EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0817-AIR-E **TCEQ ID:** RN100211317 **CASE NO.:** 35903

RESPONDENT NAME: Rhodia Inc.

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
X AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Rhodia Baytown Plant, 3439 Park Street, Baytown, Harris County

TYPE OF OPERATION: Sulfuric acid manufacturing plant

SMALL BUSINESS: ___ Yes __X__ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2008-0888-PWS-E.

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on November 3, 2008. No comments were received.

CONTACTS AND MAILING LIST:

- **TCEQ Attorney/SEP Coordinator:** None
  TCEQ Enforcement Coordinator: Mr. Bryan Elliott, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6162; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
  Respondent: Mr. Al Semaan, Plant Manager, Rhodia Inc., 3439 Park Street, Baytown, Texas 75520
  Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ___ Complaint _X_ Routine ___ Enforcement Follow-up ___ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** February 4, 2008 **Date of NOV/NOE Relating to this Case:** April 10, 2008 (NOE) **Background Facts:** This was a routine investigation. **AIR** 1) Failure to post signage summarizing proper operating procedures to minimize emissions on or near the degreaser. Specifically, proper signage was absent from the required area on or near the degreaser [30 TEX. ADMIN. CODE §§ 106.454(1)(E), 115.412(1)(C), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. O-01610, Special Terms and Condition No. 6]. 2) Failure to provide sufficient documentation to demonstrate compliance. Specifically, the Respondent failed to provide documentation concerning the efficiency of sulfur dioxide removal for the dock scrubber which is required to be at least 98% [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(E)(i) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit No. 56534, General Condition No. 7, and Federal Operating Permit No. O-01610, Special Terms and Condition No. 6]. 3) Failure to submit a final control plan for nitrogen oxide. Specifically, the Respondent failed to submit the final control plan for the package boiler unit, emission point no. (PKGBOILER), which was due March 31, 2005 [30 TEX. ADMIN. CODE §§ 117.354(b) [formerly 117.520(c)(2)] and 122.143(4), TEX.	**Total Assessed:** $7,564 **Total Deferred:** $1,512 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $6,052 **Site Compliance History Classification** _X_ **High** ___ **Average** ___ **Poor** **Person Compliance History Classification** ___ **High** _X_ **Average** ___ **Poor** **Major Source:** _X_ Yes ___ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that by February 5, 2008, the Respondent posted proper signage on the degreaser. **Ordering Provisions:** The Order will require the Respondent to: a. Within 30 days after the effective date of this Agreed Order, submit documentation to demonstrate the efficiency of sulfur dioxide removal for the dock scrubber is at least 98%; b. Within 30 days after the effective date of this Agreed Order, submit the final control plan for the package boiler unit, emission point no. (PKGBOILER); c. Within 60 days after the effective date of this Agreed Order, conduct a stack test on the acid plant stack to demonstrate compliance; and d. Within 75 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 Provisions a. through c.

HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. O-01610, Special Terms and Condition No. 10A]. 4) Failure to conduct a stack test to demonstrate compliance. Specifically, the Respondent failed to conduct a stack test on the acid plant stack which was due no later than February 14, 1987 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSR Permit No. 9565/PSD-TX-695M2, Special Condition No. 8].		

Additional ID No(s).: HG0696Q

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision April 29, 2008*

TCEQ

DATES					
Assigned	14-Apr-2008				
PCW	2-May-2008	Screening	2-May-2008	EPA Due	5-Jan-2009

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	35903	No. of Violations	4
Docket No.	2008-0817-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Bryan Elliott
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $6,100

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 24.0% Enhancement — *Subtotals 2, 3, & 7* $1,464

Notes: The penalty was enhanced due to three NOVs for similar violations and six NOVs for dissimilar violations. The penalty was reduced due to one NOA and one DOV.

Culpability — No — 0.0% Enhancement — *Subtotal 4* $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply — 0.0% Reduction — *Subtotal 5* $0

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

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

0.0% Enhancement* — *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$5,892
Approx. Cost of Compliance	$7,700

SUM OF SUBTOTALS — *Final Subtotal* $7,564

OTHER FACTORS AS JUSTICE MAY REQUIRE — 0.0% — *Adjustment* $0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount $7,564

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $7,564

DEFERRAL — 20.0% Reduction — *Adjustment* -$1,512

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $6,052

Screening Date 2-May-2008 **Docket No.** 2008-0817-AIR-E **PCW**

Respondent Rhodia Inc. *Policy Revision 2 (September 2002)*

Case ID No. 35903 *PCW Revision April 29, 2008*

Reg. Ent. Reference No. RN100211317

Media [Statute] Air

Enf. Coordinator Bryan Elliott

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	6	12%
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 judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	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) 24%

>> **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 similar violations and six NOVs for dissimilar violations. The penalty was reduced due to one NOA and one DOV.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 24%

Screening Date 2-May-2008 **Docket No.** 2008-0817-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision April 29, 2008

Respondent Rhodia Inc.

Case ID No. 35903

Reg. Ent. Reference No. RN100211317

Media [Statute] Air

Enf. Coordinator Bryan Elliott

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 106.454(1)(E), 115.412(1)(C), and 122.143(4), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit No. O-01610, Special Terms and Condition No. 6

Violation Description Failed to post signage summarizing proper operating procedures to minimize emissions on or near the degreaser, as documented during an investigation conducted on February 4, 2008. Specifically, proper signage was absent from the required area on or near the degreaser.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: Less than 30% of the rule requirement was not met.

Adjustment $9,900

$100

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $124

This violation Final Assessed Penalty (adjusted for limits) $124

Economic Benefit Worksheet

Respondent Rhodia Inc.
Case ID No. 35903
Reg. Ent. Reference No. RN100211317
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	$200	4-Feb-2008	5-Feb-2008	0.00	$0	n/a	$0

Notes for DELAYED costs: Estimated cost for installation of proper signage. Date Required is the date of the investigation and Final Date is the 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: $200

TOTAL: $0

Screening Date 2-May-2008 **Docket No.** 2008-0817-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision April 29, 2008

Respondent Rhodia Inc.

Case ID No. 35903

Reg. Ent. Reference No. RN100211317

Media [Statute] Air

Enf. Coordinator Bryan Elliott

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(E)(i) and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review ("NSR") Permit No. 56534, General Condition No. 7, and Federal Operating Permit No. O-01610, Special Terms and Condition No. 6

Violation Description Failed to provide sufficient documentation to demonstrate compliance, as documented during an investigation conducted on February 4, 2008. Specifically, the Respondent failed to provide documentation concerning the efficiency of sulfur dioxide removal for the dock scrubber which is required to be at least 98%.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $47

Statutory Limit Test

Violation Final Penalty Total $3,100

This violation Final Assessed Penalty (adjusted for limits) $3,100

Economic Benefit Worksheet

Respondent Rhodia Inc.
Case ID No. 35903
Reg. Ent. Reference No. RN100211317
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	$1,000	4-Feb-2008	15-Jan-2009	0.95	$47	n/a	$47
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)				0.00	$0	n/a	$0

Notes for DELAYED costs: Estimated cost for additional oversight and management practices designed to ensure proper recordkeeping practices are followed. Date Required is the date of the investigation and Final Date is the prospective 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: $1,000

TOTAL: $47

Screening Date 2-May-2008 **Docket No.** 2008-0817-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision April 29, 2008

Respondent Rhodia Inc.

Case ID No. 35903

Reg. Ent. Reference No. RN100211317

Media [Statute] Air

Enf. Coordinator Bryan Elliott

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 117.354(b) [formerly 117.520(c)(2)] and 122.143(4), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit No. O-01610, Special Terms and Condition No. 10A

Violation Description Failed to submit a final control plan for nitrogen oxide ("NOx"), as documented during an investigation conducted on February 4, 2008. Specifically, the Respondent failed to submit the final control plan for the package boiler unit, emission point no. {PKGBOILER}, which was due March 31, 2005.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1

1128 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $361

Statutory Limit Test

Violation Final Penalty Total $3,100

This violation Final Assessed Penalty (adjusted for limits) $3,100

Economic Benefit Worksheet

Respondent Rhodia Inc.
Case ID No. 35903
Reg. Ent. Reference No. RN100211317
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or $						
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)	$1,000	31-Mar-2005	15-Jan-2009	3.80	$13	$253	$266
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)	$500	31-Mar-2005	15-Jan-2009	3.80	$95	n/a	$95

Notes for DELAYED costs: Estimated cost to submit a final control plan and estimated cost for additional oversight and management practices designed to ensure proper reporting practices are followed. Date Required is the due date of the requirement and Final Date is the prospective 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: $1,500

TOTAL: $361

Screening Date 2-May-2008 **Docket No.** 2008-0817-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision April 29, 2008

Respondent Rhodia Inc.

Case ID No. 35903

Reg. Ent. Reference No. RN100211317

Media [Statute] Air

Enf. Coordinator Bryan Elliott

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), 122.143(4), Tex. Health & Safety Code § 382.085(b), and NSR Permit No. 9565/PSD-TX-695M2, Special Condition No. 8

Violation Description Failed to conduct stack test to demonstrate compliance, as documented during an investigation conducted on February 4, 2008. Specifically, the Respondent failed to conduct a stack test on the acid plant stack which was due no later than February 14, 1987.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

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

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 1

7748 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $5,484

Statutory Limit Test

Violation Final Penalty Total $1,240

This violation Final Assessed Penalty (adjusted for limits) $1,240

Economic Benefit Worksheet

Respondent Rhodia Inc.
Case ID No. 35903
Reg. Ent. Reference No. RN100211317
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or $							
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	$5,000	14-Feb-1987	15-Jan-2009	21.93	$5,484	n/a	$5,484
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0

Notes for DELAYED costs: Estimated cost to conduct a stack test. Date Required is the due date of the requirement and Final Date is the prospective date of compliance.

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

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: $5,484

Compliance History

Customer/Respondent/Owner-Operator:	CN600125330	Rhodia Inc.	Classification: AVERAGE	Rating: 1.46
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, 75520 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: May 02, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 02, 2003 to May 02, 2008

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

Name: Bryan Elliott Phone: 239-6162

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), resulting in unauthorized emissions.

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 02/05/2008 (652068)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: TOTAL TRIHALOMETHANES

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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
RHODIA INC.	§	
RN100211317	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2008-0817-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Rhodia Inc. ("the Respondent") 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 the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a sulfuric acid manufacturing plant at 3439 Park Street in Baytown, Harris County, Texas (the "Plant").

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

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

4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 15, 2008.

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

6. An administrative penalty in the amount of Seven Thousand Five Hundred Sixty-Four Dollars ($7,564) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Fifty-Two Dollars ($6,052) of the

administrative penalty and One Thousand Five Hundred Twelve Dollars ($1,512) is deferred contingent upon the Respondent'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 the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent 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 the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director recognizes that by February 5, 2008, the Respondent posted proper signage on the degreaser.

10. 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 the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

11. 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.

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

II. ALLEGATIONS

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

1. Failed to post signage summarizing proper operating procedures to minimize emissions on or near the degreaser, in violation of 30 TEX. ADMIN. CODE §§ 106.454(1)(E), 115.412(1)(C), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. O-01610, Special Terms and Condition No. 6, as documented during an investigation conducted on February 4, 2008. Specifically, proper signage was absent from the required area on or near the degreaser.

2. Failed to provide sufficient documentation to demonstrate compliance, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(E)(i) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit No. 56534, General Condition No. 7, and Federal Operating Permit No. O-01610, Special Terms and Condition No. 6, as documented during an investigation conducted on February 4, 2008. Specifically, the Respondent failed to provide documentation concerning the efficiency of sulfur dioxide removal for the dock scrubber which is required to be at least 98%.

3. Failed to submit a final control plan for nitrogen oxide ("NOx"), in violation of 30 TEX. ADMIN. CODE §§ 117.354(b) [formerly 117.520(c)(2)] and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. O-01610, Special Terms and Condition No. 10A, as documented during an investigation conducted on February 4, 2008. Specifically, the Respondent failed to submit the final control plan for the package boiler unit, emission point no. (PKGBOILER), which was due March 31, 2005.

4. Failed to conduct stack test to demonstrate compliance, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSR Permit No. 9565/PSD-TX-695M2, Special Condition No. 8, as documented during an investigation conducted on February 4, 2008. Specifically, the Respondent failed to conduct a stack test on the acid plant stack which was due no later than February 14, 1987.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent'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. 2008-0817-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. It is further ordered that the Respondent shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order, submit documentation to demonstrate the efficiency of sulfur dioxide removal for the dock scrubber is at least 98%;

   b. Within 30 days after the effective date of this Agreed Order, submit the final control plan for the package boiler unit, emission point no. (PKGBOILER);

   c. Within 60 days after the effective date of this Agreed Order, conduct a stack test on the acid plant stack to demonstrate compliance, in accordance with NSR Permit No. 9565/PSD-TX-695M2, Special Condition No. 8; and

d. Within 75 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 Nos. 2.a. through 2.c. 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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

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 Plant operations referenced in this Agreed Order.

4. If the Respondent 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent 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 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.

6. 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.

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 the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, 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

_____ 10/15/08
For the Executive Director 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.

_____ 8/1/08
Signature Date

AL SEMAAN PLANT MANAGER
Name (Printed or typed) Title
Authorized Representative of
Rhodia Inc.

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.