

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2006-2232-AIR-E **TCEQ ID:** RN102177391 **CASE NO.:** 32005

**RESPONDENT NAME:** Akzo Nobel Polymer Chemicals LLC

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Akzo Nobel Chemicals Deer Park, 730 Battleground Road, Deer Park, Harris County</p> <p><b>TYPE OF OPERATION:</b> Chemical manufacturing plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on May 7, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>SEP Coordinator:</b> Ms. Melissa Keller, Enforcement Division, MC 219, (512) 239-1768  <b>TCEQ Enforcement Coordinator:</b> Ms. Roshondra Lowe, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3500; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896  <b>Respondent:</b> Mr. Gordon Martens, Site Manager, Akzo Nobel Polymer Chemicals LLC, 730 Battleground Road, Deer Park, Texas 77536  Ms. Rebecca Jaschek, Environmental Manager, Akzo Nobel Polymer Chemicals LLC, 730 Battleground Road, Deer Park, Texas 77571  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b>                      None</p> <p><b>Date of Investigation Relating to this Case:</b>                      February 15, 2006</p> <p><b>Date of NOE Relating to this Case:</b> December 3, 2006(NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>Failed to prevent unauthorized emissions on February 7, 2006. Since the emissions event was avoidable and excessive, Akzo Nobel failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(b), Air Permit No. 8149, General Condition No. 8, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$10,000</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$5,000</p> <p><b>Total Paid to General Revenue:</b> \$5,000</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Orders Justification:</b> This is a Findings Order because of unauthorized emissions which are excessive emissions events.</p>	<p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).</p> <p>2) The Order will require the Respondent to:</p> <p>a) Comply with the TCEQ request dated December 8, 2006 for submittal of a corrective action plan (CAP) to address the excessive emissions event that occurred on February 7, 2006;</p> <p>b) Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the submitted CAP within 15 days after the date of such requests, or by other deadline specified in writing;</p> <p>c) Upon Executive Director approval, implement the CAP, in accordance with the approved schedule; and</p> <p>d) Upon completion of CAP implementation, submit written certification to demonstrate compliance with Ordering Provisions 2.a. through 2.c.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

**TCEQ**

DATES	Assigned	11-Dec-2006	Screening	18-Dec-2006	EPA Due	
	PCW	20-Dec-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Akzo Nobel Polymer Chemicals LLC		
Reg. Ent. Ref. No.	RN102177391		
Facility/Site Region	12-Houston	Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	32005	No. of Violations	1
Docket No.	2006-2232-AIR-E	Order Type	Findings
Media Program(s)	Air Quality	Enf. Coordinator	Roshondra Lowe
Multi-Media		EC's Team	Enforcement Team 6
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 \$10,000

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** 63% Enhancement Subtotals 2, 3, & 7 \$6,300

Notes: The penalty was enhanced due to three NOV's for same or similar violations, four NOV's issued for unrelated issues, and twenty self-reported effluent discharge violations.

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

Notes: 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.

**Extraordinary/Ordinary Efforts** 0% Enhancement\* Subtotal 6 \$0

Total EB Amounts	\$275
Approx. Cost of Compliance	\$3,500

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** Final Subtotal \$16,300

**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** \$16,300

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty \$10,000

**DEFERRAL** 0% Reduction Adjustment \$0

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

Notes: No deferral is recommended for Findings Order.

**PAYABLE PENALTY** \$10,000

Screening Date 18-Dec-2006

Docket No. 2006-2232-AIR-E

PCW

Respondent Akzo Nobel Polymer Chemicals LLC

Policy Revision 2 (September 2002)

Case ID No. 32005

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102177391

Media [Statute] Air Quality

Enf. Coordinator Roshondra Lowe

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3	15%
	Other written NOVs	24	48%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 63%

>> 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 due to three NOVs for same or similar violations, four NOVs issued for unrelated issues, and twenty self-reported effluent discharge violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 63%

Screening Date 18-Dec-2006

Docket No. 2006-2232-AIR-E

PCW

Respondent AKZO Nobel Polymer Chemicals LLC

Policy Revision 2 (September 2002)

Case ID No. 32005

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102177391

Media [Statute] Air Quality

Enf. Coordinator Roshondra Lowe

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §116.115(b), Tex. Health & Safety Code § 382.085(b), and Air Permit No. 8149, General Condition No. 8

Violation Description Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 14,360 pounds of aluminum oxide, 500 pounds of ammonia, and 100% opacity were released through emission point number F-RM in the Aluminum Handling Facility during an emissions event that began on February 7, 2006 lasted 15 hours and 25 minutes.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (100%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0%).

Matrix Notes

Human health or the environment in the Houston-Galveston-Brazoria nonattainment area has been exposed to 7.43 tons of pollutants which exceeded levels that are protective of human health or environment receptors. Akzo Nobel Polymer Chemicals LLC is located in close proximity to sensitive receptors.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 1 Number of violation days 1

Table for frequency: daily (x), monthly, quarterly, semiannual, annual, single event.

Violation Base Penalty \$10,000

One daily event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$275

Violation Final Penalty Total \$16,300

This violation Final Assessed Penalty (adjusted for limits) \$10,000

## Economic Benefit Worksheet

**Respondent:** Akzo Nobel Polymer Chemicals LLC  
**Case ID No.:** 32005  
**Reg. Ent. Reference No.:** RN102177391  
**Media:** 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
<i>No commas or \$</i>							

### 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)	\$3,500	7-Feb-2006	4-Sep-2007	1.6	\$275	n/a	\$275

Notes for DELAYED costs

Estimated cost to provide training to personnel participating in the aluminum powder transfer process. Date required based on the date of the emissions event. Final date based on projected date corrective action will be completed.

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$3,500	<b>TOTAL</b>	\$275
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## Compliance History

Customer/Respondent/Owner-Operator: CN600125488 Akzo Nobel Polymer Chemicals LLC Classification: AVERAGE Rating: 2.89  
 Regulated Entity: RN102177391 AKZO NOBEL CHEMICALS DEER PARK Classification: AVERAGE Site Rating: 1.15

ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD057191199
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30281
	WASTEWATER	PERMIT	WQ0004119000
	WASTEWATER	PERMIT	TPDES0006688
	AIR NEW SOURCE PERMITS	PERMIT	1505
	AIR NEW SOURCE PERMITS	PERMIT	1506
	AIR NEW SOURCE PERMITS	PERMIT	1587
	AIR NEW SOURCE PERMITS	PERMIT	1885
	AIR NEW SOURCE PERMITS	PERMIT	2300
	AIR NEW SOURCE PERMITS	PERMIT	7381
	AIR NEW SOURCE PERMITS	PERMIT	7407
	AIR NEW SOURCE PERMITS	PERMIT	7700
	AIR NEW SOURCE PERMITS	PERMIT	8149
	AIR NEW SOURCE PERMITS	PERMIT	13887
	AIR NEW SOURCE PERMITS	PERMIT	19545
	AIR NEW SOURCE PERMITS	PERMIT	24066
	AIR NEW SOURCE PERMITS	PERMIT	33000
	AIR NEW SOURCE PERMITS	PERMIT	34028
	AIR NEW SOURCE PERMITS	PERMIT	35804
	AIR NEW SOURCE PERMITS	PERMIT	39461
	AIR NEW SOURCE PERMITS	PERMIT	45065
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0717K
	AIR NEW SOURCE PERMITS	AFS NUM	0052
	AIR NEW SOURCE PERMITS	REGISTRATION	76287
	AIR NEW SOURCE PERMITS	REGISTRATION	72468
	AIR NEW SOURCE PERMITS	REGISTRATION	72458
	AIR NEW SOURCE PERMITS	REGISTRATION	73260
	AIR NEW SOURCE PERMITS	PERMIT	74129
	AIR NEW SOURCE PERMITS	REGISTRATION	77777
	AIR NEW SOURCE PERMITS	REGISTRATION	80475
	USED OIL	ID NUMBER	HOU00034
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1012160

Location: 730 BATTLEGROUND RD, DEER PARK, TX, 77571 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: December 12, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 05, 2001 to December 05, 2006

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

Name: Roshondra Lowe Phone: (713) 767-3553

### Site Compliance History Components

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

#### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 

1	02/21/2002	(159748)
N/A		
2	12/28/2001	(104111)
3	08/25/2005	(405730)
4	01/02/2002	(104112)

5 05/24/2002 (104113)  
6 04/22/2004 (352411)  
7 05/21/2004 (352412)  
8 06/09/2005 (373964)  
9 06/21/2004 (352413)  
10 02/22/2005 (440943)  
11 08/23/2004 (260368)  
12 07/26/2004 (352414)  
13 04/22/2005 (440944)  
14 06/20/2005 (440945)  
15 08/23/2004 (352415)  
16 05/26/2006 (467352)  
17 06/23/2005 (440946)  
18 09/21/2004 (352416)  
19 07/22/2005 (440947)  
20 10/21/2004 (352417)  
21 08/24/2005 (440948)  
22 02/04/2002 (282752)  
23 09/22/2005 (440949)  
24 11/11/2004 (290377)  
25 08/31/2004 (290511)  
26 04/21/2005 (378234)  
27 02/22/2006 (468618)  
28 02/20/2004 (296052)  
29 03/24/2003 (296053)  
30 12/08/2005 (435088)  
31 03/22/2006 (468619)  
32 03/19/2004 (296055)  
33 10/24/2005 (468620)  
34 04/20/2005 (374496)  
35 05/27/2003 (296057)  
36 11/21/2005 (468621)  
37 06/23/2003 (296058)  
38 01/23/2006 (468622)  
39 07/24/2003 (296060)  
40 08/22/2003 (296062)  
41 01/24/2003 (159786)  
42 12/05/2002 (15819)  
43 01/22/2002 (159785)  
44 02/07/2006 (452915)  
45 09/19/2003 (296064)  
46 12/23/2002 (159782)  
47 05/26/2006 (467356)  
48 12/27/2001 (159781)  
49 10/22/2003 (296066)  
50 11/24/2003 (296067)  
51 04/24/2006 (498332)  
52 12/22/2003 (296069)  
53 10/19/2006 (512231)  
54 11/22/2002 (159778)  
55 05/22/2006 (498333)  
56 06/21/2006 (498334)  
57 01/21/2004 (296071)  
58 08/11/2004 (289196)  
59 02/07/2003 (23659)  
60 10/25/2004 (291825)  
61 10/21/2002 (159774)  
62 09/23/2002 (159771)  
63 10/22/2004 (337772)

64 05/26/2005 (392939)  
65 08/21/2002 (159768)  
66 12/14/2004 (337579)  
67 03/21/2005 (381966)  
68 11/22/2004 (381967)  
69 07/24/2002 (159765)  
70 12/20/2004 (381968)  
71 02/28/2006 (457025)  
72 01/21/2005 (381969)  
73 06/24/2002 (159762)  
74 05/26/2006 (467293)  
75 03/09/2005 (372933)  
76 05/23/2002 (159759)  
77 04/21/2003 (159756)  
78 03/28/2005 (375292)  
79 04/22/2002 (159755)

80 05/26/2006 (467322)  
 81 03/29/2005 (341777)  
 82 07/24/2006 (520347)  
 83 03/25/2002 (159751)  
 84 08/21/2006 (520348)  
 85 09/21/2006 (520349)  
 86 02/21/2003 (159749)

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

N/A

Date: 08/31/2006 (520349)  
 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: 01/31/2005 (440943)  
 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: 05/28/2002 (104113)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Rqmt Prov: OP IA  
 Description: PERMIT SPECIAL CONDITI  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Rqmt Prov: OP IA  
 Description: PERMIT SPECIAL CONDITI  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.11(a)[G]  
 Description: EXEMPTIONS-MAJOR UPSET  
 Date: 03/31/2005 (440944)  
 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: 05/31/2004 (352413)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 06/30/2004 (352414)  
 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: 03/09/2005 (372933)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to comply with the permitted effluent parameters at Outfall 001 and Outfall 101.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)  
 Description: Failure to comply with the permitted sampling requirements at Outfall 101.  
 Date: 12/14/2004 (337579)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT IA  
 Description: Failed to prevent an avoidable emissions event. Incident No. 44306.  
 Date: 12/04/2002 (15819)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 319, SubChapter A 319.4  
 Description: Failure to monitor total chlorine residual at outfall 001 as required by the permit.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)  
Description: Failure to collect samples, during discharge events, at the frequency required by the permit .

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]  
Description: Failure to record the time the samples were collected for each sampling event.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 319, SubChapter A 319.1  
Description: Failure to report effluent data as required by the permit.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 319, SubChapter A 319.1  
Description: Failure to report correct dry weather daily average flow values and dry weather daily maximum flow values.  
Date: 05/31/2005 (440946)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]  
Description: Failure to meet the limit for one or more permit parameter  
Date: 06/09/2005 (373964)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)  
Description: The RE failed to create a final report 14 after the end of the emissions event.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: PERMIT IA  
Description: RE failed to prevent unauthorized emissions.  
Date: 06/30/2005 (440947)

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: 01/31/2006 (468618)

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: 09/30/2005 (468620)

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: 07/31/2005 (440948)

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: 10/31/2005 (468621)

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: 08/31/2005 (440949)

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: 07/31/2003 (296062)

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: 08/31/2003 (296064)

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: 03/31/2006 (498332)  
 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: 05/31/2006 (498334)  
 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: 12/31/2003 (296071)  
 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: 03/29/2005 (341777)  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.136(b)  
 Description: Failure to include the relevant information that was omitted in the permit within 60 days upon discovery.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter C 122.222(k)(2)  
 Description: Failure to provide written notification to the executive director for modifications authorized under Permit-By-Rule.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
 Description: Failure to follow Test Method 21 for the leaking fugitive monitoring components.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Rqmt Prov: OP IA  
 PA IA  
 Description: Failure to follow Test Method 21 for a leaking fugitive monitoring component.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 Rqmt Prov: OP IA  
 PA IA  
 Description: Failure to follow Test Method 21 for a leaking fugitive monitoring component.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 Description: Failure to report four (4) deviations for failure to follow Test Method 21 for the leaking fugitive monitoring components.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 Rqmt Prov: OP IA  
 PA IA  
 Description: Failure to follow Test Method 21 for a leaking fugitive monitoring component.  
 Date: 02/28/2005 (381966)  
 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: 11/30/2004 (381968)  
 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: 04/20/2005 (374496)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]

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

Description: Akzo Nobel failed to prevent an avoidable emissions event at the Tank Farm.

Date: 07/31/2006 (520348)

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).

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

Attachment A

Docket Number: 2006-2232-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Akzo Nobel Polymer Chemicals LLC

**Payable Penalty Amount:** Ten Thousand Dollars (\$10,000)

**SEP Amount:** Five Thousand Dollars (\$5,000)

**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.

# THE HISTORY OF THE UNITED STATES

OF THE UNITED STATES OF AMERICA

FROM THE FIRST SETTLEMENTS TO THE PRESENT TIME

BY

JOHN B. HENNING

THE HISTORY OF THE UNITED STATES OF AMERICA, FROM THE FIRST SETTLEMENTS TO THE PRESENT TIME, BY JOHN B. HENNING. VOL. I. THE DISCOVERY AND EARLY SETTLEMENTS. PART I. THE DISCOVERY OF AMERICA.

NEW YORK: PUBLISHED BY

JOHN B. HENNING

THE HISTORY OF THE UNITED STATES OF AMERICA, FROM THE FIRST SETTLEMENTS TO THE PRESENT TIME, BY JOHN B. HENNING. VOL. I. THE DISCOVERY AND EARLY SETTLEMENTS. PART I. THE DISCOVERY OF AMERICA.

CHAPTER I. THE DISCOVERY OF AMERICA.

THE DISCOVERY OF AMERICA, BY CHRISTOPHER COLUMBUS, IN 1492, WAS ONE OF THE MOST IMPORTANT EVENTS IN THE HISTORY OF THE WORLD. IT OPENED UP A NEW WORLD OF OPPORTUNITY AND ENLIGHTENED THE MINDS OF MANKIND.

THE HISTORY OF THE UNITED STATES OF AMERICA, FROM THE FIRST SETTLEMENTS TO THE PRESENT TIME, BY JOHN B. HENNING. VOL. I. THE DISCOVERY AND EARLY SETTLEMENTS. PART I. THE DISCOVERY OF AMERICA.

THE HISTORY OF THE UNITED STATES OF AMERICA, FROM THE FIRST SETTLEMENTS TO THE PRESENT TIME, BY JOHN B. HENNING. VOL. I. THE DISCOVERY AND EARLY SETTLEMENTS. PART I. THE DISCOVERY OF AMERICA.

**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 ... of ...

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.



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
AKZO NOBEL POLYMER CHEMICALS  
LLC  
RN102177391

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**AGREED ORDER  
DOCKET NO. 2006-2232-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 Akzo Nobel Polymer Chemicals LLC ("Akzo Nobel") 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 Akzo Nobel presented this agreement to the Commission.

Akzo Nobel understands that it 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, Akzo Nobel 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 Akzo Nobel.

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

**I. FINDINGS OF FACT**

1. Akzo Nobel owns and operates a chemical manufacturing plant at 730 Battleground Road in Deer Park, 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. During an investigation on February 15, 2006, TCEQ staff documented that during an avoidable emissions event that occurred on February 7, 2006 and lasted 15 hours and 25 minutes, unauthorized emissions of 14,360 pounds ("lbs") of aluminum oxide, 500 lbs of ammonia, and 100% opacity, were released from Emission Point Number F-RM in the Aluminum Handling Facility.
4. Akzo Nobel received notice of the violations on December 8, 2006.

## II. CONCLUSIONS OF LAW

1. Akzo Nobel is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, Akzo Nobel failed to prevent unauthorized emissions on February 7, 2006, in violation of 30 TEX. ADMIN. CODE § 116.115(b), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 8149, General Condition No. 8. Since the emissions event was avoidable and excessive, Akzo Nobel failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN CODE § 101.222.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Akzo Nobel 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.
4. An administrative penalty in the amount of Ten Thousand Dollars (\$10,000) 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. Akzo Nobel has paid Five Thousand Dollars (\$5,000) of the administrative penalty. Five Thousand Dollars (\$5,000) shall be conditionally offset by Akzo Nobel's completion of a Supplemental Environmental Project ("SEP").

## III. ORDERING PROVISIONS

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

1. Akzo Nobel is assessed an administrative penalty in the amount of Ten Thousand Dollars (10,000) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Akzo Nobel'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.

THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY  
5800 S. UNIVERSITY AVENUE  
CHICAGO, ILLINOIS 60637

TO: THE DIRECTOR, UNIVERSITY OF CHICAGO  
FROM: [Name], [Title]

RE: [Subject]

[Detailed text of the letter, including dates and specific details of the request or report.]

STATEMENT OF WORK

This document outlines the scope of work for the project, including the objectives, deliverables, and timeline.

The project will focus on the development of a new method for the synthesis of [chemical compound]. The primary goal is to improve the yield and selectivity of the reaction.

The work will be carried out over a period of [duration]. Key milestones include the completion of the initial experiments, the optimization of reaction conditions, and the final report.

The project is supported by the [Funding Source]. The principal investigator is [Name].

Date: [Date]

Signature: [Signature]

This work was supported by the [Funding Source]. The author would like to thank [Name] for their assistance and [Name] for their helpful discussions.

Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Akzo Nobel Polymer Chemicals LLC, Docket No. 2006-2232-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. Akzo Nobel shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 4 above, Five Thousand Dollars (\$5,000) of the assessed administrative penalty shall be offset with the condition that Akzo Nobel implement the SEP defined in Attachment A, incorporated herein by reference. Akzo Nobel'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. Akzo Nobel shall undertake the following technical requirements:
  - a. Comply with the TCEQ request dated December 8, 2006 for submittal of a corrective action plan ("CAP") to address the excessive emissions event that occurred February 7, 2006, in accordance with 30 TEX. ADMIN. CODE § 101.223(a)(1);
  - b. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the submitted CAP within 15 days after the date of such requests, or by other deadline specified in writing;
  - c. Upon Executive Director approval, implement the CAP, in accordance with the approved schedule; and
  - d. Upon completion of CAP implementation, submit written certification to demonstrate compliance with Ordering Provisions 3.a. through 3.c. as described below:

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

...

...

...

...

...

...

...

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...

...

...

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

with a copy to:

Air Quality 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 Akzo Nobel. Akzo Nobel 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 Akzo Nobel 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, Akzo Nobel's failure to comply is not a violation of this Agreed Order. Akzo Nobel shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Akzo Nobel shall notify the Executive Director within seven days after Akzo Nobel 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 Akzo Nobel shall be made in writing to the Executive Director. Extensions are not effective until Akzo Nobel 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 Akzo Nobel if the Executive Director determines that Akzo Nobel 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 Akzo Nobel 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.

...the ... of ...

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

6/18/07  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Akzo Nobel Polymer Chemicals LLC. I am authorized to agree to the attached Agreed Order on behalf of Akzo Nobel Polymer Chemicals LLC, 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, Akzo Nobel Polymer Chemicals LLC 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.

  
\_\_\_\_\_  
Signature

2-26-2007  
Date

Gordon Martens  
Name (Printed or typed)  
Authorized Representative of  
Akzo Nobel Polymer Chemicals LLC

Site Manager  
Title

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

1900

Dear Sir,  
I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the above matter. I am sorry to hear that you are unable to attend to the same at present. I will endeavor to do all in my power to expedite the same as soon as possible.

I am, Sir, very respectfully,  
Your obedient servant,  
J. H. [Name]

I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the above matter. I am sorry to hear that you are unable to attend to the same at present. I will endeavor to do all in my power to expedite the same as soon as possible.

I am, Sir, very respectfully,  
Your obedient servant,  
J. H. [Name]

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I am, Sir, very respectfully,  
Your obedient servant,  
J. H. [Name]

Attachment A  
Docket Number: 2006-2232-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Akzo Nobel Polymer Chemicals LLC</b>
<b>Payable Penalty Amount:</b>	<b>Ten Thousand Dollars (\$10,000)</b>
<b>SEP Amount:</b>	<b>Five Thousand Dollars (\$5,000)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program</b>
<b>Location of SEP:</b>	<b>Harris County</b>

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.

...the ... of ...

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

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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.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to support effective decision-making and strategic planning.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and reporting, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and integration. It provides strategies to overcome these challenges and ensure that the organization's data is reliable and secure.

5. The fifth part of the document concludes by summarizing the key points and emphasizing the ongoing nature of data management. It stresses that regular updates and improvements are necessary to keep the organization's data management practices current and effective.