

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 4
DOCKET NO.: 2007-1598-AIR-E **TCEQ ID:** RN100224468 **CASE NO.:** 34699
RESPONDENT NAME: Firestone Polymers, LLC

ORDER TYPE:		
<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	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Firestone Polymers Orange Plant, 5713 Farm-to-Market Road 1006, Orange, Orange County</p> <p>TYPE OF OPERATION: Chemical manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</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 October 20, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Terry Murphy, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-5025; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Jeff Willis, Manager of Environmental Affairs, Firestone Polymers, LLC, P.O. Box 1269, Orange, Texas 77631 Mr. Greg Defrates, Factory Manager, Firestone Polymers, LLC, P.O. Box 1269, Orange, Texas 77631 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 checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 15, 2007</p> <p>Date of NOV/NOE Relating to this Case: August 28, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failure to cap seven open-ended lines, and to properly seal 69 leaking open-ended lines in volatile organic compound ("VOC") service with a cap, plug, or blind flange. Specifically, Component Identification Tag Numbers 2111, 65997, 3524, 2184.1, and 3022.3, an open-ended line on the roof of Tank DF-138, and another in the Crumb Unit Three area were found to be missing; and Component Identification Tag Numbers 3057, 476, 211, 2965.1, 2981.1, 1591.1, 1612.1, 3611.2, 1650.1, 2496.2, 2519.2, 3778.1, 50673, 64012, 12174, 12274, 1516, 1524, 1528, 2000, 3761.2, 4001.2, 4130.1, 4293.1, 50645, 50743, 1549, 11464, 3875, 7809, 8972, 1904, 4082, 4264, 52460, 1209, 2015, 20783, 20793, 20878, 20922, 47032, 47046, 64292, 49652, 51127, 65916, 2769, 2015, 47032, 49652, 51127, 52460, 8977, 8981, and 20822 were found to be leaking [New Source Review ("NSR") Flexible Air Permit No. 292, Special Condition ("SC") 4.E., Federal Operating Permit ("FOP") O-01271, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") 10, 30 TEX. ADMIN. CODE §§ 101.20(2), 113.260, 116.715(a), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 63.167 and 63.502(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$66,871</p> <p>Total Deferred: \$13,374 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$53,497</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant by October 17, 2007:</p> <p>a. Provided Component Identification Tag Numbers 2111, 65997, 3524, 2184.1, and 3022.3, an open-ended line on the roof of Tank DF-138, and another in the Crumb Unit Three area with caps, plugs, or blind flanges;</p> <p>b. Properly sealed Component Identification Tag Numbers 3057, 476, 211, 2965.1, 2981.1, 1591.1, 1612.1, 3611.2, 1650.1, 2496.2, 2519.2, 3778.1, 50673, 64012, 12174, 12274, 1516, 1524, 1528, 2000, 3761.2, 4001.2, 4130.1, 4293.1, 50645, 50743, 1549, 11464, 3875, 7809, 8972, 1904, 4082, 4264, 52460, 1209, 2015, 20783, 20793, 20878, 20922, 47032, 47046, 64292, 49652, 51127, 65916, 2769, 2015, 47032, 49652, 51127, 52460, 8977, 8981, and 20822;</p> <p>c. Reviewed the leak detection and repair compliance system and made necessary changes to ensure compliance with open-ended line and leak repair requirements;</p> <p>d. Reviewed the cooling tower monitoring system, updated the compliance calendar, and improved communication between operations and contractor to ensure the quarterly monitoring of Cooling Tower DK-801;</p> <p>e. Provided training and posted instructional signs for personnel overseeing the two degreasers in the repair shop;</p> <p>f. Reviewed the sampling system, communications between the lab and operations, and the compliance calendar in order to ensure the required residual VOC sampling at the exit of the dryer of Crumb Unit Three;</p> <p>g. Adjusted the packing depth of the El Paso method monitoring device to a depth of twenty-seven inches of beryl saddles;</p>

2) Failure to monitor Cooling Tower DK-801 on a quarterly basis using EPA Method 624. Specifically, from January 1, 2004 through December 31, 2006, quarterly monitoring with that method was required, but the Respondent performed the monitoring semiannually, rather than quarterly [FOP O-01271, GTC and STC 1.D., 30 TEX. ADMIN. CODE §§ 101.20(2), 113.260, and 122.143(4), 40 CFR § 63.502(n), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3) Failure to maintain closed lids on degreasers. Specifically, two degreasers in the Respondent's repair shop had open lids, while parts were not being handled in them [FOP O-01271, GTC and STC 10., 30 TEX. ADMIN. CODE §§ 106.454(3)(B), 115.412(1)(A), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4) Failure to conduct residual VOC sampling at the exit of the dryer of Crumb Unit Three. Specifically, that sampling is required monthly, and the Respondent failed to do so in December 2006 [NSR Flexible Air Permit No. 292, SC 15, FOP O-01271, GTC and STC 10., 30 TEX. ADMIN. CODE §§ 113.260, 116.715(a), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5) Failure to submit a Notification of Compliance Status Report. Specifically, the report required by National Emission Standards for Hazardous Air Pollutant ("NESHAP") Emissions: Group I Polymers and Resins was due by September 21, 2006 (due 150 days after April 24, 2006, the initial startup of Crumb Unit Three), but has not yet been submitted [FOP O-01271, GTC and STC 10., 30 TEX. ADMIN. CODE §§ 113.260 and 122.143(4), 40 CFR § 63.506(e)(5), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6) Failure to demonstrate compliance with the residual organic hazardous air pollutant limitations set forth in NESHAP Emissions: Group I Polymers and Resins. Specifically, the Respondent has failed to produce a satisfactory materials balance demonstration [FOP O-01271, GTC and STC 1.D., 30 TEX. ADMIN. CODE §§ 101.20(2), 113.260, and 122.143(4), 40 CFR § 63.494(a)(2), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7) Failure to properly monitor Cooling

h. Provided training and implemented a computer based reminder system in order to ensure that annual opacity observations are performed on the generators located in the boiler area; and

i. Submitted corrected semi-annual deviation reports for the periods March 10, 2006 through March 9, 2007 and a corrected Annual Compliance Certification for that same period.

Ordering Provisions:

The Order will require the Respondent to:

a. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance that the report required for Crumb Unit Three by NESHAP Emissions: Group I Polymers and Resins has been submitted;

b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance that a satisfactory materials balance demonstration has been made that demonstrates compliance with the residual organic hazardous air pollutant limitations set forth in NESHAP Emissions: Group I Polymers and Resins; and

c. The certifications required by these Ordering Provisions shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.

Tower DK-801. Specifically, the El Paso Method, which is employed by the Respondent to do monthly monitoring, requires a twenty-seven inch depth of beryl saddles in the instrument used to perform monitoring, but the Respondent's El Paso apparatus only contained twenty inches of beryl saddles, and the Respondent admitted using the deficient instrument at least once to perform the monthly monitoring [NSR Flexible Air Permit No: 292, SC 7.B., FOP O-01271, GTC and STC 10., 30 TEX. ADMIN. CODE §§ 116.715(a) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8) Failure to perform annual opacity observations of all stationary vents. Specifically, the Respondent failed to perform those observations, since January 2005, on generators located in the boiler area [FOP O-01271, GTC and SC 3.B.(iii.), 30 TEX. ADMIN. CODE § 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9) Failure to report the occurrence of deviations in semi-annual deviation reports and to accurately certify compliance in an Annual Compliance Certification. Specifically, the Respondent failed to report 12 deviations during the semi-annual periods of March 10, 2006 through March 9, 2007 [FOP O-01386, GTC, 30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A), 122.146(1), 122.146(5)(C)(v), and 122.146(5)(D), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Additional ID No(s): OC0010U



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

DATES	Assigned	4-Sep-2007	Screening	25-Sep-2007	EPA Due	8-Jul-2008
	PCW	21-Mar-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Firestone Polymers, LLC
Reg. Ent. Ref. No.	RN100224468
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	34699	No. of Violations	9
Docket No.	2007-1598-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Terry Murphy
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	\$31,700
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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	113% Enhancement	Subtotals 2, 3, & 7	\$35,821
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Notes The penalty was enhanced by four 1660-style orders, three NOV for the same or similar violations, and eleven NOVs for dissimilar violations; and it was reduced by two NOAs and one DOV.

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

Good Faith Effort to Comply	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.

Total EB Amounts	\$1,057	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$11,000	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$67,521
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$67,521
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$66,871
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DEFERRAL	20% Reduction	Adjustment	-\$13,374
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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	\$53,497
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Screening Date 25-Sep-2007

Docket No. 2007-1598-AIR-E

PCW

Respondent Firestone Polymers, LLC

Policy Revision 2 (September 2002)

Case ID No. 34699

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN100224468

Media [Statute] Air

Ent. Coordinator Terry Murphy

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	11	22%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	4	80%
	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)	2	-2%
	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) 113%

>> 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 by four 1660-style orders, three NOVs for the same or similar violations, and eleven NOVs for dissimilar violations; and it was reduced by two NOAs and one DOV.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 113%

Screening Date 25-Sep-2007 **Docket No.** 2007-1598-AIR-E **PCW**
Respondent Firestone Polymers, LLC *Policy Revision 2 (September 2002)*
Case ID No. 34699 *PCW Revision September 19, 2007*

Reg. Ent. Reference No. RN100224468

Media [Statute] Air

Enf. Coordinator Terry Murphy

Violation Number 1

Rule Cite(s)

New Source Review (NSR) Flexible Air Permit No. 292, Special Condition (SC) 4.E., Federal Operating Permit (FOP) O-01271, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) 10, 30 Tex. Admin. Code §§ 101.20(2), 113.260, 116.715(a), and 122.143(4), 40 Code of Federal Regulations (CFR) §§ 63.167 and 63.502(a), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to cap seven open-ended lines, and to properly seal 56 leaking open-ended lines in volatile organic compound (VOC) service with a cap, plug, or blind flange. Specifically, Component Identification Tag Numbers 2111, 65997, 3524, 2184.1, and 3022.3, an open-ended line on the roof of Tank DF-138, and another in the Crumb Unit. Three area were found to be missing; and Component Identification Tag Numbers 3057, 476, 211, 2965.1, 2981.1, 1591.1; 1612.1, 3611.2, 1650.1, 2496.2, 2519.2, 3778.1, 50673, 64012, 12174, 12274, 1516, 1524, 1528, 2000, 3761.2, 4001.2, 4130.1, 4293.1, 50645, 50743, 1549, 11464, 3875, 7809, 8972, 1904, 4082, 4264, 52460, 1209, 2015, 20783, 20793, 20878, 20922, 47032, 47046, 64292, 49652, 51127, 65916, 2769, 2015, 47032, 49652, 51127, 52460, 8977, 8981, and 20822 were found to be leaking, as documented during an investigation conducted on June 15, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment were exposed to insignificant amounts of pollutants (estimated at 0.57 pounds per hour) which did not exceed levels protective of human health or environmental receptors as a result of the violations.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3

255 **Number of violation days**

mark only one with an x

daily	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Three quarterly events are recommended from the discovery date of the first leaking open-ended line (October 3, 2006) to the investigation date (June 15, 2007).

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$73

Violation Final Penalty Total \$15,975

This violation Final Assessed Penalty (adjusted for limits) \$15,975

Economic Benefit Worksheet

Respondent: Firestone Polymers, LLC

Case ID No.: 34699

Reg. Ent. Reference No.: RN100224468

Media: Air

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
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Item Description: No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	3-Oct-2006	17-Oct-2007	1.0	\$3	\$69	\$73
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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to cap and properly seal open-ended lines and provide additional personnel oversight. The Date Required is the date of the first reported discovery of a leaking open-ended line, and the Final Date is the date the Respondent reported it had completed repairs and reviewed its compliance system.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$73

Screening Date 25-Sep-2007 **Docket No.** 2007-1598-AIR-E **PCW**
Respondent Firestone Polymers, LLC *Policy Revision 2 (September 2002)*
Case ID No. 34699 *PCW Revision September 19, 2007*
Reg. Ent. Reference No. RN100224468
Media [Statute] Air
Enf. Coordinator Terry Murphy

Violation Number 2
Rule Cite(s) FOP O-01271, GTC and STC 1.D., 30 Tex. Admin. Code §§ 101.20(2), 113.260, and 122.143(4), 40 CFR § 63.502(n), and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to monitor Cooling Tower DK-801 on a quarterly basis using EPA Method 624, as documented during an investigation conducted on June 15, 2007. Specifically, from January 1, 2004 through December 31, 2006, quarterly monitoring with that method was required, but the Respondent performed the monitoring semiannually, rather than quarterly.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment could have been exposed to insignificant amounts of pollutants not exceeding levels protective of human health or environmental receptors as a result of the violations.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 6 Number of violation days 1095

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$6,000

Six quarterly events are recommended.

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$379 Violation Final Penalty Total \$12,780

This violation Final Assessed Penalty (adjusted for limits) \$12,780

Economic Benefit Worksheet

Respondent: Firestone Polymers, LLC

Case ID No.: 34699

Reg. Ent. Reference No.: RN100224468

Media: Air

Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$2,000	1-Jan-2004	17-Oct-2007	3.8	\$379	n/a	\$379
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to improve the monitoring system and provide additional personnel oversight. The Date Required is the first day of the first missing monitoring period, and the Final Date is the date the Respondent reported completing improvements to its monitoring program.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$379

Screening Date 25-Sep-2007	Docket No. 2007-1598-AIR-E	PCW
Respondent Firestone Polymers, LLC	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 34699	<i>PCW Revision September 19, 2007</i>	
Reg. Ent. Reference No. RN100224468		
Media [Statute] Air		
Enf. Coordinator Terry Murphy		
Violation Number <input type="text" value="3"/>		
Rule Cite(s)	FOP O-01271, GTC and STC 10., 30 Tex. Admin. Code §§ 106.454(3)(B), 115.412(1)(A), and 122.143(4), and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to maintain closed lids on degreasers. Specifically, two degreasers in the Respondent's repair shop had open lids, while parts were not being handled in them, as documented during an investigation conducted on June 15, 2007.	
Base Penalty	<input type="text" value="\$10,000"/>	

>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="25%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>
Matrix Notes	Human health or the environment were exposed to insignificant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violations.			
Adjustment				<input type="text" value="\$7,500"/>
				<input type="text" value="\$2,500"/>

Violation Events																
	Number of Violation Events <input type="text" value="2"/>		Number of violation days <input type="text" value="1"/>													
<i>mark only one with an x</i>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input checked="" type="checkbox"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input checked="" type="checkbox"/>			
daily	<input type="text"/>															
monthly	<input type="text"/>															
quarterly	<input type="text"/>															
semiannual	<input type="text"/>															
annual	<input type="text"/>															
single event	<input checked="" type="checkbox"/>															
				Violation Base Penalty <input type="text" value="\$5,000"/>												
Two single events (one per degreaser) are recommended.																

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount <input type="text" value="\$17"/>	Violation Final Penalty Total <input type="text" value="\$10,650"/>		
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$10,000"/>	

Economic Benefit Worksheet

Respondent: Firestone Polymers, LLC

Case ID No.: 34699

Reg. Ent. Reference No.: RN100224468

Media: Air

Violation No.: 3

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				0.0	\$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	\$1,000	15-Jun-2007	17-Oct-2007	0.3	\$17	N/A	\$17
Remediation/Disposal				0.0	\$0	N/A	\$0
Permit Costs				0.0	\$0	N/A	\$0
Other (as needed)				0.0	\$0	N/A	\$0

Notes for DELAYED costs

Estimated costs to provide additional training and personnel oversight. The Date Required is the date of the violation, and the Final Date is the date the Respondent reported it had completed training and posted advisory signs.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$17

Screening Date 25-Sep-2007	Docket No. 2007-1598-AIR-E	PCW
Respondent Firestone Polymers, LLC	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 34699	<small>PCW Revision September 19, 2007</small>	
Reg. Ent. Reference No. RN100224468		
Media [Statute] Air		
Enf. Coordinator Terry Murphy		
Violation Number 4		
Rule Cite(s)	NSR Flexible Air Permit No. 292, SC 15, FOP O-01271, GTC and STC 10., 30 Tex. Admin. Code §§ 113.260, 116.715(a), and 122.143(4), and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to conduct residual volatile organic compounds (VOC) sampling at the exit of the dryer of Crumb Unit Three. Specifically, that sampling is required monthly, and the Respondent failed to do so in December 2006, as documented during an investigation conducted on June 15, 2007.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
		Major	Moderate	Minor	
	Actual	Potential	Potential	Potential	
	x			Percent	10%

>> Programmatic Matrix

	Major	Moderate	Minor	
Falsification	Falsification	Falsification	Falsification	Percent
				0%

Matrix Notes

Human health or the environment could have been exposed to insignificant amounts of pollutants not exceeding levels protective of human health or environmental receptors as a result of the violations.

Adjustment \$9,000

Violation Events

Number of Violation Events	1		31	Number of violation days
----------------------------	---	--	----	--------------------------

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

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$22
	Violation Final Penalty Total \$2,130
This violation Final Assessed Penalty (adjusted for limits) \$2,130	

Economic Benefit Worksheet

Respondent: Firestone Polymers, LLC
Case ID No.: 34699
Reg. Ent. Reference No.: RN100224468
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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	1-Dec-2006	17-Oct-2007	0.9	\$22	n/a	\$22
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated costs to provide improved sampling oversight. The Date Required is the first day of the month when sampling was not conducted, and the Final Date is the date the Respondent reported completion of improvements to procedures.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$22

Screening Date 25-Sep-2007	Docket No. 2007-1598-AIR-E	PCW
Respondent Firestone Polymers, LLC		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 34699		<small>PCW Revision September 19, 2007</small>
Reg. Ent. Reference No. RN100224468		
Media [Statute] Air		
Enf. Coordinator Terry Murphy		
Violation Number <input type="text" value="5"/>		
Rule Cite(s)	FOP O-01271, GTC and STC 10., 30 Tex. Admin. Code §§ 113.260 and 122.143(4), 40 CFR § 63.506(e)(5), and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to submit a Notification of Compliance Status Report. Specifically, the report required by National Emission Standards for Hazardous Air Pollutant (NESHAP) Emissions: Group I Polymers and Resins was due by September 21, 2006 (due 150 days after April 24, 2006, the initial startup of Crumb Unit Three), but has not yet been submitted, as documented during an investigation conducted on June 15, 2007.	
	Base Penalty	<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

	Falsification				
		Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>
Matrix Notes	The Respondent failed to comply with 100% of the rule.				

Adjustment

Violation Events

	<input type="text" value="1"/>		<input type="text" value="369"/>	Number of violation days												
<small>mark only one with an x</small>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input checked="" type="checkbox"/>		Violation Base Penalty	<input type="text" value="\$2,500"/>
daily	<input type="text"/>															
monthly	<input type="text"/>															
quarterly	<input type="text"/>															
semiannual	<input type="text"/>															
annual	<input type="text"/>															
single event	<input checked="" type="checkbox"/>															
One single event is recommended.																

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$97"/>	Violation Final Penalty Total <input type="text" value="\$5,325"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$5,325"/>	

Economic Benefit Worksheet

Respondent: Firestone Polymers, LLC
Case ID No.: 34699
Reg. Ent. Reference No.: RN100224468
Media: Air
Violation No.: 5

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				0.0	\$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	\$1,000	21-Sep-2006	1-Sep-2008	1.9	\$97	n/a	\$97
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to prepare and submit the report. The Date Required is the due date of the report, and the Final Date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$97

Screening Date 25-Sep-2007	Docket No. 2007-1598-AIR-E	PCW
Respondent Firestone Polymers, LLC		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 34699		<small>PCW Revision September 19, 2007</small>
Reg. Ent. Reference No. RN100224468		
Media [Statute] Air		
Enf. Coordinator Terry Murphy		
Violation Number <input type="text" value="6"/>		
Rule Cite(s)	FOP O-01271, GTC and STC 1.D., 30 Tex. Admin. Code §§ 101.20(2), 113.260, and 122.143(4), 40 CFR § 63.494(a)(2), and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to demonstrate compliance with the residual organic hazardous air pollutant limitations set forth in NESHAP Emissions: Group 1 Polymers and Resins. Specifically, the Respondent has failed to produce a satisfactory materials balance demonstration, as documented during an investigation conducted on June 15, 2007.	
	Base Penalty	<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="50%"/>
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
Matrix Notes	Human health or the environment could be exposed to significant amounts of pollutants exceeding levels protective of human health or environmental receptors as a result of the violation.				
	Adjustment				<input type="text" value="\$5,000"/>

Violation Events

	<input type="text" value="1"/>	<input type="text" value="339"/>	Number of violation days												
<small>mark only one with an x</small>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">monthly</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">semiannual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">annual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input checked="" type="checkbox"/>		Violation Base Penalty <input type="text" value="\$5,000"/>
daily	<input type="text"/>														
monthly	<input type="text"/>														
quarterly	<input type="text"/>														
semiannual	<input type="text"/>														
annual	<input type="text"/>														
single event	<input checked="" type="checkbox"/>														
One single event is recommended.															

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount <input type="text" value="\$131"/>	Violation Final Penalty Total <input type="text" value="\$10,650"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$10,650"/>	

Economic Benefit Worksheet

Respondent: Firestone Polymers, LLC

Case ID No.: 34699

Reg. Ent. Reference No.: RN100224468

Media: Air

Violation No.: 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,000	21-Oct-2006	1-Sep-2008	1.9	\$6	\$124	\$131
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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to derive and demonstrate an acceptable materials balance. The Date Required is the due date of the demonstration, and the Final Date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$131

Screening Date 25-Sep-2007	Docket No. 2007-1598-AIR-E	PCW
Respondent Firestone Polymers, LLC	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 34699	<i>PCW Revision September 19, 2007</i>	
Reg. Ent. Reference No. RN100224468		
Media [Statute] Air		
Enf. Coordinator Terry Murphy		
Violation Number <input type="text" value="7"/>		
Rule Cite(s)	NSR Flexible Air Permit No. 292, SC 7.B., FOP O-01271, GTC and STC 10., 30 Tex. Admin. Code §§ 116.715(a) and 122.143(4), and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to properly monitor Cooling Tower DK-801. Specifically, the El Paso Method, which is employed by the Respondent to do monthly monitoring, requires a twenty-seven inch depth of beryl saddles in the instrument used to perform monitoring, but the Respondent's El Paso apparatus only contained twenty inches of beryl saddles, and the Respondent admitted using the deficient instrument at least once to perform the monthly monitoring, as documented during an investigation conducted on June 15, 2007.	
Base Penalty	<input type="text" value="\$10,000"/>	

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	Percent <input type="text" value="25%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					Percent <input type="text" value="0%"/>

Matrix Notes

Human health or the environment could be exposed to significant amounts of pollutants not exceeding levels protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="30"/>	
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<i>mark only one with an x</i>	daily	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input checked="" type="text" value="x"/>	

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$8"/>	Violation Final Penalty Total <input type="text" value="\$5,325"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$5,325"/>	

Economic Benefit Worksheet

Respondent: Firestone Polymers, LLC
Case ID No.: 34699
Reg. Ent. Reference No.: RN100224468
Media: Air
Violation No.: 7

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	\$500	15-Jun-2007	17-Oct-2007	0.3	\$8	n/a	\$8
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated costs to adjust the sampling device. The Date Required is the date of the violation, and the Final Date is the date the Respondent reported having made instrument adjustments and initiated a preventative maintenance program.

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

\$500

TOTAL

\$8

Screening Date 25-Sep-2007 **Docket No.** 2007-1598-AIR-E **PCW**

Respondent Firestone Polymers, LLC *Policy Revision 2 (September 2002)*

Case ID No. 34699 *PCW Revision September 19, 2007*

Reg. Ent. Reference No. RN100224468

Media [Statute] Air

Enf. Coordinator Terry Murphy

Violation Number 8

Rule Cite(s) FOP O-01271, GTC and SC 3.B.(iii.), 30 Tex. Admin. Code § 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to perform annual opacity observations of all stationary vents. Specifically, the Respondent failed to perform those observations, since January 2005, on generators located in the boiler area, as documented during an investigation conducted on June 15, 2007.

Base Penalty \$10,000

>> **Environmental, Property and Human Health Matrix**

OR	Harm			
	Major	Moderate	Minor	
	Actual			
	Potential		x	Percent 10%

>> **Programmatic Matrix**

	Major	Moderate	Minor	
Falsification				Percent 0%

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2 730 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,000

Two single events are recommended, one for each of the two years (2005 and 2006) during which observations were not performed.

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$179 Violation Final Penalty Total \$4,260

This violation Final Assessed Penalty (adjusted for limits) \$4,260

Economic Benefit Worksheet

Respondent: Firestone Polymers, LLC
Case ID No.: 34699
Reg. Ent. Reference No.: RN100224468
Media: Air
Violation No.: 8

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	\$2,000	31-Dec-2005	17-Oct-2007	1.8	\$179	n/a	\$179
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated costs for additional personnel training and oversight to ensure observations are conducted. The Date Required is the last date of the first year for which observations were required, and the Final Date is the date the Respondent reported the completion of procedural improvements and additional training.

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	\$179
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Screening Date	25-Sep-2007	Docket No.	2007-1598-AIR-E	PCW
Respondent	Firestone Polymers, LLC	Policy Revision 2 (September 2002)		
Case ID No.	34699	PCW Revision September 19, 2007		
Reg. Ent. Reference No.	RN100224468			
Media [Statute]	Air			
Enf. Coordinator	Terry Murphy			
Violation Number	9			
Rule Cite(s)	FOP O-01386, GTC, 30 Tex. Admin. Code §§ 122.143(4), 122.145(2)(A), 122.146(1), 122.146(5)(C)(v), and 122.146(5)(D), and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to report the occurrence of deviations in semi-annual deviation reports and to accurately certify compliance in an Annual Compliance Certification. Specifically, the Respondent failed to report 12 deviations during the semi-annual periods of March 10, 2006 through March 9, 2007, as documented during an investigation conducted on June 15, 2007.			
Base Penalty	\$10,000			

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				
	Potential			0%	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1%

Matrix Notes
The Respondent failed to provide less than 30% of the required information.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$200

Two single events are recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$150"/>	Violation Final Penalty Total <input type="text" value="\$426"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$426"/>	

Economic Benefit Worksheet

Respondent: Firestone Polymers, LLC
Case ID No.: 34699
Reg. Ent. Reference No.: RN100224468
Media: Air
Violation No.: 9

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	\$2,000	9-Apr-2006	8-Oct-2007	1.5	\$150	n/a	\$150
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to prepare and submit deviation reports and a corrected annual report. The Date Required is the date the first incomplete deviation report was submitted, and the Final Date is the date the Respondent reported that corrected reports were submitted.

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

\$150

Compliance History

Customer/Respondent/Owner-Operator:	CN601590789	Firestone Polymers, LLC	Classification: Average	Rating: 6.33
Regulated Entity:	RN100224488	FIRESTONE POLYMERS ORANGE PLANT	Classification: Average	Site Rating: 6.33
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER		OC0010U
	AIR OPERATING PERMITS	PERMIT		1271
	WASTEWATER	PERMIT		WQ0000454000
	WASTEWATER	PERMIT		TPDES0002968
	WASTEWATER	PERMIT		TX0002968
	AIR NEW SOURCE PERMITS	PERMIT		292
	AIR NEW SOURCE PERMITS	PERMIT		2565
	AIR NEW SOURCE PERMITS	PERMIT		46032
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		OC0010U
	AIR NEW SOURCE PERMITS	AFS NUM		4836100004
	AIR NEW SOURCE PERMITS	AFS NUM		4836100004
	AIR NEW SOURCE PERMITS	REGISTRATION		82804
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)		30581
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID		TXD008073538
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)		30581
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		1810014
Location:	5713 FM 1006, ORANGE, TX, 77630		Rating Date: 9/1/2007	Repeat Violator: NO
TCEQ Region:	REGION 10 - BEAUMONT			
Date Compliance History Prepared:	September 25, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	September 25, 2002 to September 25, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Terry Murphy	Phone:	(512) 239-5025	

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? Yes
3. If Yes, who is the current owner? Firestone Polymers, LLC
4. If Yes, who was/were the prior owner(s)? Bridgestone/Firestone, Inc.
5. When did the change(s) in ownership occur? 12/12/2002

Components (Multimedia) for the Site :

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

Effective Date: 09/25/2003	Admin. Order 2003-0251-AIR-E
Classification: Moderate	
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov: 7B PERMIT	
Description: Failure to perform monthly monitoring of the VOC concentration associated with the facility cooling tower using the El Paso or equivalent TCEQ approved alternative method.	
Classification: Moderate	
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 113, SubChapter C 113.260 40 CFR Part 63, Subpart U 63.502(n) 5C THC Chapter 382, SubChapter A 382.085(b)	
Description: Failure to properly monitor the cooling tower of representative substances to detect leaks.	
Effective Date: 12/20/2004	Admin. Order 2003-1480-AIR-E
Classification: Moderate	
Citation: 30 TAC Chapter 113, SubChapter C 113.260 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 116, SubChapter G 116.715(c)(9) 40 CFR Part 63, Subpart U 63.485(a) 5C THC Chapter 382, SubChapter A 382.085(b)	
Rqmt Prov: 292, Special Condition 4 PERMIT	
Description: Failure to route all waste gas containing VOCs to the Direct-Fired Thermal Oxidizer during 54 events.	
Effective Date: 02/05/2007	Admin. Order 2006-0754-IHW-E
Classification: Moderate	
Citation: 30 TAC Chapter 335, SubChapter A 335.10(a)(1) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)	
Description: Failure to manifest hazardous waste.	
Classification: Moderate	
Citation: 30 TAC Chapter 335, SubChapter A 335.2(b)	
Description: Failure to properly dispose of an industrial hazardous waste at an authorized facility.	
Effective Date: 03/19/2007	Admin. Order 2006-1308-AIR-E
Classification: Moderate	
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)	
Rqmt Prov: 1271/SC 10 OP NSRP 2565 Special Condition 8 PERMIT	

Description: Failure to operate Boiler E-B110 at a maximum rate of 2.3 gallons per minute. B18
Classification: Minor
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP 1271/SC 1C OP
Description: Failure to keep daily log notations of operations of flare M-600. B18
Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP 1271 General Terms and Conditions OP
Description: Failure to report deviations from MACT U flare recording requirements. B18
Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Federal Operating Permit 1271 SC 1D & 1H OP
Description: Failure to monitor Flares DM-801, M-600, and M-600R on an hourly basis. A,8,c,1,G
Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Federal Operating Permit 1271 SC 1D & 1H OP
Description: Failure to maintain records for the DFTO Unit. B18
Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Federal Operating Permit 1271 SC 1D & 1H OP
Description: Failure to maintain temperature records for RTO Can # 1 and RTO Can # 2. B18
Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.506(e)(6)(i)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Federal Operating Permit 1271 SC 1D & 1H OP
Description: Failure to submit Maximum Achievable Control Technology Subpart U periodic report in a timely manner.
Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(3)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP 1271 General Terms and Conditions OP
Description: Failure to maintain flow records for the DFTO Collection System and the RTO Collection System.
A,8,c,2,B,i
Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP 1271 General Terms and Conditions OP
Description: Failure to report a deviation on a Six Month Deviation Report and an Annual Compliance Report.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.144(1)(i)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: Federal Operating Permit 1271, SC 10 OP
NSR Permit 292, SC 3 PERMIT
Description: Failure to maintain twelve month rolling emissions records. B18
Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(f)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP 1271 General Terms and Conditions OP
Description: Failure to report a deviation on an Annual Compliance Certification Report. B18

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	10/21/2002	(155850)	50	12/27/2005	(468108)
			51	01/24/2006	(468109)
2	11/25/2002	(155854)	52	02/03/2006	(437331)
			53	02/22/2006	(468103)
3	12/18/2002	(16622)	54	02/27/2006	(453985)
4	12/27/2002	(155858)	55	03/28/2006	(468104)
5	01/15/2003	(20074)	56	03/28/2006	(468105)
6	01/17/2003	(16568)	57	03/31/2006	(461289)
7	01/21/2003	(155862)	58	03/31/2006	(455452)

8	01/28/2003	(20087)	59	04/20/2006	(468106)
9	02/12/2003	(21064)	60	05/03/2006	(462716)
10	02/24/2003	(155821)	61	05/15/2006	(465053)
11	03/21/2003	(155824)	62	05/19/2006	(497977)
12	04/22/2003	(155829)	63	05/30/2006	(465287)
13	05/20/2003	(155833)	64	06/16/2006	(497978)
14	06/24/2003	(155837)	65	06/16/2006	(497979)
15	07/22/2003	(155841)	66	07/24/2006	(480227)
16	08/18/2003	(294493)	67	07/24/2006	(481733)
17	08/26/2003	(145622)	68	07/25/2006	(480474)
18	09/23/2003	(294495)	69	08/11/2006	(483260)
19	10/17/2003	(294497)	70	08/16/2006	(519993)
20	11/24/2003	(294498)	71	09/07/2006	(519995)
21	12/22/2003	(294499)	72	09/07/2006	(519996)
22	01/23/2004	(294500)	73	09/18/2006	(519994)
23	02/24/2004	(294482)	74	10/30/2006	(511039)
24	03/23/2004	(294484)	75	11/17/2006	(544240)
25	04/22/2004	(294485)	76	11/20/2006	(513938)
26	05/25/2004	(294487)	77	11/27/2006	(516300)
27	06/21/2004	(294489)	78	12/13/2006	(544241)
28	07/22/2004	(294491)	79	01/22/2007	(509446)
29	08/24/2004	(351781)	80	02/12/2007	(538872)
30	08/31/2004	(291657)	81	02/16/2007	(544239)
31	09/23/2004	(351782)	82	02/28/2007	(518614)
32	10/22/2004	(351783)	83	03/07/2007	(574869)
33	11/18/2004	(351784)	84	03/19/2007	(574865)
34	12/20/2004	(351785)	85	04/18/2007	(574866)
35	01/24/2005	(381680)	86	04/30/2007	(518508)
			87	04/30/2007	(534862)
			88	04/30/2007	(554420)
36	02/22/2005	(381678)	89	04/30/2007	(542628)
37	03/07/2005	(350860)	90	05/10/2007	(558294)
38	03/22/2005	(381679)	91	05/15/2007	(574867)
39	04/22/2005	(419476)	92	05/21/2007	(566553)
40	05/20/2005	(343356)	93	06/05/2007	(542859)
41	05/23/2005	(419477)	94	06/18/2007	(574868)
42	06/22/2005	(419478)	95	08/10/2007	(566249)
43	07/18/2005	(398318)	96	08/28/2007	(572341)
44	07/21/2005	(440627)	97	09/29/2007	(570659)
45	08/22/2005	(440628)	98	09/19/2007	(573194)
46	09/19/2005	(440629)			
47	10/24/2005	(440630)			
48	11/28/2005	(468107)			
49	12/21/2005	(440251)			

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

Date: 09/30/2003 (294497)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 06/30/2004 (294491)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 03/07/2005 (350860)
Self Report? NO Classification: Minor
Rqmt Prov: PERMIT OpR 1
Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
Self Report? NO Classification: Minor
Rqmt Prov: PERMIT OpR 1
Description: Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
Date: 05/20/2005 (343356)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.130
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to repair 10 leaking valves within 5 days.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.130
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to complete repair of three leaking valves within 15 days.
Date: 10/31/2005 (468107)
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: 11/30/2005 (468108)
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 (497978)
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: 07/26/2006 (480474)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit an excess emissions report with the semi-annual nitrogen oxide emissions report.
Date: 10/31/2006 (544240)
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: 01/19/2007 (509446)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to maintain the pressure tank in Pressure Plane #1.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
Description: Failure to maintain records of the amount of each chemical used each week.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)
Description: Failure to maintain records of the amount of water treated each week.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
Description: Failure to maintain records of the dates that dead ends were flushed.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
Description: Failure to perform the annual tank inspections on the pressure tanks.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(ii)
Description: Failure to provide a ground storage capacity which is equal to 50% of the maximum daily demand in Pressure Plane #1.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(iii)
Description: Failure to provide at least one service pump with a capacity of three times the maximum daily demand in Pressure Plane #1.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(3)
Description: Failure to install the facilities to maintain the air-water-volume at the design water level and working pressure on the pressure tank at Plant #1.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(ii)
Description: Failure to provide a pressure tank capacity of 220 gallons in Pressure Plane #2.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)(2)
Description: Failure to submit plans and specifications to replace the pressure tank in Pressure Plane #1.
Date: 04/30/2007 (574867)
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: 05/31/2007 (574868)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
Date: 08/28/2007 (564084)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(1)
40 CFR Part 63, Subpart U 63.485(a)
40 CFR Part 63, Subpart U 63.498(d)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP O-01271 General Terms and Conditions
OP FOP O-01271 Special Condition 1D
Description: Failure to maintain monitoring records Flares DM-801 and M-600R on an hourly basis.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)
40 CFR Part 63, Subpart H 63.168[G]
40 CFR Part 63, Subpart H 63.169[G]
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP FOP O-01271 General Terms and Conditions
OP FOP O-01271 Special Condition 10

Description: OP FOP O-01271 Special Condition 1D
 Failure to make a first attempt repair on a leaking component within five days. EIC B14
 MOD 2(G)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 63, Subpart H 63.163(G)
 40 CFR Part 63, Subpart H 63.173(G)
 40 CFR Part 63, Subpart U 63.502(a)

Rqmt Prov: 5C THC Chapter 382, SubChapter D 382.085(b)
 OP FOP O-01271 General Terms and Conditions
 OP FOP O-01271 Special Condition 1D

Description: Failure to maintain records of visual, weekly inspections of pumps and agitators. EIC
 B(3) MOD 2(B)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 63, Subpart U 63.498(d)(5)(i)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP O-01271 General Terms and Conditions
 OP FOP O-01271 Special Condition 1D

Description: Failure to maintain temperature records for RTO Can #1 and RTO Can #2.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP O-01271 General Terms and Conditions
 OP FOP O-01271 Special Condition 10
 PERMIT NSR 2565 Special Conditions 8 and 9

Description: Failure to maintain Boiler B-110 below the maximum firing rate of 298 MMBtu/hr. EIC
 B,18 MOD 2(G)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP O-01271 General Terms and Conditions
 OP FOP O-01271 Special Condition 10
 PERMIT NSR Permit 2565

Description: Failure to maintain the firing rate of Boiler B111 below 110 MMBtu/hr. EIC B,18 MOD
 2(G)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP O-01271 General Terms and Conditions
 OP FOP O-01271 Special Condition 3(B)(iii)

Description: Failure to conduct opacity monitoring while burning waste Hexane in Boiler B110. EIC
 B,1 MOD 2(B)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter E 115.425(1)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP O-01271 General Terms and Conditions
 OP FOP O-01271 Special Condition 9

Description: Failure to maintain records of solvent usage for the Pro-Paint area. EIC B,3 MOD 2(B)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(c)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(c)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)

Rqmt Prov: 5C THC Chapter 382, SubChapter D 382.085(b)
 OP FOP O-01271 General Terms and Conditions
 OP FOP O-01271 Special Condition 10
 OP FOP O-01271 Special Condition 1D
 PERMIT NSR Permit 292 Special Condition 4I

Description: Failure to make a first attempt and final repair within fifteen days.
 Date: 08/28/2007 (570659)

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT M&RR 5

Description: Failure to ensure mechanical flow meter is calibrated as often as necessary to ensure
 accuracy.

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT M&RR 2

Description: Failure by Firestone Polymers to comply with test procedures specified in 30 TAC 319.11 -

319.12.
Self Report? NO Classification: Minor
Rqmt Prov: PERMIT M&RR 3cii
Description: Failure by Firestone Polymer to maintain records of monitoring activities to include analysis time.
Self Report? NO Classification: Minor
Rqmt Prov: PERMIT PC 1a
Description: Failure by Firestone Polymer to submit correct information in a report to the Executive Director.

F. Environmental audits.

Notice of Intent Date: 04/04/2003 (33779)
Disclosure Date: 10/08/2003
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B
Rqmt Prov: PERMIT 2656
Description: failed to conduct quarterly cylinder gas audit and to report unscheduled CEMS downtime
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B
Rqmt Prov: PERMIT 2565
Description: failed to submit or submitted incomplete records of CEMS adjustments and maintenance
Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db
Description: failed to submit 30-day initial CEMS compliance test results to TCEQ
Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A
Description: failed to submit two NSPS Db and Subpart A semiannual reports
Notice of Intent Date: 03/17/2006 (462848)
No DOV Associated

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
FIRESTONE POLYMERS, LLC
RN100224468

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-1598-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 Firestone Polymers, LLC ("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 chemical manufacturing plant at 5713 Farm-to-Market Road 1006 in Orange, Orange 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 September 2, 2007.
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 Sixty-Six Thousand Eight Hundred Seventy-One Dollars (\$66,871) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fifty-Three Thousand Four Hundred Ninety-Seven Dollars (\$53,497) of the administrative penalty and Thirteen Thousand Three Hundred Seventy-

Four Dollars (\$13,374) 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 the Respondent has implemented the following corrective measures at the Plant by October 17, 2007:
 - a. Provided Component Identification Tag Numbers 2111, 65997, 3524, 2184.1, and 3022.3, an open-ended line on the roof of Tank DF-138, and another in the Crumb Unit Three area with caps, plugs, or blind flanges;
 - b. Properly sealed Component Identification Tag Numbers 3057, 476, 211, 2965.1, 2981.1, 1591.1, 1612.1, 3611.2, 1650.1, 2496.2, 2519.2, 3778.1, 50673, 64012, 12174, 12274, 1516, 1524, 1528, 2000, 3761.2, 4001.2, 4130.1, 4293.1, 50645, 50743, 1549, 11464, 3875, 7809, 8972, 1904, 4082, 4264, 52460, 1209, 2015, 20783, 20793, 20878, 20922, 47032, 47046, 64292, 49652, 51127, 65916, 2769, 2015, 47032, 49652, 51127, 52460, 8977, 8981, and 20822;
 - c. Reviewed the leak detection and repair compliance system and made necessary changes to ensure compliance with open-ended line and leak repair requirements;
 - d. Reviewed the cooling tower monitoring system, updated the compliance calendar, and improved communication between operations and contractor to ensure the quarterly monitoring of Cooling Tower DK-801;
 - e. Provided training and posted instructional signs for personnel overseeing the two degreasers in the repair shop;
 - f. Reviewed the sampling system, communications between the lab and operations, and the compliance calendar in order to ensure the required residual volatile organic compounds ("VOC") sampling at the exit of the dryer of Crumb Unit Three;
 - g. Adjusted the packing depth of the El Paso method monitoring device to a depth of twenty-seven inches of beryl saddles;
 - h. Provided training and implemented a computer based reminder system in order to ensure that annual opacity observations are performed on the generators located in the boiler area; and

- i. Submitted corrected semi-annual deviation reports for the periods March 10, 2006 through March 9, 2007 and a corrected Annual Compliance Certification for that same period.
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 cap seven open-ended lines, and to properly seal 69 leaking open-ended lines in VOC service with a cap, plug, or blind flange, in violation of New Source Review ("NSR") Flexible Air Permit No. 292, Special Condition ("SC") 4.E., Federal Operating Permit ("FOP") O-01271, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") 10, 30 TEX. ADMIN. CODE §§ 101.20(2), 113.260, 116.715(a), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 63.167 and 63.502(a), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 15, 2007. Specifically, Component Identification Tag Numbers 2111, 65997, 3524, 2184.1, and 3022.3, an open-ended line on the roof of Tank DF-138, and another in the Crumb Unit Three area were found to be missing; and Component Identification Tag Numbers 3057, 476, 211, 2965.1, 2981.1, 1591.1, 1612.1, 3611.2, 1650.1, 2496.2, 2519.2, 3778.1, 50673, 64012, 12174, 12274, 1516, 1524, 1528, 2000, 3761.2, 4001.2, 4130.1, 4293.1, 50645, 50743, 1549, 11464, 3875, 7809, 8972, 1904, 4082, 4264, 52460, 1209, 2015, 20783, 20793, 20878, 20922, 47032, 47046, 64292, 49652, 51127, 65916, 2769, 2015, 47032, 49652, 51127, 52460, 8977, 8981, and 20822 were found to be leaking.
2. Failed to monitor Cooling Tower DK-801 on a quarterly basis using EPA Method 624, in violation of FOP O-01271, GTC and STC 1.D., 30 TEX. ADMIN. CODE §§ 101.20(2), 113.260, and 122.143(4), 40 CFR § 63.502(n), and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during an investigation conducted on June 15, 2007. Specifically, from January 1, 2004 through December 31, 2006, quarterly monitoring with that method was required, but the Respondent performed the monitoring semiannually, rather than quarterly.
3. Failed to maintain closed lids on degreasers, in violation of FOP O-01271, GTC and STC 10., 30 TEX. ADMIN. CODE §§ 106.454(3)(B), 115.412(1)(A), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 15, 2007. Specifically, two degreasers in the Respondent's repair shop had open lids, while parts were not being handled in them.

4. Failed to conduct residual VOC sampling at the exit of the dryer of Crumb Unit Three, in violation of NSR Flexible Air Permit No. 292, SC 15, FOP O-01271, GTC and STC 10., 30 TEX. ADMIN. CODE §§ 113.260, 116.715(a), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 15, 2007. Specifically, that sampling is required monthly, and the Respondent failed to do so in December 2006.
5. Failed to submit a Notification of Compliance Status Report, in violation of FOP O-01271, GTC and STC 10., 30 TEX. ADMIN. CODE §§ 113.260 and 122.143(4), 40 CFR § 63.506(e)(5), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 15, 2007. Specifically, the report required by National Emission Standards for Hazardous Air Pollutant ("NESHAP") Emissions: Group I Polymers and Resins was due by September 21, 2006 (due 150 days after April 24, 2006, the initial startup of Crumb Unit Three), but has not yet been submitted.
6. Failed to demonstrate compliance with the residual organic hazardous air pollutant limitations set forth in NESHAP Emissions: Group I Polymers and Resins, in violation of FOP O-01271, GTC and STC 1.D., 30 TEX. ADMIN. CODE §§ 101.20(2), 113.260, 122.143(4), and 40 CFR § 63.494(a)(2), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 15, 2007. Specifically, the Respondent has failed to produce a satisfactory materials balance demonstration.
7. Failed to properly monitor Cooling Tower DK-801, in violation of NSR Flexible Air Permit No. 292, SC 7.B., FOP O-01271, GTC and STC 10., 30 TEX. ADMIN. CODE §§ 116.715(a) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 15, 2007. Specifically, the El Paso Method, which is employed by the Respondent to do monthly monitoring, requires a twenty-seven inch depth of beryl saddles in the instrument used to perform monitoring, but the Respondent's El Paso apparatus only contained twenty inches of beryl saddles, and the Respondent admitted using the deficient instrument at least once to perform the monthly monitoring.
8. Failed to perform annual opacity observations of all stationary vents, in violation of FOP O-01271, GTC and SC 3.B.(iii.), 30 TEX. ADMIN. CODE § 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 15, 2007. Specifically, the Respondent failed to perform those observations, since January 2005, on generators located in the boiler area.
9. Failed to report the occurrence of deviations in semi-annual deviation reports and to accurately certify compliance in an Annual Compliance Certification, in violation of FOP O-01386, GTC, 30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A), 122.146(1), 122.146(5)(C)(v), and 122.146(5)(D), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 15, 2007. Specifically, the Respondent failed to report 12 deviations during the semi-annual periods of March 10, 2006 through March 9, 2007.

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: Firestone Polymers, LLC, Docket No. 2007-1598-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 45 days after the effective date of this Agreed Order, submit written certification of compliance that the report required for Crumb Unit Three by NESHAP Emissions: Group I Polymers and Resins has been submitted;
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance that a satisfactory materials balance demonstration has been made that demonstrates compliance with the residual organic hazardous air pollutant limitations set forth in NESHAP Emissions: Group I Polymers and Resins; and
 - c. The certifications required by these Ordering Provisions 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 that under the 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 obtained 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 certifications 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
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

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.

DOCKET NO 2007-1598-AIR-E

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szolter
For the Executive Director

9/26/2008
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.

Greg Defrates
Signature

4/4/08
Date

Greg Defrates
Name (Printed or typed)
Authorized Representative of
Firestone Polymers, LLC

Factory 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.

