EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1415-AIR-E **TCEQ ID:** RN101896439 **CASE NO.:** 34543

RESPONDENT NAME: Georgia-Pacific Chemicals LLC

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: Georgia-Pacific Resins Lufkin Plant, 1429 East Lufkin Avenue, Lufkin, Angelina County

TYPE OF OPERATION: Resin manufacturing company

SMALL BUSINESS: ___ Yes X No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

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 January 22, 2008. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Mr. John Muennink, Enforcement Division, Enforcement Team 5, MC R-14, (361) 825-3423; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: Mr. Rickey Robbins, Plant Manager, Georgia-Pacific Chemicals LLC, P.O. Box 938, Lufkin, Texas 75902
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 ___ Routine ___ Enforcement Follow-up _X_ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** July 5, 2007 **Date of NOV/NOE Relating to this Case:** August 17, 2007 (NOE) **Background Facts:** This was a routine investigation. **AIR** 1) Failure to maintain a maximum temperature of 50 degrees Fahrenheit for Methanol Storage Tank equipment as specified in the Methanol Storage Tank Monitoring Plan. Specifically, the temperature of the fresh water inlet to the Chilled Condenser rose to 51.62 degrees Fahrenheit from 1600 hours to 1900 hours and 1945 hours to 2100 hours on May 5, 2007, as reported in the Permit Compliance Certification for the period of May 12, 2006 through May 11, 2007 [30 TEX. ADMIN. CODE §§ 113.120 and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 63.120(d)(G), TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failure to operate the Thermal Oxidizer (TO-2) while cleaning a formaldehyde tanker truck from 1000 hours to 1015 hours on December 30, 2006, resulting in the release of 0.89 pounds ("lbs") of the Hazardous Air Pollutant ("HAP") formaldehyde and 0.19 lbs of the HAP methanol, as reported in the Permit Compliance Certification for the period of May 12, 2006 through May 11, 2007 [30 TEX. ADMIN. CODE §§ 116.615(2) and (9), 116.617, 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b) and Permit No. 01140, General Terms and Conditions and Special Condition No. 8].	**Total Assessed:** $4,690 **Total Deferred:** $938 _X_ Expedited Settlement __ Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $3,752 **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** _X_ Yes ___ No **Applicable Penalty Policy:** September 2002	**Ordering Provisions:** The Order will require the Respondent to: 1) Within 30 days after the effective date of this Agreed Order: a. Implement measures designed to ensure that all Methanol Storage Tank equipment is operated according to the specifications outlined in the Methanol Storage Tank Monitoring Plan in accordance with 40 CFR § 63.120(d)(G); b. Implement measures designed to ensure that Thermal Oxidizer (TO-2) is in operation while cleaning formaldehyde tanker trucks in accordance with 30 TEX. ADMIN. CODE § 116.615(9); and 2) Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 1.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) — *PCW Revision May 25, 2007*

DATES					
Assigned	23-Aug-2007				
PCW	30-Aug-2007	Screening	30-Aug-2007	EPA Due	13-May-2008

RESPONDENT/FACILITY INFORMATION

Respondent	Georgia-Pacific Chemicals LLC		
Reg. Ent. Ref. No.	RN101896439		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	34543	No. of Violations	2
Docket No.	2007-1415-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	John Muennink
Multi-Media		EC's Team	EnforcementTeam 5
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* **$3,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — **34%** Enhancement — *Subtotals 2, 3, & 7* **$1,190**

Notes: Enhancement due to two NOVs with same or similar violations, two NOVs with unrelated violations and one 1660 Agreed Order.

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

Notes: The Respondent does not meet the culpability criteria.

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

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

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

0% Enhancement* — *Subtotal 6* **$0**

**Capped at the Total EB $ Amount*

Total EB Amounts	$169
Approx. Cost of Compliance	$3,500

SUM OF SUBTOTALS 1-7 — *Final Subtotal* **$4,690**

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

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount **$4,690**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$4,690**

DEFERRAL — **20%** Reduction — *Adjustment* **-$938**

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 **$3,752**

Screening Date 30-Aug-2007 **Docket No.** 2007-1415-AIR-E **PCW**

Respondent Georgia-Pacific Chemicals LLC *Policy Revision 2 (September 2002)*

Case ID No. 34543 *PCW Revision May 25, 2007*

Reg. Ent. Reference No. RN101896439

Media [Statute] Air

Enf. Coordinator John Muennink

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*)	2	10%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	1	20%
	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*)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 34%

>> 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

Enhancement due to two NOVs with same or similar violations, two NOVs with unrelated violations and one 1660 Agreed Order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 34%

Screening Date 30-Aug-2007 **Docket No.** 2007-1415-AIR-E **PCW**

Respondent Georgia-Pacific Chemicals LLC *Policy Revision 2 (September 2002)*

Case ID No. 34543 *PCW Revision May 25, 2007*

Reg. Ent. Reference No. RN101896439

Media [Statute] Air

Enf. Coordinator John Muennink

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 113.120 and 122.143(4), 40 CFR § 63.120(d)(G), Tex. Health & Safety Code § 382.085(b) and Permit No. 01140, General Terms and Conditions and Special Condition No. 1A

Violation Description Failed to maintain a maximum temperature of 50 degrees Fahrenheit for Methanol Storage Tank equipment as specified in the Methanol Storage Tank Monitoring Plan. Specifically, the temperature of the fresh water inlet to the Chilled Condenser rose to 51.62 degrees Fahrenheit from 1600 hours to 1900 hours and 1945 hours to 2100 hours on May 5, 2007, as reported in the Permit Compliance Certification for the period of May 12, 2006 through May 11, 2007.

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 will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors.

Adjustment $9,000

$1,000

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 $1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $82

Statutory Limit Test

Violation Final Penalty Total $1,340

This violation Final Assessed Penalty (adjusted for limits) $1,340

Economic Benefit Worksheet

Respondent Georgia-Pacific Chemicals LLC
Case ID No. 34543
Reg. Ent. Reference No. RN101896439
Media Air
Violation No. 1

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				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$2,000	5-May-2007	28-Feb-2008	0.8	$82	n/a	$82

Notes for DELAYED costs: Estimated expense to implement measures designed to ensure that the Methanol Storage Tank temperature is maintained as specified in the Methanol Storage Tank Monitoring Plan. Date required is the date of the violation. Final date is the date that corrective actions are estimated to be completed.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance $2,000

TOTAL $82

Screening Date 30-Aug-2007 **Docket No.** 2007-1415-AIR-E **PCW**

Respondent Georgia-Pacific Chemicals LLC *Policy Revision 2 (September 2002)*

Case ID No. 34543 *PCW Revision May 25, 2007*

Reg. Ent. Reference No. RN101896439

Media [Statute] Air

Enf. Coordinator John Muennink

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.615(2) and (9), 116.617, 122.143(4), Tex. Health & Safety Code § 382.085(b) and Permit No. 01140, General Terms and Conditions and Special Condition No. 8

Violation Description Failed to operate the Thermal Oxidizer (TO-2) while cleaning a formaldehyde tanker truck from 1000 hours to 1015 hours on December 30, 2006, resulting in the release of 0.89 pounds ("lbs") of the Hazardous Air Pollutant ("HAP") formaldehyde and 0.19 lbs of the HAP methanol, as reported in the Permit Compliance Certification for the period of May 12, 2006 through May 11, 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	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health of the environment has been exposed to an insignificant amount of pollutants that do not exceed levels protective of human health or environmental receptors.

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	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $87

Statutory Limit Test

Violation Final Penalty Total $3,350

This violation Final Assessed Penalty (adjusted for limits) $3,350

Economic Benefit Worksheet

Respondent Georgia-Pacific Chemicals LLC
Case ID No. 34543
Reg. Ent. Reference No. RN101896439
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	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				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)	$1,500	30-Dec-2006	28-Feb-2008	1.2	$87	n/a	$87

Notes for DELAYED costs: Estimated expense to implement measures designed to ensure that the Thermal Oxidizer (TO-2) is operating during the cleaning of formaldehyde tanker trucks. Date required is the date of the violation. Final date is the date that corrective actions are estimated to be completed.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance $1,500

TOTAL $87

Compliance History

Customer/Respondent/Owner-Operator:	CN603140039	Georgia-Pacific Chemicals LLC	Classification: AVERAGE	Rating: 1.91
Regulated Entity:	RN101896439	GEORGIA-PACIFIC RESINS LUFKIN PLANT	Classification: AVERAGE	Site Rating: 3.93

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	AC0011N
AIR OPERATING PERMITS	PERMIT	1140
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	1523
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD074160391
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	32094
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	AC0011N
AIR NEW SOURCE PERMITS	PERMIT	4603
AIR NEW SOURCE PERMITS	PERMIT	22708
AIR NEW SOURCE PERMITS	PERMIT	31724
AIR NEW SOURCE PERMITS	PERMIT	34469
AIR NEW SOURCE PERMITS	PERMIT	45058
AIR NEW SOURCE PERMITS	PERMIT	53676
AIR NEW SOURCE PERMITS	REGISTRATION	55283
AIR NEW SOURCE PERMITS	PERMIT	75981
AIR NEW SOURCE PERMITS	AFS NUM	4800500007
AIR NEW SOURCE PERMITS	PERMIT	71512
AIR NEW SOURCE PERMITS	PERMIT	54148
AIR NEW SOURCE PERMITS	PERMIT	54410
AIR NEW SOURCE PERMITS	REGISTRATION	73972
AIR NEW SOURCE PERMITS	REGISTRATION	76806
AIR NEW SOURCE PERMITS	REGISTRATION	77702
AIR NEW SOURCE PERMITS	AFS NUM	4800500007
AIR NEW SOURCE PERMITS	REGISTRATION	79696
AIR NEW SOURCE PERMITS	REGISTRATION	54256
AIR NEW SOURCE PERMITS	REGISTRATION	82707
WASTEWATER	PERMIT	WQ0001737001
WASTEWATER	EPA ID	TPDES0082261
STORMWATER	PERMIT	TXR05Q513
STORMWATER	PERMIT	TXR05V688

Location: 1429 E LUFKIN AVE, LUFKIN, TX, 75901 Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: September 10, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 30, 2002 to August 30, 2007

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

Name: John Muennink Phone: (361) 825-3423

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.

Effective Date: 03/11/2005 ADMINORDER 2004-1123-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit a deviation report in a timely manner.

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	11/19/2002	(15343)
2	07/08/2003	(31545)
3	08/01/2003	(145699)
4	01/20/2004	(256919)
5	02/13/2004	(259163)
6	05/12/2004	(271455)
7	06/18/2004	(273317)
8	08/08/2005	(397391)
9	02/24/2006	(455933)
10	07/25/2006	(485440)
11	07/25/2006	(486554)
12	07/26/2006	(486542)
13	08/14/2006	(497194)
14	11/27/2006	(517982)
15	06/23/2007	(559005)
16	07/03/2007	(562437)
17	07/20/2007	(568115)
18	08/07/2007	(567462)
19	08/17/2007	(568080)

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

Date 08/08/2005 (397391)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP O-01140

Description: Failure to repair a valve no later than 15 calendar days after the leak is detected.

Date 07/26/2006 (485440)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1030(c)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-01140, Special Condition 1F

Description: Failure to monitor a pressure relief device within the five day requirement.

Date 08/14/2006 (497194)

Self Report? NO Classification: Moderate

Rqmt Prov: PERMIT OpR 1

Description: Failure by Georgia-Pacific Resins to properly maintain units of treatment. On 07/11/2006, erosion was undermining the northeast corner of the stormwater basin and the southeast corner of the stormwater basin effluent lift pump station.

Self Report? NO Classification: Minor

Rqmt Prov: PERMIT OT 1

Description: Failure by Georgia-Pacific Resins to utilize a total zinc test method sensitive enough to detect total zinc at the minimum analytical limit (MAL) specified in the permit.

Date 08/17/2007 (572060)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.123(f)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP O-01140, General Terms and Conditions
OP O-01140, Special Condition 1A

Description: Failure to record temperature readings for the Methanol Storage Tank Condensor equipment as specified in the Monitoring Plan.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 113, SubChapter C 113.720
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT OOO 63.1410[G]
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP O-01140, General Terms and Conditions

OP O-01140, Special Condition 1E
OP O-01140, Special Condition 1F

Description: Failure to visually monitor a light liquid pump on a weekly basis.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 113, SubChapter C 113.720
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT OOO 63.1410[G]
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP O-01140, General Terms and Conditions
OP O-01140, Special Condition 1E
OP O-01140, Special Condition 1F

Description: Failure to perform monthly instrument monitoring on two light liquid service pumps.

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 A 382.085(b)

Rqmt Prov: PERMIT 4603, Special Condition 3
OP O-01140, General Terms and Conditions
OP O-01140, Special Condition 8

Description: Failure to maintain the combustion chamber of the Thermal Oxidizer (EPN: TO-1) at a minimum temperature of 1400 degrees Fahrenheit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.520
30 TAC Chapter 113, SubChapter C 113.720
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT OOO 63.1410[G]
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1024(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP O-01140, General Terms and Conditions
OP O-01140, Special Condition 1E
OP O-01140, Special Condition 1F

Description: Failure to repair a leak at a heavy liquid pump, identified with Component Tag Number 1950, within fifteen (15) days.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
GEORGIA-PACIFIC CHEMICALS	§	
LLC	§	
RN101896439	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2007-1415-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 Georgia-Pacific Chemicals LLC ("Georgia-Pacific") 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 Georgia-Pacific appear before the Commission and together stipulate that:

1. Georgia-Pacific owns and operates a resin manufacturing company at 1429 East Lufkin Avenue in Lufkin, Angelina 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 Georgia-Pacific agree that the Commission has jurisdiction to enter this Agreed Order, and that Georgia-Pacific is subject to the Commission's jurisdiction.

4. Georgia-Pacific received notice of the violations alleged in Section II ("Allegations") on or about August 22, 2007.

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

6. An administrative penalty in the amount of Four Thousand Six Hundred Ninety Dollars ($4,690) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Georgia-Pacific has paid Three Thousand Seven Hundred Fifty-Two Dollars

($3,752) of the administrative penalty and Nine Hundred Thirty-Eight Dollars ($938) is deferred contingent upon Georgia-Pacific'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 Georgia-Pacific fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Georgia-Pacific 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 Georgia-Pacific have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Georgia-Pacific has not complied with one or more of the terms or conditions in this Agreed Order.

10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

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

II. ALLEGATIONS

As owner and operator of the Plant, Georgia-Pacific is alleged to have:

1. Failed to maintain a maximum temperature of 50 degrees Fahrenheit for Methanol Storage Tank equipment as specified in the Methanol Storage Tank Monitoring Plan, in violation of 30 TEX. ADMIN. CODE §§ 113.120 and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 63.120(d)(G), TEX. HEALTH & SAFETY CODE § 382.085(b) and Permit No. 01140, General Terms and Conditions and Special Condition No. 1A. Specifically, the temperature of the fresh water inlet to the Chilled Condenser rose to 51.62 degrees Fahrenheit from 1600 hours to 1900 hours and 1945 hours to 2100 hours on May 5, 2007, as reported in the Permit Compliance Certification for the period of May 12, 2006 through May 11, 2007 and documented during a record review conducted on July 5, 2007.

2. Failed to operate the Thermal Oxidizer (TO-2) while cleaning a formaldehyde tanker truck from 1000 hours to 1015 hours on December 30, 2006, resulting in the release of 0.89 pounds ("lbs") of the Hazardous Air Pollutant ("HAP") formaldehyde and 0.19 lbs of the HAP methanol, in violation of 30 TEX. ADMIN. CODE §§ 116.615(2) and (9), 116.617, 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b) and Permit No. 01140, General Terms and Conditions and Special Condition No. 8, as reported in the Permit Compliance Certification for the period of May 12, 2006 through May 11, 2007 and documented during a record review conducted on July 5, 2007.

III. DENIALS

Georgia-Pacific generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Georgia-Pacific pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Georgia-Pacific'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: Georgia-Pacific Chemicals LLC, Docket No. 2007-1415-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 Georgia-Pacific shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order:

      i. Implement measures designed to ensure that all Methanol Storage Tank equipment is operated according to the specifications outlined in the Methanol Storage Tank Monitoring Plan in accordance with 40 CFR § 63.120(d)(G);

      ii. Implement measures designed to ensure that Thermal Oxidizer (TO-2) is in operation while cleaning formaldehyde tanker trucks in accordance with 30 TEX. ADMIN. CODE § 116.615(9); and

   b. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.a.

      The certification shall be notarized by a State of Texas Notary Public and contain the following language:

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

      The certification shall be submitted to:

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

with a copy to:

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 Georgia-Pacific. Georgia-Pacific 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 Georgia-Pacific 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, Georgia-Pacific's failure to comply is not a violation of this Agreed Order. Georgia-Pacific shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Georgia-Pacific shall notify the Executive Director within seven days after Georgia-Pacific 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 Georgia-Pacific shall be made in writing to the Executive Director. Extensions are not effective until Georgia-Pacific 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 Georgia-Pacific 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 Georgia-Pacific, or three days after the date on which the Commission mails notice of the Order to Georgia-Pacific, 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

_____ 12/28/2007
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.

_____ 11/26/2007
Signature Date

Rickey E. Robbins _____ Plant Manager
Name (Printed or typed) Title
Authorized Representative of
Georgia-Pacific Chemicals LLC

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.