140)
60	11/21/2002	(163333)	132	07/27/2004	(352027)	204	12/06/2001	(138139)
62	11/21/2001	(129598)	134	03/30/2004	(264485)	206	10/13/2000	(157868)
64	11/21/2001	(129597)	136	06/27/2001	(124682)	208	07/20/2001	(129577)
66	08/25/2003	(295295)	138	01/13/2003	(19863)	210	12/06/2001	(138138)
68	10/29/2001	(129596)	140	08/23/2001	(129585)	212	07/20/2001	(129576)
70	08/09/2001	(124692)	142	02/26/2003	(157864)	214	10/13/2000	(157869)
72	10/03/2001	(129595)	144	06/27/2001	(124681)	216	12/06/2001	(138137)

218	07/11/2001	(129575)	368	08/09/2001	(138110)	518	01/18/2001	(129553)
220	12/06/2001	(138136)	370	08/09/2001	(138109)	520	11/25/2002	(157896)
222	07/09/2001	(129574)	372	06/16/2005	(394991)	522	08/31/2005	(337086)
224	11/29/2001	(138135)	374	07/24/2001	(157882)	524	01/05/2001	(129552)
226	08/20/2002	(4138)	376	04/26/2005	(419656)	526	12/27/2004	(344086)
228	07/09/2001	(129573)	378	05/03/2005	(379563)	528	01/05/2001	(129551)
230	04/23/2001	(157870)	380	02/07/2002	(246538)	530	12/07/2000	(129550)
232	11/29/2001	(138134)	382	05/24/2005	(419657)	532	12/07/2000	(129549)
234	09/20/2004	(352029)	384	07/23/2002	(157883)	534	06/16/2005	(394994)
236	07/09/2001	(129572)	386	06/21/2005	(419658)	536	12/07/2000	(129548)
238	11/28/2001	(138133)	388	07/20/2001	(138107)	538	11/16/2000	(129547)
240	04/22/2002	(157871)	390	08/17/2004	(290283)	540	12/22/2000	(157898)
242	07/09/2001	(129571)	392	10/17/2003	(250603)	542	11/16/2000	(129546)
244	11/28/2001	(138132)	394	07/20/2001	(138106)	544	12/20/2001	(157899)
246	06/27/2001	(129570)	396	02/26/2003	(157884)	546	10/15/2002	(12451)
248	11/28/2001	(138131)	398	07/26/2004	(284568)	548	12/30/2002	(157900)
250	04/21/2003	(157872)	400	12/18/2002	(18802)	550	03/01/2004	(295285)
252	06/27/2001	(129569)	402	07/11/2001	(138105)	552	08/30/2005	(406535)
254	07/30/2004	(284505)	404	12/29/2003	(258619)	554	05/31/2005	(392738)
256	11/28/2001	(138130)	406	10/13/2000	(157885)	556	01/24/2001	(157902)
258	06/27/2001	(129568)	408	07/09/2001	(138104)	558	01/13/2003	(18807)
260	11/28/2001	(138129)	410	07/09/2001	(138103)	560	01/11/2002	(124729)
262	10/20/2004	(352030)	412	08/21/2001	(157886)	562	01/23/2002	(157903)
264	06/27/2001	(129567)	414	08/22/2003	(134113)	564	01/11/2002	(124728)
266	10/13/2000	(157873)	416	02/23/2001	(124668)	566	06/22/2004	(272522)
268	11/21/2001	(138128)	418	07/09/2001	(138102)	568	03/26/2004	(295287)
270	02/06/2001	(282916)	420	01/18/2001	(124667)	570	04/19/2001	(138088)
272	06/27/2001	(129566)	422	08/26/2002	(157887)	572	01/03/2002	(124727)
274	11/21/2001	(138127)	424	07/09/2001	(138101)	574	05/26/2004	(263609)
276	06/03/2005	(393156)	426	01/05/2001	(124666)	576	03/22/2001	(138087)
278	05/25/2001	(157874)	428	06/27/2001	(138100)	578	01/30/2004	(261356)
280	06/27/2001	(129565)	430	01/09/2005	(339077)	580	02/25/2005	(381821)
282	10/29/2001	(138126)	432	01/05/2001	(124665)	582	01/03/2002	(124726)
284	06/14/2001	(129564)	434	10/13/2000	(157888)	584	03/01/2001	(138086)
286	10/03/2001	(138125)	436	07/26/2004	(284582)	586	08/30/2005	(406353)
288	06/03/2005	(381386)	438	06/27/2001	(138099)	588	01/27/2003	(157904)
290	06/14/2001	(129563)	440	12/07/2000	(124664)	590	01/03/2002	(124725)
292	01/13/2003	(19856)	442	02/14/2002	(281248)	592	03/21/2005	(381822)
294	10/03/2001	(138124)	444	06/27/2001	(138098)	594	04/22/2004	(295288)
296	06/14/2001	(129562)	446	12/07/2000	(124663)	596	01/03/2002	(124724)
298	09/10/2001	(138123)	448	03/23/2005	(348563)	598	12/29/2003	(258266)
300	05/20/2004	(266811)	450	06/03/2005	(393130)	600	12/06/2001	(124723)
302	05/28/2002	(157875)	452	09/24/2001	(157889)	602	12/18/2002	(18780)
304	06/14/2001	(129561)	454	06/27/2001	(138097)	604	11/30/2004	(381823)
306	09/10/2001	(138122)	456	12/07/2000	(124662)	606	12/06/2001	(124722)
308	05/01/2001	(129560)	458	04/04/2002	(141006)	608	11/26/2001	(124721)
310	08/29/2001	(138121)	460	04/19/2001	(129558)	610	12/20/2004	(381824)
312	05/23/2003	(157876)	462	03/30/2004	(264124)	612	12/06/2001	(124720)
314	08/29/2001	(138120)	464	06/27/2001	(138096)	614	01/13/2003	(19852)
316	08/29/2001	(138119)	466	11/16/2000	(124661)	616	11/29/2001	(124719)
318	10/13/2000	(157877)	468	09/23/2002	(157890)	618	11/10/2004	(338350)
320	05/31/2005	(393084)	470	03/22/2001	(129557)	620	11/29/2001	(124718)
322	08/29/2001	(138118)	472	10/22/2004	(290284)	622	01/26/2005	(381825)
324	06/25/2001	(157878)	474	03/23/2005	(351192)	624	02/24/2005	(345426)
326	08/29/2001	(138117)	476	06/27/2001	(138095)	626	05/25/2004	(295290)
328	08/20/2002	(8590)	478	11/16/2000	(124660)	628	11/28/2001	(124717)
330	08/29/2001	(138116)	480	03/01/2001	(129556)	630	11/28/2001	(124716)
332	05/01/2001	(124672)	482	12/29/2003	(258630)	632	11/28/2001	(124715)
334	06/24/2002	(157879)	484	06/14/2001	(138094)	634	01/18/2001	(138084)
336	08/23/2001	(138115)	486	10/26/2000	(157891)	636	11/28/2001	(124714)
338	04/19/2001	(124671)	488	06/14/2001	(138093)	638	01/05/2001	(138083)
340	05/06/2005	(372977)	490	11/01/2001	(157892)	640	11/28/2001	(124713)
342	08/14/2001	(138114)	492	06/14/2001	(138092)	642	01/05/2001	(138082)
344	06/26/2003	(157880)	494	08/05/2004	(274526)	644	11/21/2001	(124712)
346	03/22/2001	(124670)	496	06/14/2001	(138091)	646	12/07/2000	(138081)
348	03/23/2005	(351073)	498	06/17/2004	(270331)	648	11/21/2001	(124711)
350	08/01/2002	(4937)	500	05/01/2001	(138090)	650	12/07/2000	(138080)
352	08/09/2001	(138113)	502	08/09/2004	(277704)	652	10/29/2001	(124710)
354	05/29/2003	(246539)	504	07/26/2004	(284587)	654	06/22/2004	(295292)
356	03/01/2001	(124669)	506	11/30/2000	(157894)	656	12/07/2000	(138079)
358	08/09/2001	(138112)	508	12/30/2003	(258271)	658	10/03/2001	(124709)
360	06/08/2001	(39222)	510	11/26/2001	(157895)	660	11/16/2000	(138078)
362	08/22/2002	(6552)	512	11/22/2004	(290285)	662	10/03/2001	(124708)
364	10/13/2000	(157881)	514	05/31/2005	(393132)	664	11/16/2000	(138077)
366	08/09/2001	(138111)	516	08/01/2002	(5923)	666	09/10/2001	(124707)

668 09/10/2001 (124706)
 670 08/09/2004 (277706)
 672 08/29/2001 (124705)
 674 08/29/2001 (124704)
 676 08/29/2001 (124703)
 678 08/29/2001 (124702)
 680 01/11/2002 (129615)
 682 03/23/2005 (351066)

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

1. Date: 02/28/2003 (157867)
 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
2. Date: 07/31/2004 (352028)
 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
3. Date: 04/30/2001 (157874)
 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
4. Date: 05/29/2003 (246539)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
5. Date: 02/07/2002 (246538)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
6. Date: 08/22/2003 (134113)
 Self Report? NO Classification: Moderate
 Rqmt Prov: OP IA
 Description: Failure by Goodyear Beaumont Chemical Plant to prevent the unauthorized discharge of wastewater.
 Self Report? NO Classification: Moderate
 Rqmt Prov: OP IA
 Description: Failure by Goodyear Beaumont Chemical Plant to prevent the discharge of foam and floating solids in other than trace amounts.
 Self Report? NO Classification: Minor
 Rqmt Prov: OP IA
 Description: Failure by Goodyear Beaumont Chemical Plant to ensure that test procedures for the analysis of pollutants comply with procedures specified in 30 TAC 319.11-319.12.
 Self Report? NO Classification: Moderate
 Rqmt Prov: OP IA
 Description: Failure by Goodyear Beaumont Chemical Plant to prevent the unauthorized discharge of wastewater.
 Self Report? NO Classification: Moderate
 Rqmt Prov: OP IA
 Description: Failure by Goodyear Beaumont Chemical Plant to prevent the unauthorized discharge of wastewater.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: OP IA
 Description: Failure by Beaumont Chemical Plant to prevent the unauthorized discharge of wastewater.
7. Date: 10/31/2001 (157895)
 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
8. Date: 08/06/2004 (274526)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.260
 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2)

- Rqmt Prov: 5C THC Chapter 382, SubChapter A 382.085(b)
 PERMIT IA
 Description: Failure to perform a first attempt at repair within 5 calendar days.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.260
 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)
- Rqmt Prov: PERMIT IA
 Description: Failure to properly seal the end of a line containing Hazardous Air Pollutants (HAPs).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.260
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)
- Rqmt Prov: OP IA
 PERMIT IA
 Description: Failure to properly seal the end of a line containing HAPs.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.260
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)
 5C THC Chapter 382, SubChapter A 382.085(b)
- Rqmt Prov: OP IA
 PERMIT IA
 Description: Failure to comply with the 5 and 15 day requirements for 3 leaking connectors.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.260
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)
 5C THC Chapter 382, SubChapter A 382.085(b)
- Rqmt Prov: OP IA
 PERMIT IA
 Description: Failure to submit the 40 CFR 63, Subpart U, Periodic Reports in a timely manner.
9. Date: 04/04/2002 (141006)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(18)
 Description: Failure to submit 9th Report of Progress.
10. Date: 12/31/2001 (157903)
 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
11. Date: 02/28/2005 (381822)
 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
12. Date: 11/30/2004 (381824)
 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
13. Date: 07/10/2002 (4138)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.260
 30 TAC Chapter 115, SubChapter D 115.352(2)
 Description: Failure to repair nine leaking, fugitive components within fifteen calendar days after they were detected
 leaking in the 840 and 880 Units.
14. Date: 05/31/2004 (295292)
 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

F. Environmental audits. N/A

G. Type of environmental management systems (EMSs). ISO 14001:1996

H. Voluntary on-site compliance assessment dates. N/A

I. Participation in a voluntary pollution reduction program. N/A

J. Early compliance. N/A

Sites Outside of Texas. N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
THE GOODYEAR TIRE
& RUBBER COMPANY
RN102561925

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2005-1671-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding The Goodyear Tire & Rubber Company ("Goodyear") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, represented by the Litigation Division, and Goodyear represented by Winfred T. Colbert, presented this agreement to the Commission.

Goodyear understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Goodyear agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon Goodyear.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Goodyear owns and operates a synthetic rubber manufacturing plant located at 11241 Interstate Highway 10, 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. During record reviews conducted on July 18, 2005 to July 21, 2005, August 1, 2005 to August 3, 2005, and August 22, 2005, TCEQ staff documented that Goodyear failed to do the following:
 - a. Properly operate Flares. Specifically, Goodyear reported that it operated the 850 Unit Flare (Unit ID 2Q504) without a flame for approximately 2 hours on November 18, 2003 and failed to operate that flare using gas with a net heating value of at least 300 British thermal units per standard cubic feet ("BTU/scf") on 20 days during the period September 9, 2003 to March 2, 2004.
 - b. Operate the Budene Flare (Unit ID 3Q504) using gas with a net heating value of less than 300 BTU/scf on November 10, 2003, December 12, 2003 through December 14, 2003, January 10, 2004 through January 12, 2004, January 16, 2004, January 20, 2004 through January 21, 2004, January 23, 2004, and February 8, 2004.
 - c. Keep hourly thermocouple monitoring records for the 850 Unit Flare for a period of 12 hours and 48 minutes on November 2, 2003 and November 3, 2003.
 - d. Record the time of day in the log of daily flare observations for the 850 Unit Flare, during the period September 9, 2003 through February 22, 2004.
 - e. Record the time of day (for 2 days) or whether the flare was smoking (for 21 days) in the daily flare operation log for the 870 Unit 3Q503 Wing Flare and the 3Q504 Budene Flare during the period April 21, 2004 to October 19, 2004.
 - f. Measure and record the pilot flame for the 870 Unit 3Q503 Wing Flare on October 20, 2004 and October 21, 2004 and for the 880 Unit 3Q504 Budene Flare on October 24, 2003 and October 28, 2003, November 5, 2003, December 12, 2004 and December 13, 2004, January 12, 2004, January 29, 2004 through February 3, 2004, and April 2, 2004 through April 20, 2004.
 - g. Maintain contents above fill pipes for three tanks in VOC service. Specifically, Goodyear reported that it failed to maintain the contents above the fill pipe in Modifier Makeup Tank (Unit ID 5F-227) on February 4, 2004, in the Tiba Solution Tank (Unit ID 8F-201) on 17 occasions during the period October 20, 2003 to October 19, 2004, and in the NBL Storage Tank (Unit ID 4F-200) on March 22, 2004.

- h. Install a second valve, a blind flange, or a tightly-fitting plug or cap on open ended lines. Specifically, Goodyear reported that, during the period September 9, 2003 to October 19, 2004, it failed to install a second valve, a blind flange, or a tightly-fitting plug or cap on eight open ended lines containing hazardous air pollutants ("HAP") in the 850 Unit.
- i. Install a second valve, a blind flange, or a tightly-fitting plug or cap on open ended lines. Specifically, Goodyear reported that, during the period October 20, 2003 to October 19, 2004, it failed to install a second valve, a blind flange, or a tightly-fitting plug or cap on 13 open ended lines containing HAP in the 840 and 880 Units.
- j. Timely remonitor repaired leaking fugitive emission components. Specifically, Goodyear reported that, during the period March 9, 2004 to February 28, 2005, it failed to remonitor 12 repaired pumps in VOC service after their repair and within 15 days after the leaks were discovered.
- k. Timely submit an Annual Compliance Certification ("ACC"). Specifically, submittal of the ACC for the period September 9, 2003 through September 1, 2004 was required by October 1, 2004, but Goodyear did not submit it until October 7, 2004.
- l. Include a Certification by a Responsible Official form in the September 2, 2004 through March 8, 2005 semiannual deviation report.
- m. Report the untimely submittal of the September 9, 2003 through September 1, 2004 ACC in the semiannual deviation report for September 2, 2004 through March 8, 2005.
- n. Report four excess opacity events that occurred on May 17, 2004, June 24, 2004, June 6, 2004 to June 10, 2004 and July 23, 2004 in the April 21, 2004 to October 19, 2004 semiannual deviation report.
- o. Report, in the April 21, 2004 to October 19, 2004 semiannual deviation report, three excess opacity events that occurred on May 27, 2004, June 9, 2004 and September 2, 2004 and that were not properly reported to the TCEQ Regional Office.
- p. Sample fugitive emission components. Specifically, Goodyear reported that it repaired and maintained 31 components in VOC service between November 5, 2003 and April 7, 2004, but did not simultaneously sample emissions from those components with an approved gas analyzer.
- q. Conduct timely repair attempts on leaking fugitive emission components. Specifically, Goodyear reported that, during the period November 1, 2003 to April 7,

2004, it delayed attempted repairs on 42 leaking components in VOC service for more than five days after their discovery.

- r. Conduct a second monitoring of a repaired component. Specifically, Goodyear reported that, during the period November 1, 2003 to April 7, 2004, it did not monitor two repaired valves a second time after they had been repaired.
- s. Properly isolate a pump from the process. Specifically, Goodyear reported that a pump in HAP service (in Unit ID 230FPRI) in need of repair was listed as out of service in order to delay the repair, but that the pump improperly remained in service from October 11, 2003 to December 4, 2003.
- t. Conduct timely repairs on leaking fugitive emission components. Specifically, Goodyear reported that, during the period January 15, 2004 to November 12, 2004, it delayed repair of 12 leaking components in VOC service for more than 15 days after their discovery in the 840 and 880 Units.
- u. Conduct timely repairs on leaking fugitive emission components. Specifically, Goodyear reported that, during the period January 15, 2004 to November 12, 2004, it delayed repair of three leaking components in VOC service for more than 15 days after their discovery in the Isoprene Unit.
- v. Maintain visual inspection records. Specifically, Goodyear reported that it failed to maintain weekly pump (in HAP service) visual inspection records (Unit ID 280FPRI) for the week of March 1, 2004 to March 7, 2004.
- w. Properly monitor a fugitive emission component. Specifically, Goodyear reported that, during the period October 20, 2003 to April 20, 2003, it failed to monitor a valve (Unit ID 370F) in VOC service.
- x. Keep complete startup, shutdown, and maintenance records. Specifically, Goodyear reported that, on October 23, 2003 and November 26, 2003, it failed to include the ending date and time on a Start-up, Shutdown, and Maintenance Plan checklist.
- y. Keep complete records of tank-truck VOC transfers. Specifically, Goodyear reported that, on November 15, 2003, November 25, 2003, January 2, 2004, January 10, 2004, January 22, 2004, February 7, 2004, April 13, 2004 and April 14, 2004, it failed to include the trailer leak test date on the BC36 form (Tank-Truck Tank VOC Transfer Form).
- z. Tag visually leaking fugitive emission components. Specifically, Goodyear reported that, on May 13, 2004, June 18, 2004 and July 30, 2004, it failed, upon discovery, to

tag a visually leaking pump seal in the Isoprene Unit and a visually leaking pump seal and valve in the Wing Unit (all three components in VOC service).

- aa. Record complete emissions data. Specifically, Goodyear reported that, from August 7, 2004 to August 9, 2004, it failed to record nitrogen oxides emissions from Boiler B-108.
- bb. Limit vent gas pressure. Specifically, Goodyear reported that, during the period March 9, 2004 to October 19, 2004, it failed to maintain the true partial pressure of the VOC venting from the 8F403 and 9F409 water separator vents to less than 0.5 pounds per square inch absolute.
- cc. Limit opacity. Specifically, Goodyear reported that, on May 4, 2004, May 6, 2004 and May 27, 2004, June 3, 2004, June 8, 2004, June 9, 2004, June 16, 2004 and June 17, 2004, and September 2, 2004, September 14, 2004 and September 16, 2004, opacity from the Consumat Incinerator (Unit ID 3B-501A) exceeded the regulatory limit of 5.0%, averaged over a six-minute period.
- dd. Report excess opacity events. Specifically, Goodyear reported that, on May 27, 2004, June 9, 2004 and September 2, 2004, opacity from Consumat Incinerator (Unit ID 3B-501A), averaged over a six-minute period, was 31.3%, 26.8%, and 29.8 %, respectively, but that Goodyear failed to notify the TCEQ Regional Office within 24 hours after discovery of these events.
- ee. Properly monitor an emissions control device. Specifically, Goodyear reported that, during the period of October 20, 2003 to April 20, 2004, it failed to install temperature indicators on the 8E405 and 9E404 Condenser Chiller Vents that abate VOC.
- ff. Comply with permitted emissions limits. Specifically, during an emission event that occurred on November 2, 2004 at the Wing Flare (EPN 370FL-Q503) in the 870 Unit, the flare emitted 991 pounds per hour ("lbs/hr") of VOC over a period of 8.75 hours, while the authorized emissions limit for VOC is 36.1 lbs/hr. Because the flare was extinguished by Goodyear's personnel, the emission event was determined to have been avoidable. Therefore, the emissions do not meet the demonstrations in 30 TEX. ADMIN. CODE § 101.222 and are not subject to an affirmative defense under 30 TEX. ADMIN. CODE § 101.222(b)(1-11).
- gg. Sample cooling tower emissions. Specifically, the Respondent reported that it did not sample VOC emissions from the cooling tower's H Cell (EPN 116CT) for ten days during February 2004.

4. Goodyear received notice of the violations on or about September 4, 2005.
5. The Executive Director recognizes that Goodyear has implemented the following corrective measures at the Plant in response to this enforcement action:
 - a. In order to address the proper operation of flares, on or before August 31, 2004, completed improvements in equipment, procedures, and training.
 - b. In order to address incomplete flare records, on or before November 30, 2004, completed improvements to procedures and training.
 - c. In order to ensure contents of tanks in VOC service remain above their fill pipes, on or before January 13, 2006, installed level controllers on tanks.
 - d. In order to address fugitive emission violations, on or before October 19, 2004, capped all open ended lines and completed improvements to the fugitive monitoring program and training.
 - e. In order to address incomplete startup, shutdown, and maintenance records, on or before May 30, 2004, provided additional record keeping training.
 - f. In order to address incomplete records of tank-truck VOC transfers, on or before May 30, 2004, provided additional record keeping training.
 - g. In order to address incomplete emissions data, on or before December 31, 2004, installed new and improved data collection equipment.
 - h. In order to address excess vent gas pressure, on or before January 1, 2005, routed emissions from one vent to a flare and capped another vent.
 - i. In order to address the failure to report excess opacity events, on January 6, 2006, agreed to report any future excess opacity events.
 - j. In order to address the failure to comply with permitted emissions limits on November 2, 2004, on or before November 4, 2004, provided additional operational training.
 - k. In order to address the failure to sample cooling tower emissions, on or before November 30, 2005, provided improved, and back-up, sampling equipment.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Goodyear is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 7.002, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Goodyear failed to properly operate the 850 Unit Flare (Unit ID 2Q504), in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 113.100 and 113.260, 116.115(c), and 122.143(4), New Source Review ("NSR") Permit No. 38755/NO16, Special Conditions ("SC") 3 and 5, Operating Permit ("OP") No. O-02294, Special Terms and Conditions ("STC") 1.A., 1.D., 1.E., and 9.A., 40 CODE OF FEDERAL REGULATIONS ("CFR") § 63.11(b)(5) and (b)(6)(ii), and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Finding of Fact No. 3.b., Goodyear failed to operate the Budene Flare (Unit ID 3Q504) using gas with a net heating value of less than 300 BTU/scf, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 113.100 and 113.260, 116.115(c), and 122.143(4), NSR Permit No. 9481, SC 5.A., OP No. O-01593, STC 1.A., 1.D., 1.F., and 12.A., 40 CFR § 63.11(b)(6)(ii), and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Finding of Fact No. 3.c., Goodyear failed to keep hourly thermocouple monitoring records for the 850 Unit Flare, in violation of 30 TEX. ADMIN. CODE § 122.143(4), OP No. O-02294, STC - Additional Monitoring Requirements, and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. As evidenced by Finding of Fact No. 3.d., Goodyear failed to record the time of day in the log of daily flare observations for the 850 Unit Flare, in violation of 30 TEX. ADMIN. CODE §§ 111.111(a)(4)(A)(ii), 122.143(4), OP No. O-02294, STC 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b).
6. As evidenced by Finding of Fact No. 3.e., Goodyear failed to record the time of day or whether the flare was smoking in the daily flare operation log for the 870 Unit 3Q503 Wing Flare and the 3Q504 Budene Flare, in violation of 30 TEX. ADMIN. CODE §§ 111.111(a)(4)(A)(ii), 122.143(4), OP No. O-01593, STC 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b).
7. As evidenced by Finding of Fact No. 3.f., Goodyear failed to measure and record the pilot flame for the 870 Unit 3Q503 Wing Flare and for the 880 Unit 3Q504 Budene Flare, in violation of 30 TEX. ADMIN. CODE § 122.143(4), OP No. O-01593, STC 11, and TEX. HEALTH & SAFETY CODE § 382.085(b).

8. As evidenced by Finding of Fact No. 3.g., Goodyear failed to maintain the Tiba Solution Tank's, the NBL Storage Tank's, and the Modifier Makeup Tank's contents above the fill pipe, in violation of 30 TEX. ADMIN. CODE § 122.143(4), OP No. O-02294, STC - Additional Monitoring Requirements, OP No. O-01593, STC - Additional Monitoring Requirements, and TEX. HEALTH & SAFETY CODE § 382.085(b).
9. As evidenced by Finding of Fact No.3.h., Goodyear failed to install a second valve, a blind flange, or a tightly-fitting plug or cap on open ended lines in the 850 Unit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (2), 113.260, 115.352(4), 116.115(c), and 122.143(4), 40 CFR §§ 63.167(a)(1), 60.482-6(a)(1), and 63.502(a), NSR Permit No. 38755/NO16, SC 3 and 9.E., OP No. O-02294, STC 1.A., and 1.D., and TEX. HEALTH & SAFETY CODE § 382.085(b).
10. As evidenced by Finding of Fact No.3.i., Goodyear failed to install a second valve, a blind flange, or a tightly-fitting plug or cap on open ended lines in the 840 and 880 Units, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (2), 113.260, 115.352(4), 116.115(c), and 122.143(4), 40 CFR §§ 63.167(a)(1), 60.482-6(a)(1), and 63.502(a), NSR Permit 1040, SC 4.E., NSR Permit No. 9481, SC 7.E., NSR Permit No. 22110, SC 2 and 5.E., OP No. O-01593, STC 1.A., 1.D., and 12.A., and TEX. HEALTH & SAFETY CODE § 382.085(b).
11. As evidenced by Finding of Fact No. 3.j., Goodyear failed to timely remonitor repaired leaking fugitive emission components, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 113.260, 116.115(c), and 122.143(4), 40 CFR § 63.502(a), NSR Permit No. 38755/NO16, SC 3 and 9.N., and OP No. O-02294, STC 1.A., 1.D., and 9.A., and TEX. HEALTH & SAFETY CODE § 382.085(b).
12. As evidenced by Finding of Fact No. 3.k., Goodyear failed to timely submit an ACC, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4), 122.146(2), OP No. O-02294, General Terms and Conditions ("GTC"), and TEX. HEALTH & SAFETY CODE § 382.085(b).
13. As evidenced by Finding of Fact No. 3.l., Goodyear failed to include a Certification by a Responsible Official form in a semiannual deviation report, in violation of 30 TEX. ADMIN. CODE § 122.143(4), 122.143(15), 122.165(a)(7), OP No. O-02294, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b).
14. As evidenced by Finding of Fact No. 3.m., Goodyear failed to report the untimely submittal of an ACC, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), OP No. O-02294, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b).
15. As evidenced by Finding of Fact No. 3.n., Goodyear failed to report excess opacity events, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A), OP No. O-01593, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b).

16. As evidenced by Finding of Fact No. 3.o., Goodyear failed to report excess opacity events that were not properly reported to the TCEQ Regional Office, in violation of 30 TEX. ADMIN. CODE §§ 101.201(e) and 122.143(4), OP No. O-01593, SC 2.F., and TEX. HEALTH & SAFETY CODE § 382.085(b).
17. As evidenced by Finding of Fact No. 3.p., Goodyear failed to sample fugitive emission components, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 1040, SC 4.F., NSR Permit No. 9481, SC 7.F., NSR Permit No. 22110, SC 5.F., OP No. O-01593, STC 12.A., and TEX. HEALTH & SAFETY CODE § 382.085(b).
18. As evidenced by Finding of Fact No. 3.q., Goodyear failed to conduct timely repair attempts on leaking fugitive emission components, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (2), 115.352(2), 116.115(c) and 122.143(4), 40 CFR §§ 60.482-2(c)(2) and 63.502(a), NSR Permit No. 22110, SC 2, OP No. O-01593, STC 1.A., and 12.A., and TEX. HEALTH & SAFETY CODE § 382.085(b).
19. As evidenced by Finding of Fact No. 3.r., Goodyear failed to conduct a second monitoring of a repaired component, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (2), 116.115(c) and 122.143(4), 40 CFR §§ 60.482-2(c)(2) and 63.502(a), NSR Permit No. 22110, SC 2, OP No. O-01593, STC 1.A., 1.D., and 12.A., and TEX. HEALTH & SAFETY CODE § 382.085(b).
20. As evidenced by Finding of Fact No. 3.s., Goodyear failed to properly isolate a pump from the process, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (2), 113.260 and 122.143(4), 40 CFR § 63.502(a), OP No. O-01593, STC 1.A., and 1.D., and TEX. HEALTH & SAFETY CODE § 382.085(b).
21. As evidenced by Finding of Fact No. 3.t., Goodyear failed to conduct timely repairs on leaking fugitive emission components in the 840 and 880 Units, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (2), 113.260, 116.115(c) and 122.143(4), 40 CFR §§ 60.482-2(c)(2) and 63.502(a), NSR Permit No. 9481, SC 7.H., OP No. O-01593, STC 1.A., 1.D., and 12.A., and TEX. HEALTH & SAFETY CODE § 382.085(b).
22. As evidenced by Finding of Fact No. 3.u., Goodyear failed to conduct timely repairs on leaking fugitive emission components in the Isoprene Unit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1) and (2), 113.260, 116.115(c) and 122.143(4), 40 CFR §§ 60.482-2(c)(2) and 63.502(a), NSR Permit No. 22110, SC 2 and 5.F., OP No. O-01593, STC 1.A., 1.D., and 12.A., and TEX. HEALTH & SAFETY CODE § 382.085(b).
23. As evidenced by Finding of Fact No. 3.v., Goodyear failed to maintain visual inspection records, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 113.260, and 122.143(4), 40

- CFR § 63.502(a), OP No. O-01593, STC 1.A., and 1.D., and TEX. HEALTH & SAFETY CODE § 382.085(b).
24. As evidenced by Finding of Fact No. 3.w., Goodyear failed to properly monitor a fugitive emission component, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 1040, SC 4.F., OP No. O-01593, STC 12.A., and TEX. HEALTH & SAFETY CODE § 382.085(b).
 25. As evidenced by Finding of Fact No. 3.x., Goodyear failed to keep complete startup, shutdown, and maintenance records, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 113.260, and 122.143(4), 40 CFR § 63.506(b)(1)(i)(A), OP No. O-01593, STC 1.D. and 1.F., and TEX. HEALTH & SAFETY CODE § 382.085(b).
 26. As evidenced by Finding of Fact No. 3.y., Goodyear failed to keep complete records of tank-truck VOC transfers, in violation of 30 TEX. ADMIN. CODE §§ 115.216(3)(A)(iii) and 122.143(4), OP No. O-01593, STC 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b).
 27. As evidenced by Finding of Fact No. 3.z., Goodyear failed to tag visually leaking fugitive emission components, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 1040, SC 4.H., NSR Permit No. 22110, SC 5.H., OP No. O-01593, STC 12.A., and TEX. HEALTH & SAFETY CODE § 382.085(b).
 28. As evidenced by Finding of Fact No. 3.aa., Goodyear failed to record complete emissions data, in violation of 30 TEX. ADMIN. CODE §§ 101.20(1), 101.20(3), and 122.143(4), 40 CFR § 60.48b(b)(1), NSR Permit 20040/PSD-TX-801, SC 2 and 13, OP No. O-01593, STC 1.A., 1.G., and 12.A., and TEX. HEALTH & SAFETY CODE § 382.085(b).
 29. As evidenced by Finding of Fact No. 3.bb., Goodyear failed to limit vent gas pressure, in violation of 30 TEX. ADMIN. CODE §§ 115.131(a) and 122.143(4), OP No. O-01593, STC 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b).
 30. As evidenced by Finding of Fact No. 3.cc., Goodyear failed to limit opacity, in violation of 30 TEX. ADMIN. CODE §§ 111.121(6) and 122.143(4), OP No. O-01593, STC 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b).
 31. As evidenced by Finding of Fact No. 3.dd., Goodyear failed to report excess opacity events, in violation of 30 TEX. ADMIN. CODE § 122.143(4), OP No. O-01593, STC 2.F., and TEX. HEALTH & SAFETY CODE § 382.085(b).
 32. As evidenced by Finding of Fact No. 3.ee., Goodyear failed to properly monitor emissions control devices, in violation of 30 TEX. ADMIN. CODE §§ 115.136(a)(2)(B) and 122.143(4), OP No. O-01593, STC 1.A., and TEX. HEALTH & SAFETY CODE § 382.085(b).

33. As evidenced by Finding of Fact No. 3.ff., Goodyear failed to comply with permitted emissions limits, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 1040, SC 1 and NSR Permit No. 22110, SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).
34. As evidenced by Finding of Fact No. 3.gg., Goodyear failed to sample cooling tower emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 9481, SC 4 and OP No. O-01593, STC 12.A., and TEX. HEALTH & SAFETY CODE § 382.085(b).
35. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Goodyear for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
36. An administrative penalty in the amount of two hundred eighty three thousand six hundred fifty four dollars (\$283,654.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Goodyear has paid the one hundred forty one thousand eight hundred twenty seven dollars (\$141,827.00) administrative penalty. One hundred forty one thousand eight hundred twenty seven dollars (\$141,827.00) shall be conditionally offset by Goodyear's completion of a Supplemental Environmental Project.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Goodyear is assessed an administrative penalty in the amount of two hundred eighty three thousand six hundred fifty four dollars (\$283,654.00), as set forth in Conclusion of Law No. 36 for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Goodyear's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Goodyear Tire & Rubber Company, Docket No. 2005-1671-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. The Goodyear shall implement and complete a Supplemental Environmental Project in accordance with TEX. WATER CODE § 7.067. One hundred forty one thousand eight hundred twenty seven dollars (\$141,827.00) of the assessed administrative penalty shall be conditionally offset by Goodyear's completion of a Supplemental Environmental Project defined in "Attachment A". Goodyear's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. Goodyear shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Submit a revised semiannual deviation report for September 2, 2004 through March 8, 2005, in order to include the untimely submittal of the September 9, 2003 through September 1, 2004 ACC;
 - ii. Submit a revised semiannual deviation report for April 21, 2004 to October 19, 2004, in order to include the untimely submittal of the three opacity events that occurred on May 27, June 9, and September 2, 2004; and
 - iii. Provide improvements to the oversight and/or operations of the Consumat Incinerator, in order to address opacity exceedances.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 3.a.iii.
 - c. The reports required by Ordering Provisions 3.a.i. and 3.a.ii. and the certification required by Ordering Provision 3.b. shall be submitted to:

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

and shall send a copy of the documentation to:

Stuart Mueller, Air Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

4. The provisions of this Agreed Order shall apply to and be binding upon Goodyear. Goodyear is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If Goodyear fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Goodyear's failure to comply is not a violation of this Agreed Order. Goodyear has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Goodyear shall notify the Executive Director within seven days after Goodyear becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Goodyear shall be made in writing to the Executive Director. Extensions are not effective until Goodyear receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Goodyear if the Executive Director determines that Goodyear has not complied with one or more of the terms or conditions in this Agreed Order.
8. 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.
9. This Agreed Order, issued by the Commission, shall not be admissible against Goodyear in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. 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

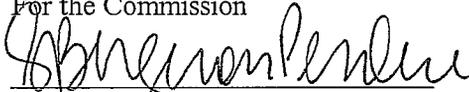
transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

3/2/07

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of The Goodyear Tire & Rubber Company. I represent that I am authorized to agree to the attached Agreed Order on behalf of The Goodyear Tire & Rubber Company, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, The Goodyear Tire & Rubber Company waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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.

Donald E. Stanley
Signature

November 13, 2006
Date

Donald E Stanley Vice President
Name (printed or typed)
Authorized Representative
The Goodyear Tire & Rubber Company

Title

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

Attest:

By:

B Bell
B Bell, Assistant Secretary

Attachment A

Docket Number: 2005-1671-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: The Goodyear Tire & Rubber Company

Amount of Penalty: Two hundred eighty three thousand six hundred fifty four dollars (\$283,654.00)

Amount of Offset for the SEP: One hundred forty one thousand eight hundred twenty seven dollars (\$141,827.00)

Type of SEP: Pre-approved

Third-Party Recipient: Southeast Texas Regional Planning Commission

Location of SEP: West Port Arthur, Texas (Jefferson County)

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty assessed in this Agreed Order under the condition that the Respondent shall perform and comply with the following Supplemental Environmental Project ("SEP") provisions. The amount of the offset for the SEP is conditioned upon completion of the project in accordance with the terms set forth below.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the **Southeast Texas Regional Planning Commission's West Port Arthur Home Energy Efficiency Program**. This project is dedicated to reducing non-renewable energy usage and assisting low income residents in the West Port Arthur area by conducting home energy audits and weatherizing their homes, which will improve their homes' energy efficiency. SEP monies will be used to pay for the cost of caulking, and insulating the homes and appliances as well as for replacing heating and cooling systems and major appliances with new, energy efficient equipment.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing a reduction in residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter (PM), volatile organic compounds (VOCs), and nitrogen oxides (NOx) associated with the combustion of fuel and generation of electricity.

C. Minimum Expenditure

The SEP is based upon the Respondent's agreement to spend at least **One hundred forty one thousand eight hundred twenty seven dollars (\$141,827.00)** to complete the project described above and to comply with all other provisions of this SEP.

2. Performance Schedule

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

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

3. Records and Reporting

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

Litigation Division
Attention: SEP Coordinator, MC 175
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 expenditure of all required funds and the submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the Amount of Offset for the SEP.

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

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

The Goodyear Tire & Rubber Company
TCEQ Docket No. 2005-1671-AIR-E

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.