

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2007-0799-IWD-E **TCEQ ID:** RN100219773 **CASE NO.:** 33544  
**RESPONDENT NAME:** Rhodia Inc.

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input 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 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 checked="" 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> Rhodia Vernon Guar Plant, located at 201 Harrison Street, approximately 0.2 miles north of U.S. Highway 287, and approximately one mile east of the intersection of U.S. Highway 287 and U.S. Highway 70, in Vernon, Wilbarger County,</p> <p><b>TYPE OF OPERATION:</b> Guar processing 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 October 22, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Libby Hogue, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-1165; Mr. Steve Lopez, Enforcement Division, MC 219, (512) 239-1896  <b>Respondent:</b> Mr. Jeff Garmon, Plant Manager, Rhodia Inc., 201 Harrison Street, Vernon, Texas 76384  <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 type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Record Review Relating to this Case:</b> April 24, 2007</p> <p><b>Date of NOE Relating to this Case:</b> May 16, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine record review for compliance with the water quality program. One significant program violation was observed.</p> <p><b>WATER</b></p> <p>Failure to comply with the permitted effluent limitations [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002537000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001A].</p>	<p><b>Total Assessed:</b> \$5,430</p> <p><b>Total Deferred:</b> \$1,086  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$4,344</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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0002537000 within 60 days after the effective date of this Agreed Order. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, and be notarized by a State of Texas Notary.</p>

Additional ID No(s): TPDES0088781, WQ0002537000



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 26, 2007

**TCEQ**

DATES	Assigned	21-May-2007	Screening	22-May-2007	EPA Due	
	PCW	22-May-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Rhodia Inc.		
Reg. Ent. Ref. No.	RN100219773		
Facility/Site Region	3-Abilene	Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	33544	No. of Violations	1
Docket No.	2007-0799-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Libby Hogue
Multi-Media		EC's Team	EnforcementTeam 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$3,000
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	81% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$2,430
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Notes: An 81% enhancement is recommended for having 15 NOVs for same or similar effluent violations and 3 NOVs for non-similar violations.

<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	\$0
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

<b>Total EB Amounts</b>	\$175	<b>0% Enhancement*</b>	<b>Subtotal 6</b>	\$0
Approx. Cost of Compliance	\$2,000	*Capped at the Total EB \$ Amount		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$5,430
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>		<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

<b>Final Penalty Amount</b>	\$5,430
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$5,430
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<b>DEFERRAL</b>	20% Reduction	<b>Adjustment</b>	-\$1,086
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$4,344
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Screening Date 22-May-2007

Docket No. 2007-0799-IWD-E

PCW

Respondent Rhodia Inc.

Case ID No. 33544

Reg. Ent. Reference No. RN100219773

Media [Statute] Water Quality

Enf. Coordinator Libby Hogue

Policy Revision 2 (September 2002)

PCW Revision April 26, 2007

### 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)	15	75%
	Other written NOVs	3	6%
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%

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) 81%

>> 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

An 81% enhancement is recommended for having 15 NOVs for same or similar effluent violations and 3 NOVs for non-similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 81%

Screening Date 22-May-2007

Docket No. 2007-0799-IWD-E

PCW

Respondent Rhodia Inc.

Policy Revision 2 (September 2002)

Case ID No. 33544

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100219773

Media [Statute] Water Quality

Enf. Coordinator Libby Hogue

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002537000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001A

Violation Description Failed to comply with the permitted effluent limitations for the monitoring periods ending May 31, 2006, October 31, 2006, November 30, 2006, December 31, 2006, and January 31, 2007. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	10%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes

A simplified model was used to evaluate Carbonaceous Biochemical Oxygen Demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Daily average flow, and ammonia nitrogen values were also considered. As a result of this violation, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3 Number of violation days 154

daily	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,000

Three quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$175

Violation Final Penalty Total \$5,430

This violation Final Assessed Penalty (adjusted for limits) \$5,430

## Economic Benefit Worksheet

**Respondent:** Rhodia Inc.  
**Case ID No:** 33544  
**Reg. Ent. Reference No:** RN100219773  
**Media:** Water 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
No commas or \$							

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	31-May-2006	28-Feb-2008	1.7	\$175	n/a	\$175

Notes for DELAYED costs

The estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. Date required is the date the noncompliance started and the final date is the anticipated date of compliance.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				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

\$175

ATTACHMENT

**Effluent Violation Table**  
 Rhodia Inc. – Rhodia Vernon Guar Plant  
 TPDES Permit No. WQ0002537000 (Outfall 001A)  
 Docket No. 2007-0799-IWD-E

Permitted Effluent Limits	Monitoring Period End Date				
	05/31/06	10/31/06	11/30/06	12/31/06	01/31/07
CBOD (Apr-Oct) Daily Avg. 23 mg/L (concentration)	C	85.4	N/A	N/A	N/A
CBOD (Apr-Oct) Daily Max. 46 mg/L (concentration)	C	202.0	N/A	N/A	N/A
CBOD (Apr-Oct) Daily Avg. 249 lbs/day (loading)	C	468.9	N/A	N/A	N/A
CBOD (Apr-Oct) Daily Max. 498 lbs/day (loading)	C	1159.4	N/A	N/A	N/A
CBOD (Nov-Feb) Daily Avg. 42 mg/L (concentration)	N/A	N/A	92.4	96.3	91.6
CBOD (Nov-Feb) Daily Max. 84 mg/L (concentration)	N/A	N/A	246.0	184.0	473.0
CBOD (Nov-Feb) Daily Avg. 455 lbs/day (loading)	N/A	N/A	C	516.0	C
CBOD (Nov-Feb) 910 Daily Max. lbs/day (loading)	N/A	N/A	1244.1	1128.4	2066.1
Fecal Coliform Daily Max. 400 col./100 mL	554	526	C	C	C

Max = maximum	mg/L = milligrams per liter
CBOD = Carbonaceous Biochemical Oxygen Demand	Avg. = average
lbs/day = pounds per day	N/A = Not Applicable
col./mL = colonies per milliliter	C = Compliant



# Compliance History

Customer/Respondent/Owner-Operator: CN600125330 Rhodia Inc. Classification: AVERAGE Rating: 1.51  
 Regulated Entity: RN100219773 RHODIA VERNON GUAR PLANT Classification: AVERAGE Site Rating: 0.63

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	WI0020M
	AIR OPERATING PERMITS	PERMIT	1757
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD044916161
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30745
	AIR NEW SOURCE PERMITS	PERMIT	13927
	AIR NEW SOURCE PERMITS	PERMIT	8222A
	AIR NEW SOURCE PERMITS	PERMIT	8223A
	AIR NEW SOURCE PERMITS	PERMIT	8224A
	AIR NEW SOURCE PERMITS	PERMIT	8225A
	AIR NEW SOURCE PERMITS	PERMIT	8226A
	AIR NEW SOURCE PERMITS	PERMIT	8227A
	AIR NEW SOURCE PERMITS	PERMIT	8228A
	AIR NEW SOURCE PERMITS	PERMIT	8229A
	AIR NEW SOURCE PERMITS	PERMIT	8231A
	AIR NEW SOURCE PERMITS	PERMIT	8232A
	AIR NEW SOURCE PERMITS	PERMIT	8221A
	AIR NEW SOURCE PERMITS	PERMIT	47259
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	WI0020M
	AIR NEW SOURCE PERMITS	AFS NUM	4848700002
	WASTEWATER	PERMIT	WQ0002537
	WASTEWATER	PERMIT	TPDES0088781
	WASTEWATER	PERMIT	WQ0002537000
	WASTEWATER	PERMIT	TX0088781
	STORMWATER	PERMIT	TXR05M640

Location: LOCATED AT 201 HARRISON ST, APPROX. 0.2 MILE N. OF US HWY. 287, AND APPROX. ONE MILE EAST OF THE INTERSECTION OF US HWY. 287 AND US HWY. 70, IN VERNON, WILBARGER COUNTY, TEXAS  
 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 03 - ABILENE

Date Compliance History Prepared: May 22, 2007

Agency Decision Requiring Compliance Enforcement

Compliance Period: May 21, 2002 to May 21, 2007

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

Name: Ms. Libby Hogue Phone: 512-239-1165

### 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?   | <u>N/A</u> |
| 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 05/29/2002 (211011)

2	06/24/2002	(211015)
3	07/29/2002	(211019)
4	08/26/2002	(6858)
5	08/30/2002	(211022)
6	09/25/2002	(211025)
7	10/23/2002	(211028)
8	11/25/2002	(211032)
9	01/10/2003	(211036)
10	01/31/2003	(211040)
11	02/26/2003	(211000)
12	03/27/2003	(211003)
13	03/28/2003	(27242)
14	05/07/2003	(211008)
15	06/09/2003	(211012)
16	07/07/2003	(211016)
17	07/11/2003	(140770)
18	07/31/2003	(317723)
19	09/05/2003	(317725)
20	10/07/2003	(317727)
21	10/30/2003	(317729)
22	12/08/2003	(317730)
23	12/31/2003	(317731)
24	01/28/2004	(317732)
25	03/03/2004	(317716)
26	03/30/2004	(317719)
27	05/03/2004	(361531)
28	05/12/2004	(272138)
29	06/04/2004	(272943)
30	06/08/2004	(361532)
31	07/07/2004	(361533)
32	07/28/2004	(285636)
33	07/30/2004	(361534)
34	08/23/2004	(361535)
35	09/28/2004	(361536)
36	11/01/2004	(387217)
37	12/07/2004	(387218)
38	01/03/2005	(387219)
39	01/26/2005	(430427)
40	03/04/2005	(387215)
41	03/10/2005	(348077)
42	03/31/2005	(387216)
43	05/10/2005	(430424)
44	06/01/2005	(430425)
45	06/03/2005	(394036)
46	07/06/2005	(430426)
47	07/12/2005	(394744)
48	07/28/2005	(445612)
49	08/16/2005	(404818)
50	09/06/2005	(445613)
51	10/04/2005	(477268)
52	10/26/2005	(434546)
53	11/01/2005	(477269)
54	12/07/2005	(477270)
55	01/10/2006	(477271)
56	02/07/2006	(477272)
57	03/07/2006	(477267)
58	03/14/2006	(457693)
59	04/04/2006	(503931)
60	04/05/2006	(461659)
61	05/02/2006	(503932)
62	05/30/2006	(467604)
63	06/09/2006	(503933)
64	07/05/2006	(526332)
65	07/25/2006	(526333)
66	08/31/2006	(526334)
67	10/03/2006	(550555)

68 10/03/2006 (550558)  
69 11/13/2006 (550556)  
70 12/05/2006 (550557)  
71 12/21/2006 (531275)

72 03/26/2007 (553798)  
73 05/16/2007 (558025)

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

Date 07/31/2002 (211022)  
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 12/31/2002 (211040)  
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 04/30/2003 (211012)  
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 06/30/2003 (317723)  
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 (317732)  
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 01/31/2004 (317716)  
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 02/29/2004 (317719)  
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 05/13/2004 (272138)  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
 Rqmt Prov: PERMIT TXR05M640  
 Description: Failure to describe best management practices (BMPs) used to ensure that cleaning methods for vent hoods, storage and baking racks, bins and refuse containers, and other similar cleaning activities do not contribute pollutants to storm water runoff in the SWP3.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
 Rqmt Prov: PERMIT TXR05M640  
 Description: Failure to conduct benchmark monitoring at all permitted outfalls for TSS during all four quarters of 2003.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
 Rqmt Prov: PERMIT TXR05M640  
 Description: Failure to conduct visual examinations.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
 Rqmt Prov: PERMIT TXR05M640  
 Description: Failure to document inspections of reasonably accessible areas immediately downstream of each authorized storm water outfall in the annual comprehensive site compliance evaluation.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)  
 Rqmt Prov: PERMIT TXR05M640  
 Description: Failure to include a site compliance evaluation report with a narrative discussion of the permittee's compliance with the current Storm Water Pollution Prevention Plan (SWP3) in the annual comprehensive site  
 Date 12/31/2004 (430427)  
 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 06/30/2005 (445612)  
 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 07/11/2005 (394744)  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 Description: Rhodia failed to prevent unauthorized emissions by good design, operations, or maintenance.  
 Date 12/31/2005 (477272)  
 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 (526332)  
 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 10/31/2006 (550557)

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 11/30/2006

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 12/20/2006 (531275)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Description: Failure to comply with Permit No. 8221A, Special Condition 10G., by not having all equipment that has the potential to emit air contaminants identified by label corresponding to the EPN's on the MAERT which is a violation of 30 Texas Administrative Code (TAC) 116.115(c).

Date 12/31/2006

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 01/31/2007

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
RHODIA INC.  
RN100219773**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2007-0799-IWD-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 Rhodia Inc. ("Rhodia") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Rhodia appear before the Commission and together stipulate that:

1. Rhodia owns and operates a guar processing plant located at 201 Harrison Street, approximately 0.2 miles north of U.S. Highway 287, and approximately 1.0 mile east of the intersection of U.S. Highway 287 and U.S. Highway 70, in Vernon, Wilbarger County, Texas (the "Facility").
2. Rhodia has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and Rhodia agree that the Commission has jurisdiction to enter this Agreed Order, and that Rhodia is subject to the Commission's jurisdiction.
4. Rhodia received notice of the violations alleged in Section II ("Allegations") on or about May 21, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Rhodia of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Five Thousand Four Hundred Thirty Dollars (\$5,430) is assessed by the Commission in settlement of the violations alleged in Section II



("Allegations"). Rhodia has paid Four Thousand Three Hundred Forty-Four Dollars (\$4,344) of the administrative penalty and One Thousand Eighty-Six Dollars (\$1,086) is deferred contingent upon Rhodia'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 Rhodia fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Rhodia to pay all or part of the deferred penalty.

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 Rhodia 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 Rhodia 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 Facility, Rhodia is alleged to have failed to comply with the permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002537000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall 001A, as documented during a record review conducted on April 24, 2007, as indicated in the table below.



<b>Effluent Violation Table</b>					
Rhodia Inc. – Rhodia Vernon Guar Plant TPDES Permit No. WQ0002537000 (Outfall 001A) Docket No. 2007-0799-IWD-E					
<b>Permitted Effluent Limits</b>	<b>Monitoring Period End Date</b>				
	<b>05/31/06</b>	<b>10/31/06</b>	<b>11/30/06</b>	<b>12/31/06</b>	<b>01/31/07</b>
CBOD (Apr-Oct) Daily Avg. 23 mg/L (concentration)	C	85.4	N/A	N/A	N/A
CBOD (Apr-Oct) Daily Max. 46 mg/L (concentration)	C	202.0	N/A	N/A	N/A
CBOD (Apr-Oct) Daily Avg. 249 lbs/day (loading)	C	468.9	N/A	N/A	N/A
CBOD (Apr-Oct) Daily Max. 498 lbs/day (loading)	C	1159.4	N/A	N/A	N/A
CBOD (Nov-Feb) Daily Avg. 42 mg/L (concentration)	N/A	N/A	92.4	96.3	91.6
CBOD (Nov-Feb) Daily Max. 84 mg/L (concentration)	N/A	N/A	246.0	184.0	473.0
CBOD (Nov-Feb) Daily Avg. 455 lbs/day (loading)	N/A	N/A	C	516.0	C
CBOD (Nov-Feb) 910 Daily Max. lbs/day (loading)	N/A	N/A	1244.1	1128.4	2066.1
Fecal Coliform Daily Max. 400 col./100 mL	554	526	C	C	C

Max = maximum	mg/L = milligrams per liter
CBOD = Carbonaceous Biochemical Oxygen Demand	Avg. = average
lbs/day = pounds per day	N/A = Not Applicable
col./mL = colonies per milliliter	C = Compliant



### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Rhodia pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Rhodia'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: Rhodia Inc., Docket No. 2007-0799-IWD-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. It is further ordered that Rhodia shall within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0002537000. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public, and include the following certification language:

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

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 169A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087



with a copy to:

Water Section, Manager  
Abilene Regional Office  
Texas Commission on Environmental Quality  
1977 Industrial Boulevard  
Abilene, Texas 79602-7833

3. The provisions of this Agreed Order shall apply to and be binding upon Rhodia. Rhodia is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Rhodia 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, Rhodia's failure to comply is not a violation of this Agreed Order. Rhodia shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Rhodia shall notify the Executive Director within seven days after Rhodia becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Rhodia shall be made in writing to the Executive Director. Extensions are not effective until Rhodia receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Rhodia in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Rhodia, or three days after the date on which the Commission mails notice of the Order to Rhodia, 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

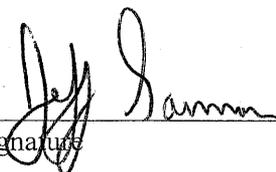
10/9/07  
Date

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

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

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

  
\_\_\_\_\_  
Signature

August 17, 2007  
Date

Jeff Garman  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Rhodia Inc.

Plant 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.

