EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0337-AIR-E **TCEQ ID:** RN100870898 **CASE NO.:** 32872

RESPONDENT NAME: The Goodyear Tire & Rubber Company

ORDER TYPE:		
_X_1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
_X_AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Goodyear Houston Chemical Plant, 2000 Goodyear Drive, Houston, Harris County

TYPE OF OPERATION: Synthetic rubber manufacturing plant

SMALL BUSINESS: ___ Yes _X_ No

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

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on June 18, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Kimberly Morales, Enforcement Division, Houston Regional Office, MC R-12, (713) 422-8938; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

Respondent: Mr. Don Stanley, VP – Product Quality & Plant Technology, The Goodyear Tire & Rubber Company, P.O. Box 5397, Houston, Texas 77262

Mr. Michael Lockwood, Site Manager, The Goodyear Tire & Rubber Company, P.O. Box 5397, Houston, Texas 77262

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint _X_ Routine __ Enforcement Follow-up __ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** February 26, 2007 **Date of NOEs Relating to this Case:** March 6, 13, and 15, 2007(NOEs) **Background Facts:** This was a routine investigation. AIR 1) Failed to prevent unauthorized emissions. Specifically, 106.5 pounds ("lbs") of Volatile Organic Compounds (VOCs) (including 101.12 lbs of 1,3 Butadiene) and 6.97 lbs of Nitrogen Oxides were released from the Plant 2 Reactor Area flare (EPN Q4501) during an emissions event that occurred on December 29, 2006 and lasted for 20 hours (Incident No. 85533). The emissions event occurred when operators were in the process of bringing the 10-C reactor on-line and the system over-pressured due to the failure to open the 10-C reactor outlet valve. Since this emissions event was avoidable and reported late, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE §101.222 [30 TEX. ADMIN. CODE § 116.715(a), Flexible Air Permit No. 6618, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failed to properly notify the TCEQ of an emissions event that occurred on December 29, 2006. Specifically, the initial notification was required to be submitted on December 30, 2006, but was not submitted until January 2, 2007 [30 TEX. ADMIN. CODE § 101.201(a) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 3) Failed to prevent unauthorized emissions. Specifically, 124.66 lbs of VOCs (including 116.94 lbs of 1,3 Butadiene) and 8.17 lbs of Nitrogen Oxides were released from the flare (EPN Q4501) during an emissions event that occurred on January 10, 2007 and lasted for 14	**Total Assessed:** $11,856 **Total Deferred:** $2,371 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $4,742 **Total Paid to General Revenue:** $4,743 **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** _X_ Yes ___ No **Applicable Penalty Policy:** September 2002	**Ordering Provisions:** The Order will require the Respondent to: a) Within 30 days after the effective date of this Agreed Order: i. Implement measures designed to prevent the recurrence of emissions events due to the same causes as the emissions events that occurred on December 29, 2006, January 10, 2007, and February 10, 2007; and ii. Implement measures designed to ensure proper reporting of emissions events. b) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.

hours (Incident No. 85823). The emissions event occurred when the level controller on the B-2 Recycle Butadiene receiver in the Plant 2 Recovery Area failed. Since this emissions event was avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.715(a), Flexible Air Permit No. 6618, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 4) Failed to prevent unauthorized emissions. Specifically, 40.9 lbs of VOCs (including 39.41 lbs of 1,3 Butadiene), 13.65 lbs of Carbon Monoxide, and 2,68 lbs of Nitrogen Oxides were released from the flare (EPN Q4501) during an emissions event that occurred on February 10, 2007 and lasted for three hours and 15 minutes (Incident No. 87079). The emissions event occurred due to mechanical failure of the relief valve not reseating in the C2 Reactor Building. Since this emissions event was avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE §101.222 [[30 TEX. ADMIN. CODE § 116.715(a), Flexible Air Permit No. 6618, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].		

Attachment A
Docket Number: 2007-0337-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**The Goodyear Tire & Rubber Company**
Payable Penalty Amount:	**Nine Thousand Four Hundred Eighty-Five Dollars ($9,485)**
SEP Amount:	**Four Thousand Seven Hundred Forty-Two Dollars ($4,742)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program**
Location of SEP:	**Harris County**

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

1. Project Description

A. Project

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

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) — *PCW Revision January 9, 2007*

DATES					
Assigned	7-Mar-2007				
PCW	21-Mar-2007	Screening	7-Mar-2007	EPA Due	1-Dec-2007

RESPONDENT/FACILITY INFORMATION

Respondent	The Goodyear Tire & Rubber Company		
Reg. Ent. Ref. No.	RN100870898		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	32872	No. of Violations	4
Docket No.	2007-0337-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Kimberly Morales
Multi-Media		EC's Team	EnforcementTeam 6
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* **$7,600**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 56% Enhancement — *Subtotals 2, 3, & 7* **$4,256**

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

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

Notes: The Respondent does not meet the culpability criteria.

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

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

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

0% Enhancement* — *Subtotal 6* **$0**

**Capped at the Total EB $ Amount*

Total EB Amounts	$244
Approx. Cost of Compliance	$6,500

SUM OF SUBTOTALS 1-7 — *Final Subtotal* **$11,856**

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

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

Notes:

Final Penalty Amount **$11,856**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$11,856**

DEFERRAL — 20% Reduction — *Adjustment* **-$2,371**

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **$9,485**

Screening Date	7-Mar-2007	**Docket No.** 2007-0337-AIR-E	**PCW**
Respondent	The Goodyear Tire & Rubber Company		*Policy Revision 2 (September 2002)*
Case ID No.	32872		*PCW Revision January 9, 2007*
Reg. Ent. Reference No.	RN100870898		
Media [Statute]	Air Quality		
Enf. Coordinator	Kimberly Morales		

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	4	20%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which notices were submitted*)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%
		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 56%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

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

Total Adjustment Percentage (Subtotals 2, 3, & 7) 56%

Screening Date 7-Mar-2007 **Docket No.** 2007-0337-AIR-E **PCW**

Respondent The Goodyear Tire & Rubber Company *Policy Revision 2 (September 2002)*

Case ID No. 32872 *PCW Revision January 9, 2007*

Reg. Ent. Reference No. RN100870898

Media [Statute] Air Quality

Enf. Coordinator Kimberly Morales

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.715(a), Flexible Air Permit No. 6618, Special Condition 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, 106.5 pounds ("lbs") of Volatile Organic Compounds (including 101.12 lbs of 1,3 Butadiene) and 6.97 lbs of Nitrogen Oxides were released from the Plant 2 Reactor Area flare (EPN Q4501) during an emissions event that occurred on December 29, 2006 and lasted for 20 hours (Incident No. 85533). The emissions event occurred when operators were in the process of bringing the 10-C reactor on-line and the system over-pressured due to the failure to open the 10-C reactor outlet valve. Since this emissions event was avoidable and reported late, the Respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

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

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $80

Statutory Limit Test

Violation Final Penalty Total $3,900

This violation Final Assessed Penalty (adjusted for limits) $3,900

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company
Case ID No. 32872
Reg. Ent. Reference No. RN100870898
Media Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	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)	$2,000	29-Dec-2006	16-Oct-2007	0.8	$80	n/a	$80
Notes for DELAYED costs	Estimated cost to prepare and implement corrective actions necessary to prevent the emissions event. Date required is the date of the emissions event. Final date is the projected date of corrective action completion.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $2,000

TOTAL: $80

Screening Date	7-Mar-2007	**Docket No.** 2007-0337-AIR-E	**PCW**
Respondent	The Goodyear Tire & Rubber Company		*Policy Revision 2 (September 2002)*
Case ID No.	32872		*PCW Revision January 9, 2007*
Reg. Ent. Reference No.	RN100870898		
Media [Statute]	Air Quality		
Enf. Coordinator	Kimberly Morales		

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 101.201(a) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to properly notify the TCEQ of an emissions event that occurred on December 29, 2006. Specifically, the initial notification was required to be submitted on December 30, 2006, but was not submitted until January 2, 2007.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: At least 70% of the rule requirement was met.

Adjustment $9,900

$100

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $20

Statutory Limit Test

Violation Final Penalty Total $156

This violation Final Assessed Penalty (adjusted for limits) $156

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company
Case ID No. 32872
Reg. Ent. Reference No. RN100870898
Media Air Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	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	$500	30-Dec-2006	16-Oct-2007	0.8	$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 cost to implement measures designed to ensure timely reporting of emissions events. Date required is the date the initial report was due. Final date is the projected date of corrective action completion.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
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: $20

Screening Date	7-Mar-2007	**Docket No.** 2007-0337-AIR-E	**PCW**
Respondent	The Goodyear Tire & Rubber Company		*Policy Revision 2 (September 2002)*
Case ID No.	32872		*PCW Revision January 9, 2007*
Reg. Ent. Reference No.	RN100870898		
Media [Statute]	Air Quality		
Enf. Coordinator	Kimberly Morales		

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 116.715(a), Flexible Air Permit No. 6618, Special Condition 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, 124.66 lbs of Volatile Organic Compounds (including 116.94 lbs of 1,3 Butadiene) and 8.17 lbs of Nitrogen Oxides were released from the flare (EPN Q4501) during an emissions event that occurred on January 10, 2007 and lasted for 14 hours (Incident No. 85823). The emissions event occurred when the level controller on the B-2 Recycle Butadiene receiver in the Plant 2 Recovery Area failed. Since this emissions event was avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

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

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $76

Statutory Limit Test

Violation Final Penalty Total $3,900

This violation Final Assessed Penalty (adjusted for limits) $3,900

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company
Case ID No. 32872
Reg. Ent. Reference No. RN100870898
Media Air Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$2,000	10-Jan-2007	16-Oct-2007	0.8	$76	n/a	$76
Notes for DELAYED costs	Estimated cost to prepare and implement corrective actions necessary to prevent the emissions event. Date required is the date of the emissions event. Final date is the projected date of corrective action completion.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $2,000

TOTAL $76

Screening Date	7-Mar-2007	**Docket No.** 2007-0337-AIR-E	**PCW**
Respondent	The Goodyear Tire & Rubber Company		*Policy Revision 2 (September 2002)*
Case ID No.	32872		*PCW Revision January 9, 2007*
Reg. Ent. Reference No.	RN100870898		
Media [Statute]	Air Quality		
Enf. Coordinator	Kimberly Morales		

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 116.715(a), Flexible Air Permit No. 6618, Special Condition 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, 40.9 lbs of Volatile Organic Compounds (including 39.41 lbs of 1,3 Butadiene), 13.65 lbs of Carbon Monoxide, and 2.68 lbs of Nitrogen Oxides were released from the flare (EPN Q4501) during an emissions event that occurred on February 10, 2007 and lasted for three hours and 15 minutes (Incident No. 87079). The emissions event occurred due to mechanical failure of the relief valve not reseating in the C2 Reactor Building. Since this emissions event was avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

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

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $68

Statutory Limit Test

Violation Final Penalty Total $3,900

This violation Final Assessed Penalty (adjusted for limits) $3,900

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company
Case ID No. 32872
Reg. Ent. Reference No. RN100870898
Media Air Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	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)	$2,000	10-Feb-2007	16-Oct-2007	0.7	$68	n/a	$68
Notes for DELAYED costs	Estimated cost to prepare and implement corrective actions necessary to prevent the emissions event. Date required is the date of the emissions event. Final date is the projected date of corrective action completion.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $2,000

TOTAL $68

Compliance History

Customer/Respondent/Owner-Operator:	CN600616049	The Goodyear Tire & Rubber Company	Classification: AVERAGE	Rating: 3.24
Regulated Entity:	RN100870898	GOODYEAR HOUSTON CHEMICAL PLANT	Classification: AVERAGE	Site Rating: 5.49

ID Number(s):

AIR NEW SOURCE PERMITS	PERMIT	6489
AIR NEW SOURCE PERMITS	PERMIT	6490
AIR NEW SOURCE PERMITS	PERMIT	6618
AIR NEW SOURCE PERMITS	PERMIT	29356
AIR NEW SOURCE PERMITS	PERMIT	30536
AIR NEW SOURCE PERMITS	PERMIT	32728
AIR NEW SOURCE PERMITS	PERMIT	33103
AIR NEW SOURCE PERMITS	PERMIT	35783
AIR NEW SOURCE PERMITS	PERMIT	47507
AIR NEW SOURCE PERMITS	PERMIT	49288
AIR NEW SOURCE PERMITS	PERMIT	49741
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0289K
AIR NEW SOURCE PERMITS	AFS NUM	4820100088
AIR NEW SOURCE PERMITS	REGISTRATION	76554
AIR NEW SOURCE PERMITS	REGISTRATION	77448
AIR NEW SOURCE PERMITS	EPA ID	PAL1
WASTEWATER	PERMIT	WQ0000520000
WASTEWATER	PERMIT	TX0003689000
WASTEWATER	PERMIT	TPDES0003689
WASTEWATER	PERMIT	TX0003689
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008077562
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30032
AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0289K
AIR OPERATING PERMITS	PERMIT	1227
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1010770
WATER LICENSING	LICENSE	1010770
WASTEWATER LICENSING	LICENSE	WQ0000520000
STORMWATER	PERMIT	TXR05M907
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30032

Location: 2000 GOODYEAR DR, HOUSTON, TX, 77017 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 07, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 07, 2002 to March 07, 2007

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

Name: Kimberly Morales Phone: (713) 422-8938

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

Effective Date: 06/26/2006 ADMINORDER 2004-1450-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter G 116.715(a)

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: Special Provision No. 3E PERMIT

Description: Failure to install a second valve, a blind flange, or tightly-fitting plug or a cap on 138 open ended lines.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(9)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Provision No. 3F PERMIT
Description: Failure to re-install a pressure gauge between the relief valve and the rupture disk.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.206(i)
30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: General Terms & Conditions & Prov 1.E. OP
Description: Failure to cease operations of firewater pump diesel engines for testing/maintenance between the hours of 6:00 a.m. and noon on 3/4/03, 3/5/03, 3/6/03, 3/10/03, 3/20/03, and 3/26/03. Specifically, Goodyear reported ten deviations of firewater pump diesel engines (U3101A and U3101) operating during restricted hours.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.145(2)
30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: Gen Terms & Conditions & Prov 2.C(ii) OP
Description: Failure to conduct sandblasting with adequate enclosure of work areas to prevent airborne particulate emissions on February 12, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.122(a)(1)[G]
30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: Gen Terms & Conditions & Provision 1.F. OP
Description: Failure to use a vapor control system to control a vent gas stream with a contol efficiency of at least 90% or to a VOC concentration of no more than 20 ppmv (on a dry basis corrected to 3.0% oxygen for combustion devices).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.721(a)

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

Rqmt Prov: General Condition No. 1 PERMIT
Description: Failure to follow operational procedures that resulted in the release of insignificant amounts of contaminants.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354(4)

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165(b)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Gen Terms & Conditions & Prov 1.D. OP
Description: Failure to measure emissions from a relief valve which has vented to the atmosphere within 24 hours. Specifically, the relief valve vented to atmosphere on July 2, 2003 and was monitored on December 19, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter E 115.421(a)(9)(A)(iii)
30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: Gen Terms & Conditions & Prov 1.A. OP
Description: Failure to use a surface coating that would not exceed the VOC emissions limit for miscellaneous metal parts coating. Specifically, Goodyear used a surface coating containing 0.45 kg/liter of VOC.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.214(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: Gen Terms & Conditions & Prov 1.E. OP
Description: Failure to check the engines C2007 and C2008 for proper operation at least quarterly. Specifically, Goodyear failed to test the engine C2008 in the second quarter of 2003 and the engine C2007 in the third quarter of 2003.

Classification: Moderate

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

Rqmt Prov: General Condition No. 10 PERMIT
Description: Failure to keep the thermal oxidizer operating when vapors were routed to it. Specifically, Goodyear failed to keep the thermal oxidizer, which was being shutdown due to high water level in the seal pot from operating, which resulted in releases of styrene, carbon disulfide, formaldehyde, and 4-vinylcyclohexene.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: General Condition 1 PERMIT
General Terms and Conditions OP

Special Condition 10A OP

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: General Condition 1 PERMIT
General Terms and Conditions OP

Special Condition 11A OP

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)

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

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

Special Condition 10A OP

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

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)

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

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

Special Condition 3F PERMIT

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

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)

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

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

Special Condition 3F PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

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

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

Special Condition 3E PERMIT

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

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

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

Special Condition 3E PERMIT

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

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.214(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: Permit No. O-01227, Spec. Cond. No. 1.E. OP
Description: Failure to monitor for nitrogen oxides and carbon monoxide emissions. Specifically, Goodyear was required to sample the emissions from its gas-fired internal combustion engine, C2008, during he first quarter of 2005, but failed to do so.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter H 115.781(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(c)

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

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

Special Condition 1K(iv) OP

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

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)(10)
30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: Permit No. O-01227, Spec. Cond. No. 1.E. OP
Description: Failure to record complete information of engine testing and maintenance. Specifically, the backup diesel air compressor, P3NAIR, was tested on January 24, 2003, but Goodyear failed to record the start and end times of that operation.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)

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

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

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

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

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

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

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	03/14/2002	(137382)
2	03/22/2002	(156742)
3	04/23/2002	(156747)
4	05/16/2002	(137383)
5	05/24/2002	(156751)
6	06/24/2002	(156755)
7	06/27/2002	(1529)
8	07/03/2002	(1605)
9	07/12/2002	(137385)
10	07/12/2002	(137384)
11	07/22/2002	(156759)
12	08/21/2002	(2792)
13	08/21/2002	(156762)
14	09/27/2002	(156765)
15	10/18/2002	(156768)
16	11/22/2002	(156772)
17	11/22/2002	(15946)
18	12/23/2002	(156776)
19	12/31/2002	(20059)
20	01/24/2003	(156780)
21	02/28/2003	(156740)
22	04/10/2003	(156743)
23	04/21/2003	(156748)
24	05/20/2003	(35271)
25	06/23/2003	(156756)
26	07/14/2003	(156752)
27	07/18/2003	(294801)
28	07/28/2003	(114192)

29	08/04/2003	(134070)
30	08/15/2003	(146425)
31	08/18/2003	(144592)
32	08/25/2003	(294803)
33	08/25/2003	(149281)
34	08/26/2003	(149845)
35	09/22/2003	(294805)
36	10/23/2003	(294807)
37	11/14/2003	(250310)
38	11/24/2003	(294808)
39	12/22/2003	(294809)
40	01/02/2004	(255411)
41	01/22/2004	(294810)
42	02/09/2004	(260820)
43	02/25/2004	(294793)
44	02/27/2004	(262209)
45	03/22/2004	(294795)
46	04/07/2004	(263473)
47	04/21/2004	(269401)
48	04/22/2004	(294796)
49	05/25/2004	(294798)
50	06/17/2004	(273894)
51	06/21/2004	(351871)
52	07/22/2004	(351872)
53	08/24/2004	(351873)
54	08/31/2004	(287439)
55	08/31/2004	(291869)
56	08/31/2004	(255443)
57	09/28/2004	(351874)
58	10/11/2004	(333602)
59	10/19/2004	(335249)
60	10/22/2004	(351875)
61	10/22/2004	(335422)
62	11/08/2004	(339909)
63	11/11/2004	(292784)
64	11/18/2004	(336337)
65	11/22/2004	(351876)
66	12/06/2004	(336496)
67	12/20/2004	(351877)
68	01/24/2005	(381739)
69	02/03/2005	(345591)
70	02/24/2005	(381737)
71	03/04/2005	(345793)
72	03/17/2005	(371507)
73	03/22/2005	(381738)
74	03/31/2005	(376107)
75	04/15/2005	(375992)
76	05/18/2005	(371486)
77	06/07/2005	(378740)
78	07/13/2005	(396961)
79	08/11/2005	(402529)
80	08/24/2005	(402035)
81	08/25/2005	(402054)
82	01/09/2006	(438577)
83	02/17/2006	(438968)
84	02/23/2006	(455879)
85	02/25/2006	(456992)
86	04/04/2006	(461480)
87	04/25/2006	(455625)
88	05/26/2006	(467425)
89	05/30/2006	(480187)
90	05/30/2006	(480179)
91	05/30/2006	(480188)
92	05/30/2006	(480180)
93	05/30/2006	(480189)
94	05/30/2006	(480190)
95	05/30/2006	(480191)
96	05/30/2006	(480167)
97	05/30/2006	(480192)
98	05/30/2006	(480168)
99	05/30/2006	(480181)

100	05/30/2006	(480169)
101	05/30/2006	(480170)
102	05/30/2006	(480172)
103	05/30/2006	(480111)
104	05/30/2006	(480173)
105	05/30/2006	(480176)
106	05/30/2006	(480183)
107	05/30/2006	(480178)
108	05/31/2006	(480606)
109	05/31/2006	(480831)
110	05/31/2006	(480690)
111	05/31/2006	(480678)
112	05/31/2006	(480608)
113	05/31/2006	(480650)
114	05/31/2006	(480792)
115	05/31/2006	(480778)
116	05/31/2006	(480661)
117	05/31/2006	(480596)
118	05/31/2006	(480662)
119	05/31/2006	(480849)
120	05/31/2006	(480663)
121	05/31/2006	(480664)
122	05/31/2006	(480611)
123	05/31/2006	(480665)
124	05/31/2006	(480657)
125	05/31/2006	(480667)
126	05/31/2006	(480668)
127	05/31/2006	(480658)
128	05/31/2006	(480659)
129	05/31/2006	(480660)
130	05/31/2006	(480669)
131	05/31/2006	(480670)
132	05/31/2006	(480732)
133	05/31/2006	(480671)
134	05/31/2006	(480672)
135	05/31/2006	(480673)
136	05/31/2006	(480674)
137	05/31/2006	(480685)
138	05/31/2006	(480598)
139	05/31/2006	(480614)
140	05/31/2006	(480817)
141	05/31/2006	(480701)
142	05/31/2006	(480723)
143	05/31/2006	(480773)
144	05/31/2006	(480617)
145	05/31/2006	(480827)
146	05/31/2006	(480599)
147	05/31/2006	(480619)
148	05/31/2006	(480620)
149	05/31/2006	(480804)
150	05/31/2006	(480593)
151	05/31/2006	(480604)
152	05/31/2006	(480621)
153	08/16/2006	(486207)
154	10/13/2006	(511467)
155	10/31/2006	(517141)
156	11/28/2006	(531342)
157	03/06/2007	(542002)

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

Date: 10/18/2002 (137378)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.7[G]

Description: Failure to Comply

Date: 10/31/2002 (156772)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 11/15/2002 (15946)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11(a)
30 TAC Chapter 319, SubChapter A 319.11(b)

Description: Failure to correctly collect oil and grease (O&G) sample.

Date: 11/30/2002 (156776)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 05/20/2003 (35271)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)

Description: Failure to provide a hatch on the GST that has a raised curbing of four inches and overhangs by 2 inches.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(v)

Description: Failure to provide pressure facilities.

Date: 01/02/2004 (255411)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: PERMIT 6618

Description: During the investigation conducted on November 3-5, 2003, it was determined that Goodyear failed to equip five open-ended valves with a second valve, plug, cap or a blind.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)(4)(ii)(C)

Description: During the investigation conducted on November 5, 2003, it was determined that Goodyear failed to use approximately 5,000 ppm calibration gas to calibrate instrument to monitor pumps to which a 5,000 parts per million (ppm) leak definition applies.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)(ix)

Description: During the investigation conducted on November 5, 2003, it was determined that Goodyear failed to correctly report the summary of the total number of connectors found leaking on semi annual reports for the period from October 1, 2001 through December 31, 2001, January 1, 2002 through March 31, 2002, and April 1, 2002 through June 30, 2002.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(e)

Description: During the investigation conducted on November 3-5, 2003, it was determined that Goodyear failed to correctly report percent leaking valves in a monitoring period (on a quarterly basis). Goodyear reported percent leaking of valves as rolling average of two consecutive quarters in periodic reports required by 40 CFR 63 Subparts H and U dated June 29, 2001, January 7, 2002, July 12, 2002, January 7, 2003 and July 2, 2003.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(d)(4)

Description: During the investigation conducted on November 5, 2003, it was determined that Goodyear failed to correctly report percent leaking pumps on a monthly basis. Goodyear reported percent leaking pumps as rolling average of six months in periodic reports required by 40 CFR 63 Subparts H and U dated June 29, 2001, January 7, 2002, July 12, 2002, January 7, 2003 and July 2, 2003.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)

Description: During the investigation conducted on November 3-5, 2003, it was determined that Goodyear failed to attempt the repair of a leaking valve (tag number 805296), within the required five days of discovery.

Date: 02/29/2004 (294795)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2004 (287439)

Self Report? NO Classification Major

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.721(a)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PA TCEQ AIR PERMIT NO. 6618
OP Title V Permit No. 1227

Description: Due to inadequate dryer cleaning, a buildup of rubber ignited a fire within the dryer on December 14, 2004. This is a violation of 30 TAC Chapter 116.721(a).

Date: 11/18/2004 (336337)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)

Rqmt Prov: PERMIT Special Condition 3F

Description: Failure to monitor five valves included on Unit C-3 Blowdown Tank No. 3-F in the 4th quarter of 2003.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP Special Terms and Conditions 1. K (iv)

Description: Failed to attempt the required first repair within one (1) business day or repair within seven calendar days for seven (7) components in HRVOC service found leaking above 10,000 ppmv.

Date: 06/07/2005 (378740)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 116, SubChapter G 116.721(a)

Rqmt Prov: PERMIT TCEQ Air Permit No. 6618 GC #1

Description: Failure to operate in accordance with the operation procedures represented in the application for a flexible permit.

Date: 02/21/2006 (438968)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PA Flexible Permit #6618, SC #2

Description: An accumulation of oxidized crumb rubber fines inside the dryer caught fire resulting in 80% opacity for the 10 minute period.

Date: 04/26/2006 (455625)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]
30 TAC Chapter 101, SubChapter F 101.201(c)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT Flexible Permit 6618

Description: Failure to comply with the emissions event reporting requirements.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
THE GOODYEAR TIRE & RUBBER	§	
COMPANY	§	
RN100870898	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2007-0337-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. Goodyear owns and operates a synthetic rubber manufacturing plant at 2000 Goodyear Drive in Houston, Harris County, Texas (the "Plant").

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

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

4. Goodyear received notice of the violations alleged in Section II ("Allegations") on or about March 11, 18, and 20, 2007.

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

6. An administrative penalty in the amount of Eleven Thousand Eight Hundred Fifty-Six Dollars ($11,856) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). Goodyear has paid Four Thousand Seven Hundred Forty-Three Dollars ($4,743) of the administrative penalty and Two Thousand Three Hundred Seventy-One Dollars ($2,371) is deferred contingent upon Goodyear's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Goodyear fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Goodyear to pay all or part of the deferred penalty. Four Thousand Seven Hundred Forty-Two Dollars ($4,742) shall be conditionally offset by Goodyear's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and Goodyear have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Goodyear has not complied with one or more of the terms or conditions in this Agreed Order.

10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, Goodyear is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Flexible Air Permit No. 6618, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 26, 2007. Specifically, 106.5 pounds ("lbs") of Volatile Organic Compounds (including 101.12 lbs of 1,3 Butadiene) and 6.97 lbs of Nitrogen Oxides were released from the Plant 2 Reactor Area flare (EPN Q4501) during an emissions event that occurred on December 29, 2006 and lasted for 20 hours (Incident No. 85533). The emissions event occurred when operators were in the process of bringing the 10-C reactor on-line and the system over-pressured due to the failure to open the 10-C reactor outlet valve. Since this emissions event was avoidable and reported late, Goodyear failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

2. Failed to properly notify the TCEQ of an emissions event that occurred on December 29, 2006, in violation of 30 TEX. ADMIN. CODE § 101.201(a) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 26, 2007. Specifically, the initial notification was required to be submitted on December 30, 2006, but was not submitted until January 2, 2007.

3. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Flexible Air Permit No. 6618, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 26, 2007. Specifically, 124.66 lbs of Volatile Organic Compounds (including 116.94 lbs of 1,3 Butadiene) and 8.17 lbs of Nitrogen Oxides were released from the flare (EPN Q4501) during an emissions event that occurred on January 10, 2007 and lasted for 14 hours (Incident No. 85823). The emissions event occurred when the level controller on the B-2 Recycle Butadiene receiver in the Plant 2 Recovery Area failed. Since this emissions event was avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

4. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.715(a), Flexible Air Permit No. 6618, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 26, 2007. Specifically, 40.9 lbs of Volatile Organic Compounds (including 39.41 lbs of 1,3 Butadiene), 13.65 lbs of Carbon Monoxide, and 2.68 lbs of Nitrogen Oxides were released from the flare (EPN Q4501) during an emissions event that occurred on February 10, 2007 and lasted for three hours and 15 minutes (Incident No. 87079). The emissions event occurred due to mechanical failure of the relief valve not reseating in the C2 Reactor Building. Since this emissions event was avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Goodyear pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Goodyear's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Goodyear Tire & Rubber Company, Docket No. 2007-0337-AIR-E" to:

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

2. Goodyear shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Four Thousand Seven Hundred Forty-Two Dollars ($4,742) of the assessed administrative penalty shall be offset with the condition that Goodyear implement the SEP defined in Attachment A, incorporated herein by reference. Goodyear's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

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

   a. Within 30 days after the effective date of this Agreed Order:

      i. Implement measures designed to prevent the recurrence of emissions events due to the same causes as the emissions events that occurred on December 29, 2006, January 10, 2007, and February 10, 2007; and

      ii. Implement measures designed to ensure proper reporting of emissions events.

   b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

      The certification shall be submitted to:

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

      with a copy to:

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

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

5. If Goodyear fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Goodyear's failure to comply is not a violation of this Agreed Order. Goodyear shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Goodyear shall notify the Executive Director within seven days after Goodyear

becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

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

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

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

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Goodyear, or three days after the date on which the Commission mails notice of the Order to Goodyear, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

6/19/07
Date

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

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

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

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

Signature

5/25/07
Date

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

Vice President
Title

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

Attachment A
Docket Number: 2007-0337-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**The Goodyear Tire & Rubber Company**
Payable Penalty Amount:	**Nine Thousand Four Hundred Eighty-Five Dollars ($9,485)**
SEP Amount:	**Four Thousand Seven Hundred Forty-Two Dollars ($4,742)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program**
Location of SEP:	**Harris County**

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

1. Project Description

A. Project

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

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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