

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2008-0888-PWS-E **TCEQ ID:** RN100211317 **CASE NO.:** 35969
RESPONDENT NAME: Rhodia Inc.

ORDER TYPE:		
<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	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" 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>SITE WHERE VIOLATION(S) OCCURRED: Rhodia Baytown Plant, 3439 Park Street, Baytown, Harris County</p> <p>TYPE OF OPERATION: Chemical company</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2008-0817-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 3, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Amanda Henry, Enforcement Division, Enforcement Team 2, MC R-12, (713) 767-3672; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Thomas Johns, Operating Manager, Rhodia Inc., P.O. Box 3331, Baytown, Texas 77522 Mr. Al Semaan, Plant Manager, Rhodia Inc., P.O. Box 3331, Baytown, Texas 77522 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: April 15, 2008</p> <p>Date of NOV/NOE Relating to this Case: April 17, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>Exceeded the maximum contaminant level ("MCL") of 0.08 milligrams per liter for total trihalomethanes ("TTHM") based on a running annual average [30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p>	<p>Total Assessed: \$937</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$937</p> <p>Site Compliance History Classification <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: The Respondent has three repeated enforcement actions over the prior five year period for the same violation.</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 365 days after the effective date of the Agreed Order, return to compliance with the running annual average MCL for TTHM; and</p> <p>b. Within 380 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): 1011077



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 29, 2008

DATES	Assigned	5-May-2008		
	PCW	30-May-2008	Screening	27-May-2008
			EPA Due	

RESPONDENT/FACILITY INFORMATION			
Respondent	Rhodia Inc.		
Reg. Ent. Ref. No.	RN100211317		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35969	No. of Violations	1
Docket No.	2008-0888-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Amanda Henry
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty \$	Limit Minimum	\$50	Maximum
			\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$750
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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.

Compliance History	25.0% Enhancement	Subtotals 2, 3, & 7	\$187
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Notes
 Enhancement is due to four prior Notices of Violation ("NOVs") containing violations that are the same as the violations in the current enforcement action and four prior NOVs containing dissimilar violations. The Respondent also submitted one notice of intent to conduct an environmental audit and one disclosure of violations letter.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes
 The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0.0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes
 The Respondent does not meet the good faith criteria.

	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$1,126	<i>*Capped at the Total EB \$ Amount</i>	
Approx. Cost of Compliance	\$5,000		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$937
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$937
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$937
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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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 Orders.

PAYABLE PENALTY	\$937
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Screening Date 27-May-2008	Docket No. 2008-0888-PWS-E	PCW
Respondent Rhodia Inc.		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 35969		<i>PCW Revision April 29, 2008</i>
Reg. Ent. Reference No. RN100211317		
Media [Statute] Public Water Supply		
Enf. Coordinator Amanda Henry		

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust. %
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	4	20%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	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 <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	1	-2%

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) 25%

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement is due to four prior Notices of Violation ("NOVs") containing violations that are the same as the violations in the current enforcement action and four prior NOVs containing dissimilar violations. The Respondent also submitted one notice of intent to conduct an environmental audit and one disclosure of violations letter.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%

Screening Date	27-May-2008	Docket No.	2008-0888-PWS-E	PCW
Respondent	Rhodia Inc.	Policy Revision 2 (September 2002)		
Case ID No.	35969	PCW Revision April 29, 2008		
Reg. Ent. Reference No.	RN100211317			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Amanda Henry			

Violation Number	1
Rule Cite(s)	30 Tex. Admin. Code § 290.113(f)(4) and Tex. Health & Safety Code § 341.0315(c)
Violation Description	Exceeded the maximum contaminant level ("MCL") of 0.08 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on a running annual average, during the third and fourth quarters of 2005, fourth quarter of 2007, and first quarter of 2008. Specifically, the running annual average for TTHM was reported to be 0.099 mg/L for the third quarter of 2005, 0.087 mg/L for the fourth quarter of 2005, 0.081 mg/L for the fourth quarter of 2007, and 0.083 mg/L for the first quarter of 2008.
Base Penalty	\$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual	x		
	Potential			25%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes
The exceedances have resulted in customers of the water supply being exposed to significant amounts of TTHM, which do not exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	x
single event		

Violation Base Penalty \$750

Three annual events are recommended, calculated from the end of the third quarter 2005, September 30, 2005, to the end of the first quarter 2008, March 31, 2008.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$1,126 **Violation Final Penalty Total** \$937

This violation Final Assessed Penalty (adjusted for limits) \$937

Economic Benefit Worksheet

Respondent Rhodia Inc.
Case ID No. 35969
Reg. Ent. Reference No. RN100211317
Media Public Water Supply
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
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	1-Jul-2005	31-Dec-2009	4.50	\$1,126	n/a	\$1,126

Notes for DELAYED costs

The delayed cost includes the amount to implement an alternate disinfection method to reduce or eliminate the TTHM levels, calculated from the beginning of the third quarter of 2005, to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$1,126

Compliance History

Customer/Respondent/Owner-Operator:	CN600125330 Rhodia Inc.	Classification:	Rating: 1.46
		AVERAGE	
Regulated Entity:	RN100211317 RHODIA BAYTOWN PLANT	Classification: HIGH	Site Rating: 0.00
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0696Q
	AIR OPERATING PERMITS	PERMIT	1610
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011077
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD082688896
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30708
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0696Q
	AIR NEW SOURCE PERMITS	PERMIT	12675
	AIR NEW SOURCE PERMITS	PERMIT	11660
	AIR NEW SOURCE PERMITS	PERMIT	9565
	AIR NEW SOURCE PERMITS	PERMIT	52339
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX695
	AIR NEW SOURCE PERMITS	AFS NUM	4820100038
	AIR NEW SOURCE PERMITS	PERMIT	56534
	AIR NEW SOURCE PERMITS	REGISTRATION	72458
	AIR NEW SOURCE PERMITS	REGISTRATION	74106
	USED OIL	ID NUMBER	HOU00071
	WATER LICENSING	LICENSE	1011077

Location:	3439 PARK ST, BAYTOWN, TX, 77520	Rating Date: September 01 07
		Repeat Violator: NO
TCEQ Region:	REGION 12 - HOUSTON	
Date Compliance History Prepared:	June 05, 2008	
Agency Decision Requiring Compliance History:	Enforcement	
Compliance Period:	June 02, 2003 to June 02, 2008	

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

Name: Amanda Henry Phone: (713) 767-3672

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 07/09/2003 (9851)
2 08/14/2003 (149777)
3 12/30/2003 (250392)
4 03/31/2004 (9677)
5 05/06/2004 (271468)
6 06/21/2004 (275866)
7 11/19/2004 (293357)
8 12/20/2004 (344712)
9 10/20/2005 (646355)
10 01/06/2006 (431862)
11 01/12/2006 (646423)
12 08/13/2007 (571028)
13 02/05/2008 (652068)
14 02/05/2008 (646426)
15 04/03/2008 (646427)
16 04/10/2008 (610705)
17 04/28/2008 (646663)

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

Date: 07/09/2003 (9851)
Self Report? NO Classification: Moderate
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failure to meet the demonstration criteria set forth in 30 Tex Admin Code 101.11(a)(2).

Date: 05/06/2004 (271468)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)(2)
Description: Failure to eliminate cross connection and potential cross connections in distribution.

Date: 11/19/2004 (293357)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
Description: Failure to present an affirmative defense for five non-reportable emission events that occurred on 2/22/04, 03/04/04, 03/08/04, 03/26/04, and 05/21/04. These emission events were the direct result of improper maintenance and/or design.

Date: 10/20/2005 (646355)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: Violated the maximum contaminant level for trihalomethanes during the third quarter of 2005.

Date: 01/12/2006 (646423)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2005.

Date: 02/05/2008 (646426)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2007.

Date: 04/03/2008 (646427)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.

Date: 04/10/2008 (618887)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: OP FOP O-01610 S.T. and C. 3(A)(iii)
Description: Failure to conduct annual stationary vent opacity observations.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: OP FOP O-01610 S.T. and C. 6
Description: Failure to comply with the hourly maximum allowable emission rate for SO2 from the acid plant stack.

F. Environmental audits.

Notice of Intent Date: 06/15/2004 (350741)
Disclosure Date: 10/13/2004
Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT General Condition 8
Description: excess emissions SO2
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT General Condition 8
Description: excess emissions NOx
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT General Condition 8
Description: excess emissions CO
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116:115
Rqmt Prov: PERMIT General Condition 8
Description: exceeded the annual permitted value for NOx emissions
Viol. Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.10
Description: incorrectly reported amounts of SO2, NOx and CO on emission inventories for 2002 and 2003

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.
RN100211317

§
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§
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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-0888-PWS-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 Rhodia Inc. (“the Respondent”) under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a chemical company with a public water supply at 3439 Park Street in Baytown, Harris County, Texas (the “Facility”) that has approximately three service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted on April 15, 2008, TCEQ staff documented the Respondent exceeded the maximum contaminant level ("MCL") of 0.08 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on a running annual average, during the third and fourth quarters of 2005, fourth quarter of 2007, and first quarter of 2008. Specifically, the running annual average for TTHM was reported to be 0.099 mg/L for the third quarter of 2005, 0.087 mg/L for the fourth quarter of 2005, 0.081 mg/L for the fourth quarter of 2007, and 0.083 mg/L for the first quarter of 2008.
3. The Respondent received notice of the violations on or about April 22, 2008.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent exceeded the MCL of 0.08 mg/L for TTHM based on a running annual average, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent 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 Nine Hundred Thirty-Seven Dollars (\$937) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Nine Hundred Thirty-Seven Dollar (\$937) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Nine Hundred Thirty-Seven Dollars (\$937) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Rhodia Inc., Docket No. 2008-0888-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
- a. Within 365 days after the effective date of the Agreed Order, return to compliance with the running annual average MCL for TTHM, in accordance with 30 TEX. ADMIN. CODE § 290.113.
 - b. Within 380 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent 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. 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. 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 the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. 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.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. 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

John Sadler
For the Executive Director

10/10/2008
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Rhodia Inc. I am authorized to agree to the attached Agreed Order on behalf of Rhodia Inc., 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, Rhodia Inc. 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 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]
Signature

8/1/08
Date

A. SEMAAN
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

