

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

**DOCKET NO.: 2005-0168-AIR-E TCEQ ID NO.: RN100219815 CASE NOS.: 24228 AND 26680
RESPONDENT NAME: EASTMAN CHEMICAL COMPANY**

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

SITE WHERE VIOLATION(S) OCCURRED: 300 Kodak Boulevard, Longview, Harrison County

TYPE OF OPERATION: chemical manufacturing plant

SMALL BUSINESS: Yes No

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

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 December 17, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Jim Sallans, Litigation Division, MC 175, (512) 239-2053

Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873

TCEQ Enforcement Coordinators: Ms. Kimberly Morales, Air Enforcement Section, MC R-12, (713) 422-8938 and Ms. Audra Rule, Air Enforcement Section, MC R-14, (361) 825-3126

TCEQ Regional Contact: Mr. Charles Murray, Tyler Regional Office, MC R-5, (903) 535-5178

Respondent: Mr. James Ray, Vice President and General Manager, Eastman Chemical Company Texas Operations, 300 Kodak Boulevard, Longview, Texas 37662

Respondent's Attorney: Mr. Brett A. Sago, Legal Department, P.O. Box 511, Kingsport, Tennessee 37662-5075

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Dates of Complaints Relating to this Case: None</p> <p>Dates of Investigations Relating to this Case: November 3, 2004 and September 28, 2005</p> <p>Dates of NOEs Relating to this Case: December 12, 2004 and October 3, 2005</p> <p>Background Facts:</p> <p>The Respondent contested the violations in this case on some of the events. The parties resolved the contested matters via Agreed Order.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>AIR:</p> <p>1. Failed to submit an initial notification within 24 hours of the discovery of an emissions event (Incident No. 47737) [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(A) and 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2. Failed to submit, within two weeks after the end of the emissions event, a final record of an emissions event (Incident No. 47737) [30 TEX. ADMIN. CODE § 101.201(c) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3. Failed to prevent unauthorized emissions (Incident No. 47737) [30 TEX. ADMIN. CODE § 116.115(a)(1)(A), Permit No. 19959, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$16,338</p> <p>Total Deferred: \$0</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$16,338</p> <p>The Respondent has paid the administrative penalty in full.</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 Action Taken</p> <p>The Executive Director recognizes that the Respondent has initiated employee training concerning Plant standard operating procedures and drafted and implemented procedures to prevent the reoccurrence of emission events and reporting violations in response to this enforcement action.</p>

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>4. Failed to prevent an unauthorized emission event on March 29, 2005 (Incident No. 55924). A relief valve, which is not authorized for any emissions, was reported to have released approximately 602 lbs of Volatile Organic Compounds [30 TEX. ADMIN. CODE §§ 116.115(b)(2) and 122.143(4), Air Permit 1105 and FOP O-01436, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5. Failed to prevent an unauthorized emission event on July 21, 2005 (Incident No. 61818). The EPN 104T161 was reported to have released approximately 50.60 lbs of Ethylene oxide during the 48-hour event with a permitted limit of 0.34 lbs per hour [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Air Permit 1329, Special Condition 1 and FOP O-01974, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6. Failed to meet the minimum reporting requirements for an emission event which began on July 21, 2005. The emission event (Incident No. 61818) was not reported within 24 hours of discovery [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4) and FOP O-01974, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision December 10, 2004

DATES	Assigned PCW	13-Dec-2004 04-Sep-2007	Screening	28-Jan-2005	Priority Due	11-Feb-2005	EPA Due	31-Jul-2005
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RESPONDENT/FACILITY INFORMATION	
Respondent	Eastman Chemical Company
Reg. Ent. Ref. No.	RN100219815
Additional ID No(s).	Air Account No. HH0042M
Facility/Site Region	5-Tyler <input type="text"/> Major/Minor Source Major Source <input type="text"/>

CASE INFORMATION			
Enf./Case ID No.	24228	No. of Violations	3
Docket No.	2005-0168-AIR-E	Order Type	1660 without deferral <input type="text"/>
Case Priority	2 (SNC/HPV) <input type="text"/>	Enf. Coordinator	Kimberly Morales <input type="text"/>
Media Program(s)	Air Quality <input type="text"/>	EC's Team	Enforcement Team 5 <input type="text"/>
Multi-Media	<input type="text"/>		
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 24% Enhancement Subtotals 2, 3, & 7

Notes

Culpability No 0% Enhancement Subtotal 4

Notes

Good Faith Effort to Comply 0% Reduction Subtotal 5

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with a small x)

Notes

Economic Benefit 0% Enhancement* Subtotal 6

Total EB Amounts	\$2,001	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$3,000	

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

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

Notes

Final Penalty Amount

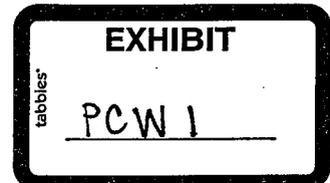
STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Reduction Adjustment

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

Notes

PAYABLE PENALTY



Screening Date 28-Jan-2005

Docket No. 2005-0168-AIR-E

PCW

Respondent Eastman Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 24228

PCW Revision December 10, 2004

Reg. Ent. Reference No. RN100219815

Additional ID No(s). Air Account No. HH0042M

Media [Statute] Air Quality

Enf. Coordinator Kimberly Morales

Site Address 300 Kodak Boulevard, Longview, Harrison County

Compliance History Worksheet

>> Compliance History *Site Enhancement* (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	7	14%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (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 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	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) 24%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History *Person Classification* (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent received an enhancement due to two NOVs for the same type violation, six self-reported NOVs, and 1 Commission issued NOV for other violations.

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

Screening Date 28-Jan-2005

Docket No. 2005-0168-AIR-E

PCW

Respondent Eastman Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 24228

PCW Revision December 10, 2004

Reg. Ent. Reference No. RN100219815

Additional ID No(s). Air Account No. HH0042M

Media [Statute] Air Quality

Enf. Coordinator Kimberly Morales

Violation Number

Primary Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1)(A) and 101.201(a)(1)(B)

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit an initial notification within 24 hours of the discovery of an emissions event (Incident No. 47737). Specifically, the emissions event started on September 28, 2004 at 4:00 p.m., and was not reported until October 12, 2004, as documented during an investigation conducted on November 3, 2004.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	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

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Eastman Chemical Company
 Case ID No. 24228
 Reg. Ent. Reference No. RN100219815
 Additional ID No(s). Air Account No. HH0042M
 Media [Statute] Air Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$500	29-Sep-2004	12-Oct-2004	0.0	\$1	n/a	\$1

Notes for DELAYED costs: Estimated cost to properly notify the Commission of an emissions event, from the date required (September 29, 2004) through the date notice was given (October 12, 2004).

Item	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 **\$1**

Screening Date 28-Jan-2005 **Docket No.** 2005-0168-AIR-E **PCW**
Respondent Eastman Chemical Company *Policy Revision 2 (September 2002)*
Case ID No. 24228 *PCW Revision December 10, 2004*
Reg. Ent. Reference No. RN100219815
Additional ID No(s). Air Account No. HH0042M
Media [Statute] Air Quality
Enf. Coordinator Kimberly Morales
Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code § 101.201(c)
Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to create a final record of an emissions event (Incident No. 47737) and submit it within two weeks after the end of the emissions event. Specifically, the emissions event ended on September 28, 2004 at 10:00 p.m. and was therefore required to be submitted to the Commission by October 12, 2004. The final report was entered into the State of Texas Environmental Electronic Reporting System (STEERS) on October 14, 2004, as documented during an investigation conducted on November 3, 2004.

Base Penalty \$10,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	X			25%

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

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

<i>mark only one use a small x</i>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$2,500

One single event is recommended based on findings documented during the investigation conducted November 3, 2004.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$3,100

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

Economic Benefit Worksheet

Respondent Eastman Chemical Company
 Case ID No. 24228
 Reg. Ent. Reference No. RN100219815
 Additional ID No(s). Air Account No. HH0042M
 Media [Statute] Air Quality
 Violation No. 2

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				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)	\$500	12-Oct-2004	14-Oct-2004	0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to properly create and submit the final report of an emissions event, from the date required (October 12, 2004) through the date report was submitted (October 14, 2004).

Item Description	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 **\$0**

Screening Date 28-Jan-2005

Docket No. 2005-0168-AIR-E

PCW

Respondent Eastman Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 24228

PCW Revision December 10, 2004

Reg. Ent. Reference No. RN100219815

Additional ID No(s). Air Account No. HH0042M

Media [Statute] Air Quality

Enf. Coordinator Kimberly Morales

Violation Number

Primary Rule Cite(s)

Tex. Admin. Code § 116.115(c), Permit No. 19959, Special Condition 1

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions during an emissions event (Incident No. 47737), as documented during an investigation conducted on November 3, 2004. Incident No. 47737 emissions were due to operations deviating from procedures by shutting down the recycled gas compressor, which resulted in unauthorized emissions through the two flares. The unauthorized emissions for this emissions event are detailed in the attached table for violation 3. Since these emissions were reported late and the cause of the emissions event was avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty

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

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

>> **Programmatic Matrix**

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

Matrix Notes

The emissions resulted in the exposure of insignificant amounts of pollutants which do not exceed levels protective of human health or the environment.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small 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="checkbox"/>

Violation Base Penalty

One single event is recommended for the discreet unauthorized emissions beginning September 28, 2004.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Eastman Chemical Company
 Case ID No. 24228
 Reg. Ent. Reference No. RN100219815
 Additional ID No(s). Air Account No. HH0042M
 Media [Statute] Air Quality
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

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)	\$2,000	28-Sep-2004	29-Sep-2004	0.0	\$0	\$2,000	\$2,000

Notes for AVOIDED costs The approximate cost to train personnel on proper operational protocols for Polyethylene Plant 3 reactors' degassing train.

Approx. Cost of Compliance **\$2,000**

TOTAL \$2,000

Compliance History

Customer/Respondent/Owner-Operator:	CN601214406	Eastman Chemical Company	Classification: AVERAGE	Rating: 1.890
Regulated Entity:	RN100219815	EASTMAN CHEMICAL	Classification: AVERAGE	Site Rating: 0.13
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE DISPOSAL	SOLID WASTE REGISTRATION # (SWR)		30137
	INDUSTRIAL AND HAZARDOUS WASTE DISPOSAL	PERMIT		50043
	INDUSTRIAL AND HAZARDOUS WASTE DISPOSAL	EPA ID		TXD007330202
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION		42597
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		1020092
	AIR OPERATING PERMITS	PERMIT		1983
	AIR OPERATING PERMITS	PERMIT		1982
	AIR OPERATING PERMITS	PERMIT		1981
	AIR OPERATING PERMITS	PERMIT		1979
	AIR OPERATING PERMITS	PERMIT		1978
	AIR OPERATING PERMITS	PERMIT		1977
	AIR OPERATING PERMITS	PERMIT		1976
	AIR OPERATING PERMITS	PERMIT		1975
	AIR OPERATING PERMITS	PERMIT		1974
	AIR OPERATING PERMITS	PERMIT		1973
	AIR OPERATING PERMITS	PERMIT		1972
	AIR OPERATING PERMITS	PERMIT		1971
	AIR OPERATING PERMITS	PERMIT		1970
	AIR OPERATING PERMITS	PERMIT		1969
	AIR OPERATING PERMITS	PERMIT		1968
	AIR OPERATING PERMITS	PERMIT		1967
	AIR OPERATING PERMITS	PERMIT		1436
	AIR OPERATING PERMITS	ACCOUNT NUMBER		HH0042M
	WASTEWATER	PERMIT		TPDES0000949
	WASTEWATER	PERMIT		WQ0000471000
	AIR NEW SOURCE PERMITS	PERMIT		53858
	AIR NEW SOURCE PERMITS	PERMIT		52422
	AIR NEW SOURCE PERMITS	PERMIT		52841
	AIR NEW SOURCE PERMITS	PERMIT		52785
	AIR NEW SOURCE PERMITS	PERMIT		52820
	AIR NEW SOURCE PERMITS	PERMIT		46337
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		HH0042M
	AIR NEW SOURCE PERMITS	PERMIT		50321
	AIR NEW SOURCE PERMITS	PERMIT		50099
	AIR NEW SOURCE PERMITS	PERMIT		50110
	AIR NEW SOURCE PERMITS	PERMIT		50167
	AIR NEW SOURCE PERMITS	PERMIT		49989
	AIR NEW SOURCE PERMITS	PERMIT		50016
	AIR NEW SOURCE PERMITS	PERMIT		50067
	AIR NEW SOURCE PERMITS	PERMIT		49793
	AIR NEW SOURCE PERMITS	PERMIT		49740
	AIR NEW SOURCE PERMITS	PERMIT		49363
	AIR NEW SOURCE PERMITS	PERMIT		49567
	AIR NEW SOURCE PERMITS	PERMIT		49497
	AIR NEW SOURCE PERMITS	PERMIT		48655
	AIR NEW SOURCE PERMITS	PERMIT		48776
	AIR NEW SOURCE PERMITS	PERMIT		48758

EXHIBIT

CH 1

tabbies

AIR NEW SOURCE PERMITS	PERMIT	48646
AIR NEW SOURCE PERMITS	PERMIT	48617
AIR NEW SOURCE PERMITS	PERMIT	48615
AIR NEW SOURCE PERMITS	PERMIT	48592
AIR NEW SOURCE PERMITS	PERMIT	48591
AIR NEW SOURCE PERMITS	PERMIT	48590
AIR NEW SOURCE PERMITS	PERMIT	48589
AIR NEW SOURCE PERMITS	PERMIT	48588
AIR NEW SOURCE PERMITS	PERMIT	48362
AIR NEW SOURCE PERMITS	PERMIT	48390
AIR NEW SOURCE PERMITS	PERMIT	46672
AIR NEW SOURCE PERMITS	PERMIT	48218
AIR NEW SOURCE PERMITS	PERMIT	48119
AIR NEW SOURCE PERMITS	PERMIT	47890
AIR NEW SOURCE PERMITS	PERMIT	47934
AIR NEW SOURCE PERMITS	PERMIT	47232
AIR NEW SOURCE PERMITS	PERMIT	47044
AIR NEW SOURCE PERMITS	PERMIT	47007
AIR NEW SOURCE PERMITS	PERMIT	46257
AIR NEW SOURCE PERMITS	PERMIT	46224
AIR NEW SOURCE PERMITS	PERMIT	45823
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AIR NEW SOURCE PERMITS	PERMIT	45203
AIR NEW SOURCE PERMITS	PERMIT	45164
AIR NEW SOURCE PERMITS	PERMIT	45168
AIR NEW SOURCE PERMITS	PERMIT	45169
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AIR NEW SOURCE PERMITS	PERMIT	39774
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AIR NEW SOURCE PERMITS	PERMIT	38305
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AIR NEW SOURCE PERMITS	PERMIT	33574
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AIR NEW SOURCE PERMITS	PERMIT	18104
AIR NEW SOURCE PERMITS	PERMIT	17939
AIR NEW SOURCE PERMITS	PERMIT	17833
AIR NEW SOURCE PERMITS	PERMIT	17579
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AIR NEW SOURCE PERMITS	PERMIT	16485
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AIR NEW SOURCE PERMITS	REGISTRATION	74176
AIR NEW SOURCE PERMITS	REGISTRATION	74158
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AIR NEW SOURCE PERMITS	REGISTRATION	73745
AIR NEW SOURCE PERMITS	REGISTRATION	73753
AIR NEW SOURCE PERMITS	REGISTRATION	73616
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AIR NEW SOURCE PERMITS	REGISTRATION	73184
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AIR NEW SOURCE PERMITS	PERMIT	72945
AIR NEW SOURCE PERMITS	PERMIT	72296
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AIR NEW SOURCE PERMITS	REGISTRATION	72607
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AIR NEW SOURCE PERMITS	REGISTRATION	72467
AIR NEW SOURCE PERMITS	REGISTRATION	72364

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AIR NEW SOURCE PERMITS	PERMIT	54130
AIR NEW SOURCE PERMITS	PERMIT	51006
AIR NEW SOURCE PERMITS	PERMIT	51005
AIR NEW SOURCE PERMITS	PERMIT	51004
AIR NEW SOURCE PERMITS	PERMIT	53756
AIR NEW SOURCE PERMITS	REGISTRATION	72296
AIR NEW SOURCE PERMITS	REGISTRATION	72295
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AIR NEW SOURCE PERMITS	PERMIT	52062
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AIR NEW SOURCE PERMITS	PERMIT	53062
AIR NEW SOURCE PERMITS	PERMIT	56023
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AIR NEW SOURCE PERMITS	PERMIT	54111
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AIR NEW SOURCE PERMITS	PERMIT	50614
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AIR NEW SOURCE PERMITS	PERMIT	53998
AIR NEW SOURCE PERMITS	PERMIT	53918

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AIR NEW SOURCE PERMITS	PERMIT	56518
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AIR NEW SOURCE PERMITS	PERMIT	56558
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AIR NEW SOURCE PERMITS	PERMIT	56577
AIR NEW SOURCE PERMITS	PERMIT	56589
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AIR NEW SOURCE PERMITS	REGISTRATION	71686
AIR NEW SOURCE PERMITS	REGISTRATION	71721
AIR NEW SOURCE PERMITS	PERMIT	71713
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AIR NEW SOURCE PERMITS	REGISTRATION	71478
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AIR NEW SOURCE PERMITS	REGISTRATION	70772
AIR NEW SOURCE PERMITS	REGISTRATION	70823
AIR NEW SOURCE PERMITS	REGISTRATION	70822
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AIR NEW SOURCE PERMITS	REGISTRATION	70543

AIR NEW SOURCE PERMITS	REGISTRATION	70477
AIR NEW SOURCE PERMITS	REGISTRATION	70379
AIR NEW SOURCE PERMITS	PERMIT	52985
AIR NEW SOURCE PERMITS	PERMIT	49078
AIR NEW SOURCE PERMITS	PERMIT	48761
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AIR NEW SOURCE PERMITS	REGISTRATION	70018
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AIR NEW SOURCE PERMITS	AFS NUM	0019
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AIR NEW SOURCE PERMITS	REGISTRATION	56175
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AIR NEW SOURCE PERMITS	REGISTRATION	72214
AIR NEW SOURCE PERMITS	REGISTRATION	72061
WASTEWATER LICENSING	LICENSE	WQ0000471000
USED OIL	REGISTRATION	A85413

Location: 300 KODAK BLVD Rating Date: 9/1/04 Repeat Violator: NO

TCEQ Region: REGION 05 - TYLER

Date Compliance History Prepared: January 14, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 14, 2000 to January 14, 2005

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

Name: Carolyn V. Lind Phone: (903) 535-5145

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

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

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	12/17/2001	(82731)
2	07/30/2001	(153776)
3	12/17/2001	(82730)
4	12/17/2001	(82729)
5	12/11/2001	(82728)
6	12/11/2001	(82727)
7	07/23/2002	(153777)
8	12/11/2001	(82726)
9	12/04/2001	(82725)
10	07/23/2003	(153778)
11	12/04/2001	(82724)
12	12/04/2001	(82723)
13	12/04/2001	(82722)
14	08/29/2000	(153779)
15	12/04/2001	(82721)
16	12/04/2001	(82720)
17	03/12/2003	(23773)
18	08/29/2001	(153780)
19	11/28/2001	(82719)
20	10/04/2001	(82718)
21	08/30/2002	(9169)
22	08/23/2002	(153781)
23	08/16/2000	(30163)
24	04/05/2004	(267733)
25	08/30/2001	(82717)
26	08/23/2002	(153782)
27	08/30/2002	(9121)
28	07/27/2001	(82716)
29	07/31/2003	(38151)
30	09/27/2000	(153783)
31	08/28/2002	(9186)
32	09/27/2001	(153784)
33	07/27/2001	(82715)
34	07/26/2001	(82714)
35	05/30/2003	(61647)
36	09/23/2002	(153785)
37	07/26/2001	(82713)
38	07/26/2001	(82712)
39	01/03/2005	(345829)
40	07/26/2001	(82711)
41	10/30/2000	(153786)
42	07/26/2001	(82710)
43	03/12/2003	(23831)
44	07/10/2001	(82709)
45	11/01/2001	(153787)
46	06/05/2001	(82708)

47	10/21/2002	(153788)
48	06/05/2001	(82707)
49	06/03/2003	(61798)
50	05/24/2001	(82706)
51	05/24/2001	(82705)
52	05/24/2001	(82704)
53	08/19/2003	(150726)
54	05/17/2001	(82703)
55	05/17/2001	(82702)
56	11/27/2000	(153790)
57	05/17/2001	(82701)
58	05/17/2001	(82700)
59	11/26/2001	(153791)
60	03/12/2003	(24524)
61	05/17/2001	(82699)
62	06/17/2004	(275984)
63	02/24/2004	(293669)
64	05/17/2001	(82698)
65	11/25/2002	(153792)
66	05/17/2001	(82697)
67	05/10/2001	(82696)
68	01/30/2001	(82695)
69	05/02/2003	(24169)
70	12/07/2004	(341048)
71	01/30/2001	(82694)
72	12/27/2000	(153794)
73	01/30/2001	(82693)
74	03/22/2003	(293672)
75	01/30/2001	(82692)
76	01/26/2001	(82691)
77	12/27/2001	(153795)
78	01/26/2001	(82690)
79	04/23/2004	(293673)
80	08/29/2000	(82689)
81	12/30/2002	(153796)
82	08/29/2000	(82688)
83	08/28/2000	(82687)
84	08/22/2000	(82686)
85	01/29/2004	(250443)
86	08/07/2000	(82685)
87	01/29/2001	(153798)
88	05/25/2004	(293675)
89	08/03/2000	(82684)
90	08/03/2000	(82683)
91	01/29/2002	(153799)
92	05/30/2000	(82682)
93	01/24/2003	(153800)
94	06/22/2004	(293677)
95	05/30/2000	(82681)
96	05/14/2003	(36483)
97	05/30/2000	(82680)
98	01/03/2005	(345817)

99	05/30/2000	(82679)
100	05/30/2000	(82678)
101	05/15/2000	(82677)
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105	03/20/2000	(82674)
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108	03/12/2003	(24677)
109	09/23/2003	(293682)
110	03/20/2000	(82672)
111	03/20/2000	(82671)
112	03/18/2004	(266121)
113	03/20/2000	(82670)
114	10/24/2003	(293684)
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116	03/15/2000	(82669)
117	11/21/2003	(293685)
118	03/07/2000	(82668)
119	12/29/2003	(293686)
120	03/07/2000	(82667)
121	03/07/2000	(82666)
122	03/07/2000	(82665)
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124	02/01/2000	(82663)
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129	08/30/2002	(7499)
130	05/02/2003	(29894)
131	07/01/2004	(277715)
132	03/12/2003	(24100)
133	07/05/2001	(39449)
134	01/03/2005	(345910)
135	02/03/2004	(261617)
136	07/28/2003	(146866)
137	12/22/2003	(258006)
138	10/28/2004	(293068)
139	03/12/2003	(24554)
140	11/19/2002	(14466)
141	01/29/2004	(257791)
142	03/13/2003	(25973)
143	02/28/2000	(153755)
144	02/26/2001	(153756)
145	02/27/2002	(153757)
146	03/13/2003	(25944)
147	02/24/2003	(153758)
148	03/27/2001	(153759)
149	03/27/2002	(153760)
150	03/25/2003	(153761)

151 03/28/2000 (153762)
152 12/06/2002 (16366)
153 04/26/2000 (153763)
154 05/01/2001 (153764)
155 04/29/2002 (153765)
156 04/21/2003 (153766)
157 06/03/2002 (82757)
158 05/07/2002 (82756)
159 05/30/2000 (153767)
160 05/07/2002 (82755)
161 04/18/2002 (82754)
162 08/13/2003 (146622)
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166 03/22/2002 (82752)
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168 05/23/2003 (153770)
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172 08/30/2002 (9134)
173 06/27/2000 (153771)
174 03/22/2002 (82747)
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176 03/13/2002 (82745)
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178 03/13/2002 (82744)
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181 08/28/2003 (150648)
182 03/13/2002 (82742)
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184 06/24/2002 (153773)
185 03/13/2002 (82740)
186 12/20/2004 (344802)
187 03/13/2002 (82739)
188 01/03/2005 (345805)
189 03/13/2002 (82738)
190 08/28/2003 (150745)
191 06/24/2003 (153774)
192 03/07/2002 (82737)
193 03/07/2002 (82736)
194 12/16/2003 (257911)
195 02/06/2002 (82735)
196 07/27/2000 (153775)
197 02/06/2002 (82734)
198 02/06/2002 (82733)
199 01/10/2002 (82732)

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

Date: 10/18/2001 (82717)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 Description: UNAUTHORIZED DISCHARGE
 Date: 09/30/2002 (153788) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/31/2004 (293669) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/29/2004 (293672) Classification: Moderate
 Self Report? YES
 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: 03/31/2004 (293673) Classification: Moderate
 Self Report? YES
 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: 01/05/2004 (258924) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to notify the Texas Commission on Environmental Quality (TCEQ) Tyler Regional Office
 of a reportable emissions event within 24 hours after discovery of the event.
 Date: 05/31/2004 (293677) Classification: Moderate
 Self Report? YES
 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: 11/30/2003 (293686) Classification: Moderate
 Self Report? YES
 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: 07/26/2004 (332755) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE

F. Environmental audits.

N/A

Description:

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



Penalty Calculation Worksheet (PCW)
 Policy Revision 2 (September 2002) PCW Revision May 19, 2005

DATES	Assigned 22-Aug-2005	Screening 24-Aug-2005	EPA Due 05-Jun-2006
	PCW 03-Dec-2007		

RESPONDENT/FACILITY INFORMATION	
Respondent	Eastman Chemical Company
Reg. Ent. Ref. No.	RN100219815
Facility/Site Region	5-Tyler < Major/Minor Source Major Source <

CASE INFORMATION			
Enf./Case ID No.	26680	No. of Violations	3
Docket No.	2005-0168-AIR-E	Order Type	1660 <
Media Program(s)	Air Quality <	Enf. Coordinator	Audra L. Ruble
Multi-Media		EC's Team	Enforcement Team 7 <
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 38% Enhancement Subtotals 2, 3, & 7

Notes

Culpability No < 0% Enhancement Subtotal 4

Notes

Good Faith Effort to Comply 0% Reduction Subtotal 5

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	<i>(mark with a small x)</i>

Notes

Economic Benefit 0% Enhancement* Subtotal 6

Total EB Amounts	\$26	<small>*Capped at the Total EB \$ Amount</small>
Approx. Cost of Compliance	\$2,200	

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

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

Notes

Final Penalty Amount

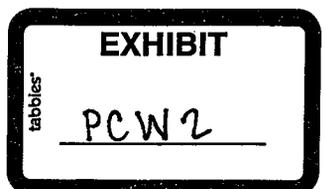
STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Reduction Adjustment

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

Notes

PAYABLE PENALTY



Screening Date 24-Aug-2005 **Docket No.** 2005-0168-AIR-E **PCW**
Respondent Eastman Chemical Company *Policy Revision 2 (September 2002)*
Case ID No. 26680 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN100219815
Media [Statute] Air Quality
Enf. Coordinator Audra L. Ruble

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	14	28%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
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) 38%

>> **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 Respondent has two same or similar NOVs, six NOVs for non-similar violations, and eight self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 38%

Screening Date 24-Aug-2005

Docket No. 2005-0168-AIR-E

PCW

Respondent Eastman Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 26680

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN100219815

Media [Statute] Air Quality

Enf. Coordinator Audra L. Ruble

Violation Number

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2) and 122.143(4), Air Permit 1105 and Federal Operating Permit ("FOP") O-01436
 Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to prevent an unauthorized emission event on March 29, 2005. The report submitted shows that a relief valve, which is not authorized for any emissions, released approximately 602 lbs of Volatile Organic Compounds. The emissions do not meet the demonstrations in 30 Tex. Admin. Code § 101.222 and are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b)(1-11).

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	X

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Eastman Chemical Company
 Case ID No. 26680
 Reg. Ent. Reference No. RN100219815
 Media [Statute] Air Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$100	29-Mar-2005	15-Jul-2005	0.3	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to label lines to prevent misidentification. Date required is the date of the emission event and final date is when compliance documentation was received.

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

TOTAL

Screening Date 24-Aug-2005

Docket No. 2005-0168-AIR-E

PCW

Respondent Eastman Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 26680

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN100219815

Media [Statute] Air Quality

Enf. Coordinator Audra L. Ruble

Violation Number

Primary Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Air Permit 1329, Special Condition 1 and FOP O-01974

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failure to prevent an unauthorized emission event on July 21, 2005. The report submitted shows that EPN 104T161 released approximately 50.60 lbs of Ethylene oxide during the 48 hour event, with a permitted limit of 0.34 lbs/hr. The emissions do not meet the demonstrations in 30 Tex. Admin. Code § 101.222 and are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b)(1-11).

Base Penalty

>> Environmental, Property and Human Health Matrix

		Harm		
Release		Major	Moderate	Minor
OR	Actual			X
	Potential			

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	X	

Violation Base Penalty

Economic Benefit (EB) for this violation.

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Eastman Chemical Company
 Case ID No. 26680
 Reg. Ent. Reference No. RN100219815
 Media [Statute] Air Quality
 Violation No. 2

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				0.0	\$0	n/a	\$0
Training/Sampling	\$500	21-Jul-2005	01-Jul-2006	0.9	\$24	n/a	\$24
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	21-Jul-2005	23-Jul-2005	0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost make necessary repairs and bring the system back on-line, calculated from the beginning to the end of the emission event. Estimated cost to provide employee training, calculated from violation date until when compliance is expected to be achieved.

Item	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

TOTAL

Screening Date 24-Aug-2005

Docket No. 2005-0168-AIR-E

PCW

Respondent Eastman Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 26680

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN100219815

Media [Statute] Air Quality

Enf. Coordinator Audra L. Ruble

Violation Number

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 122.143(4) and FOP O-01974

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to meet the minimum reporting requirements for an emission event which began on July 21, 2005. Specifically, the emission event was not reported with 24 hours of discovery.

Base Penalty

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

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

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="1%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	<i>daily</i>	<input type="text"/>
	<i>monthly</i>	<input type="text"/>
	<i>quarterly</i>	<input type="text"/>
	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<input type="text"/>
	<i>single event</i>	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Eastman Chemical Company
 Case ID No. 26680
 Reg. Ent. Reference No. RN100219815
 Media [Statute] Air Quality
 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
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)	\$100	22-Jul-2005	27-Jul-2005	0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to make a timely notification. Date required is when the notification should have been made and final date is when the notification was received.

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

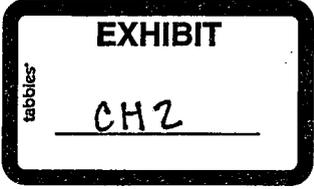
Notes for AVOIDED costs:

Approx. Cost of Compliance

TOTAL

Compliance History

Customer/Respondent/Owner-Operator:	CN601214406	Eastman Chemical Company	Classification: AVERAGE	Rating: 2.03
Regulated Entity:	RN100219815	EASTMAN CHEMICAL	Classification: AVERAGE	Site Rating: 0.28
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HH0042M	
	AIR OPERATING PERMITS	PERMIT	1436	
	AIR OPERATING PERMITS	PERMIT	1967	
	AIR OPERATING PERMITS	PERMIT	1968	
	AIR OPERATING PERMITS	PERMIT	1969	
	AIR OPERATING PERMITS	PERMIT	1970	
	AIR OPERATING PERMITS	PERMIT	1971	
	AIR OPERATING PERMITS	PERMIT	1972	
	AIR OPERATING PERMITS	PERMIT	1973	
	AIR OPERATING PERMITS	PERMIT	1974	
	AIR OPERATING PERMITS	PERMIT	1975	
	AIR OPERATING PERMITS	PERMIT	1976	
	AIR OPERATING PERMITS	PERMIT	1977	
	AIR OPERATING PERMITS	PERMIT	1978	
	AIR OPERATING PERMITS	PERMIT	1979	
	AIR OPERATING PERMITS	PERMIT	1981	
	AIR OPERATING PERMITS	PERMIT	1982	
	AIR OPERATING PERMITS	PERMIT	1983	
	AIR NEW SOURCE PERMITS	PERMIT	208	
	AIR NEW SOURCE PERMITS	PERMIT	626	
	AIR NEW SOURCE PERMITS	PERMIT	681	
	AIR NEW SOURCE PERMITS	PERMIT	908	
	AIR NEW SOURCE PERMITS	PERMIT	1105	
	AIR NEW SOURCE PERMITS	PERMIT	1143	
	AIR NEW SOURCE PERMITS	PERMIT	1329	
	AIR NEW SOURCE PERMITS	PERMIT	2102	
	AIR NEW SOURCE PERMITS	PERMIT	5283	
	AIR NEW SOURCE PERMITS	PERMIT	5888	
	AIR NEW SOURCE PERMITS	PERMIT	6419	
	AIR NEW SOURCE PERMITS	PERMIT	6509	
	AIR NEW SOURCE PERMITS	PERMIT	6772	
	AIR NEW SOURCE PERMITS	PERMIT	6777	
	AIR NEW SOURCE PERMITS	PERMIT	7022	
	AIR NEW SOURCE PERMITS	PERMIT	7023	
	AIR NEW SOURCE PERMITS	PERMIT	7416	
	AIR NEW SOURCE PERMITS	PERMIT	7695	
	AIR NEW SOURCE PERMITS	PERMIT	7752	
	AIR NEW SOURCE PERMITS	PERMIT	8522	
	AIR NEW SOURCE PERMITS	PERMIT	8539	
	AIR NEW SOURCE PERMITS	PERMIT	9167	
	AIR NEW SOURCE PERMITS	PERMIT	9301	
	AIR NEW SOURCE PERMITS	PERMIT	9309	
	AIR NEW SOURCE PERMITS	PERMIT	9552	
	AIR NEW SOURCE PERMITS	PERMIT	9631	
	AIR NEW SOURCE PERMITS	PERMIT	11243	
	AIR NEW SOURCE PERMITS	PERMIT	12367	
	AIR NEW SOURCE PERMITS	PERMIT	13510	
	AIR NEW SOURCE PERMITS	PERMIT	13743	
	AIR NEW SOURCE PERMITS	PERMIT	14137	
	AIR NEW SOURCE PERMITS	PERMIT	14558	
	AIR NEW SOURCE PERMITS	PERMIT	14953	
	AIR NEW SOURCE PERMITS	PERMIT	15392	
	AIR NEW SOURCE PERMITS	PERMIT	15535	
	AIR NEW SOURCE PERMITS	PERMIT	15691	
	AIR NEW SOURCE PERMITS	PERMIT	15724	
	AIR NEW SOURCE PERMITS	PERMIT	16022	
	AIR NEW SOURCE PERMITS	PERMIT	16485	
	AIR NEW SOURCE PERMITS	PERMIT	17578	
	AIR NEW SOURCE PERMITS	PERMIT	17579	
	AIR NEW SOURCE PERMITS	PERMIT	17833	
	AIR NEW SOURCE PERMITS	PERMIT	17939	
	AIR NEW SOURCE PERMITS	PERMIT	18104	
	AIR NEW SOURCE PERMITS	PERMIT	18528	



AIR NEW SOURCE PERMITS	PERMIT	19230
AIR NEW SOURCE PERMITS	PERMIT	19959
AIR NEW SOURCE PERMITS	PERMIT	20489
AIR NEW SOURCE PERMITS	PERMIT	20505
AIR NEW SOURCE PERMITS	PERMIT	20567
AIR NEW SOURCE PERMITS	PERMIT	21315
AIR NEW SOURCE PERMITS	PERMIT	21832
AIR NEW SOURCE PERMITS	PERMIT	24461
AIR NEW SOURCE PERMITS	PERMIT	27433
AIR NEW SOURCE PERMITS	PERMIT	27941
AIR NEW SOURCE PERMITS	PERMIT	26307
AIR NEW SOURCE PERMITS	PERMIT	26908
AIR NEW SOURCE PERMITS	PERMIT	27086
AIR NEW SOURCE PERMITS	PERMIT	26973
AIR NEW SOURCE PERMITS	PERMIT	28548
AIR NEW SOURCE PERMITS	PERMIT	29575
AIR NEW SOURCE PERMITS	PERMIT	30130
AIR NEW SOURCE PERMITS	PERMIT	29676
AIR NEW SOURCE PERMITS	PERMIT	30643
AIR NEW SOURCE PERMITS	PERMIT	31038
AIR NEW SOURCE PERMITS	PERMIT	33574
AIR NEW SOURCE PERMITS	PERMIT	35254
AIR NEW SOURCE PERMITS	PERMIT	35597
AIR NEW SOURCE PERMITS	PERMIT	35737
AIR NEW SOURCE PERMITS	PERMIT	37813
AIR NEW SOURCE PERMITS	PERMIT	37878
AIR NEW SOURCE PERMITS	PERMIT	38305
AIR NEW SOURCE PERMITS	PERMIT	39472
AIR NEW SOURCE PERMITS	PERMIT	39774
AIR NEW SOURCE PERMITS	PERMIT	40744
AIR NEW SOURCE PERMITS	PERMIT	41365
AIR NEW SOURCE PERMITS	PERMIT	41505
AIR NEW SOURCE PERMITS	PERMIT	42055
AIR NEW SOURCE PERMITS	PERMIT	42046
AIR NEW SOURCE PERMITS	PERMIT	43023
AIR NEW SOURCE PERMITS	PERMIT	43150
AIR NEW SOURCE PERMITS	PERMIT	42273
AIR NEW SOURCE PERMITS	PERMIT	43891
AIR NEW SOURCE PERMITS	PERMIT	44177
AIR NEW SOURCE PERMITS	PERMIT	44473
AIR NEW SOURCE PERMITS	PERMIT	44705
AIR NEW SOURCE PERMITS	PERMIT	45169
AIR NEW SOURCE PERMITS	PERMIT	45168
AIR NEW SOURCE PERMITS	PERMIT	45164
AIR NEW SOURCE PERMITS	PERMIT	45203
AIR NEW SOURCE PERMITS	PERMIT	45369
AIR NEW SOURCE PERMITS	PERMIT	45823
AIR NEW SOURCE PERMITS	PERMIT	46224
AIR NEW SOURCE PERMITS	PERMIT	46257
AIR NEW SOURCE PERMITS	PERMIT	47007
AIR NEW SOURCE PERMITS	PERMIT	47044
AIR NEW SOURCE PERMITS	PERMIT	47232
AIR NEW SOURCE PERMITS	PERMIT	47934
AIR NEW SOURCE PERMITS	PERMIT	47890
AIR NEW SOURCE PERMITS	PERMIT	48119
AIR NEW SOURCE PERMITS	PERMIT	48218
AIR NEW SOURCE PERMITS	PERMIT	46672
AIR NEW SOURCE PERMITS	PERMIT	48390
AIR NEW SOURCE PERMITS	PERMIT	48362
AIR NEW SOURCE PERMITS	PERMIT	48588
AIR NEW SOURCE PERMITS	PERMIT	48589
AIR NEW SOURCE PERMITS	PERMIT	48590
AIR NEW SOURCE PERMITS	PERMIT	48591
AIR NEW SOURCE PERMITS	PERMIT	48592
AIR NEW SOURCE PERMITS	PERMIT	48615
AIR NEW SOURCE PERMITS	PERMIT	48617
AIR NEW SOURCE PERMITS	PERMIT	48646
AIR NEW SOURCE PERMITS	PERMIT	48758
AIR NEW SOURCE PERMITS	PERMIT	48776

AIR NEW SOURCE PERMITS	PERMIT	48655
AIR NEW SOURCE PERMITS	PERMIT	49497
AIR NEW SOURCE PERMITS	PERMIT	49567
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AIR NEW SOURCE PERMITS	PERMIT	50110
AIR NEW SOURCE PERMITS	PERMIT	50099
AIR NEW SOURCE PERMITS	PERMIT	50321
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HH0042M
AIR NEW SOURCE PERMITS	PERMIT	46337
AIR NEW SOURCE PERMITS	PERMIT	52820
AIR NEW SOURCE PERMITS	PERMIT	52785
AIR NEW SOURCE PERMITS	PERMIT	52841
AIR NEW SOURCE PERMITS	PERMIT	52422
AIR NEW SOURCE PERMITS	PERMIT	53858
AIR NEW SOURCE PERMITS	REGISTRATION	72061
AIR NEW SOURCE PERMITS	REGISTRATION	72214
AIR NEW SOURCE PERMITS	REGISTRATION	72090
AIR NEW SOURCE PERMITS	PERMIT	1329
AIR NEW SOURCE PERMITS	REGISTRATION	54745
AIR NEW SOURCE PERMITS	REGISTRATION	55288
AIR NEW SOURCE PERMITS	PERMIT	55267
AIR NEW SOURCE PERMITS	REGISTRATION	55550
AIR NEW SOURCE PERMITS	PERMIT	75233
AIR NEW SOURCE PERMITS	REGISTRATION	75615
AIR NEW SOURCE PERMITS	REGISTRATION	75914
AIR NEW SOURCE PERMITS	REGISTRATION	75913
AIR NEW SOURCE PERMITS	REGISTRATION	75921
AIR NEW SOURCE PERMITS	REGISTRATION	75578
AIR NEW SOURCE PERMITS	REGISTRATION	76352
AIR NEW SOURCE PERMITS	REGISTRATION	75700
AIR NEW SOURCE PERMITS	PERMIT	75701
AIR NEW SOURCE PERMITS	REGISTRATION	76268
AIR NEW SOURCE PERMITS	REGISTRATION	76267
AIR NEW SOURCE PERMITS	REGISTRATION	76096
AIR NEW SOURCE PERMITS	REGISTRATION	55899
AIR NEW SOURCE PERMITS	REGISTRATION	76155
AIR NEW SOURCE PERMITS	REGISTRATION	75584
AIR NEW SOURCE PERMITS	REGISTRATION	75396
AIR NEW SOURCE PERMITS	REGISTRATION	76333
AIR NEW SOURCE PERMITS	REGISTRATION	75718
AIR NEW SOURCE PERMITS	REGISTRATION	56104
AIR NEW SOURCE PERMITS	REGISTRATION	56175
AIR NEW SOURCE PERMITS	PERMIT	56310
AIR NEW SOURCE PERMITS	PERMIT	56298
AIR NEW SOURCE PERMITS	AFS NUM	0019
AIR NEW SOURCE PERMITS	REGISTRATION	70010
AIR NEW SOURCE PERMITS	REGISTRATION	70018
AIR NEW SOURCE PERMITS	REGISTRATION	70078
AIR NEW SOURCE PERMITS	REGISTRATION	70116
AIR NEW SOURCE PERMITS	REGISTRATION	70117
AIR NEW SOURCE PERMITS	PERMIT	70169
AIR NEW SOURCE PERMITS	REGISTRATION	56590
AIR NEW SOURCE PERMITS	REGISTRATION	70196
AIR NEW SOURCE PERMITS	PERMIT	70288
AIR NEW SOURCE PERMITS	PERMIT	48626
AIR NEW SOURCE PERMITS	PERMIT	48761
AIR NEW SOURCE PERMITS	PERMIT	49078
AIR NEW SOURCE PERMITS	PERMIT	52985
AIR NEW SOURCE PERMITS	REGISTRATION	70379
AIR NEW SOURCE PERMITS	REGISTRATION	70477
AIR NEW SOURCE PERMITS	REGISTRATION	70543
AIR NEW SOURCE PERMITS	REGISTRATION	70797
AIR NEW SOURCE PERMITS	REGISTRATION	70822

AIR NEW SOURCE PERMITS	REGISTRATION	70823
AIR NEW SOURCE PERMITS	REGISTRATION	70772
AIR NEW SOURCE PERMITS	REGISTRATION	70884
AIR NEW SOURCE PERMITS	REGISTRATION	70882
AIR NEW SOURCE PERMITS	REGISTRATION	71012
AIR NEW SOURCE PERMITS	REGISTRATION	71013
AIR NEW SOURCE PERMITS	REGISTRATION	71014
AIR NEW SOURCE PERMITS	REGISTRATION	71015
AIR NEW SOURCE PERMITS	REGISTRATION	71033
AIR NEW SOURCE PERMITS	REGISTRATION	71270
AIR NEW SOURCE PERMITS	EPA ID	PSDTX332M3
AIR NEW SOURCE PERMITS	PERMIT	71332
AIR NEW SOURCE PERMITS	REGISTRATION	71349
AIR NEW SOURCE PERMITS	REGISTRATION	71352
AIR NEW SOURCE PERMITS	REGISTRATION	71384
AIR NEW SOURCE PERMITS	REGISTRATION	71356
AIR NEW SOURCE PERMITS	REGISTRATION	71411
AIR NEW SOURCE PERMITS	REGISTRATION	71472
AIR NEW SOURCE PERMITS	REGISTRATION	71478
AIR NEW SOURCE PERMITS	REGISTRATION	71616
AIR NEW SOURCE PERMITS	PERMIT	71713
AIR NEW SOURCE PERMITS	REGISTRATION	71754
AIR NEW SOURCE PERMITS	REGISTRATION	72201
AIR NEW SOURCE PERMITS	PERMIT	72210
AIR NEW SOURCE PERMITS	PERMIT	56666
AIR NEW SOURCE PERMITS	PERMIT	56589
AIR NEW SOURCE PERMITS	PERMIT	56577
AIR NEW SOURCE PERMITS	PERMIT	56575
AIR NEW SOURCE PERMITS	PERMIT	56560
AIR NEW SOURCE PERMITS	PERMIT	56558
AIR NEW SOURCE PERMITS	PERMIT	56555
AIR NEW SOURCE PERMITS	PERMIT	56554
AIR NEW SOURCE PERMITS	PERMIT	56540
AIR NEW SOURCE PERMITS	PERMIT	56518
AIR NEW SOURCE PERMITS	PERMIT	56513
AIR NEW SOURCE PERMITS	PERMIT	56500
AIR NEW SOURCE PERMITS	PERMIT	52628
AIR NEW SOURCE PERMITS	PERMIT	56071
AIR NEW SOURCE PERMITS	PERMIT	50374
AIR NEW SOURCE PERMITS	PERMIT	55338
AIR NEW SOURCE PERMITS	PERMIT	55337
AIR NEW SOURCE PERMITS	PERMIT	50421
AIR NEW SOURCE PERMITS	PERMIT	52163
AIR NEW SOURCE PERMITS	PERMIT	52165
AIR NEW SOURCE PERMITS	PERMIT	52137
AIR NEW SOURCE PERMITS	PERMIT	54199
AIR NEW SOURCE PERMITS	PERMIT	56335
AIR NEW SOURCE PERMITS	PERMIT	56330
AIR NEW SOURCE PERMITS	PERMIT	53918
AIR NEW SOURCE PERMITS	PERMIT	53998
AIR NEW SOURCE PERMITS	PERMIT	53967
AIR NEW SOURCE PERMITS	PERMIT	50492
AIR NEW SOURCE PERMITS	PERMIT	50500
AIR NEW SOURCE PERMITS	PERMIT	55182
AIR NEW SOURCE PERMITS	PERMIT	50574
AIR NEW SOURCE PERMITS	PERMIT	54232
AIR NEW SOURCE PERMITS	PERMIT	52812
AIR NEW SOURCE PERMITS	PERMIT	53997
AIR NEW SOURCE PERMITS	PERMIT	54013
AIR NEW SOURCE PERMITS	PERMIT	54012
AIR NEW SOURCE PERMITS	PERMIT	54495
AIR NEW SOURCE PERMITS	PERMIT	56239
AIR NEW SOURCE PERMITS	PERMIT	56223
AIR NEW SOURCE PERMITS	PERMIT	50871
AIR NEW SOURCE PERMITS	PERMIT	52440
AIR NEW SOURCE PERMITS	PERMIT	71373
AIR NEW SOURCE PERMITS	PERMIT	71168
AIR NEW SOURCE PERMITS	PERMIT	49874
AIR NEW SOURCE PERMITS	PERMIT	70851

AIR NEW SOURCE PERMITS	PERMIT	56022
AIR NEW SOURCE PERMITS	PERMIT	50613
AIR NEW SOURCE PERMITS	PERMIT	50614
AIR NEW SOURCE PERMITS	PERMIT	50615
AIR NEW SOURCE PERMITS	PERMIT	50819
AIR NEW SOURCE PERMITS	PERMIT	50822
AIR NEW SOURCE PERMITS	PERMIT	50645
AIR NEW SOURCE PERMITS	PERMIT	54111
AIR NEW SOURCE PERMITS	PERMIT	50649
AIR NEW SOURCE PERMITS	PERMIT	54325
AIR NEW SOURCE PERMITS	PERMIT	56023
AIR NEW SOURCE PERMITS	PERMIT	53062
AIR NEW SOURCE PERMITS	PERMIT	53064
AIR NEW SOURCE PERMITS	PERMIT	54214
AIR NEW SOURCE PERMITS	PERMIT	54218
AIR NEW SOURCE PERMITS	PERMIT	53265
AIR NEW SOURCE PERMITS	PERMIT	52544
AIR NEW SOURCE PERMITS	PERMIT	51365
AIR NEW SOURCE PERMITS	PERMIT	53856
AIR NEW SOURCE PERMITS	PERMIT	52062
AIR NEW SOURCE PERMITS	PERMIT	54901
AIR NEW SOURCE PERMITS	PERMIT	50980
AIR NEW SOURCE PERMITS	REGISTRATION	72295
AIR NEW SOURCE PERMITS	REGISTRATION	72296
AIR NEW SOURCE PERMITS	PERMIT	53756
AIR NEW SOURCE PERMITS	PERMIT	51004
AIR NEW SOURCE PERMITS	PERMIT	51005
AIR NEW SOURCE PERMITS	PERMIT	51006
AIR NEW SOURCE PERMITS	PERMIT	54130
AIR NEW SOURCE PERMITS	PERMIT	53789
AIR NEW SOURCE PERMITS	PERMIT	53812
AIR NEW SOURCE PERMITS	REGISTRATION	72368
AIR NEW SOURCE PERMITS	REGISTRATION	72364
AIR NEW SOURCE PERMITS	REGISTRATION	72467
AIR NEW SOURCE PERMITS	REGISTRATION	72549
AIR NEW SOURCE PERMITS	REGISTRATION	72523
AIR NEW SOURCE PERMITS	REGISTRATION	72608
AIR NEW SOURCE PERMITS	REGISTRATION	72607
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HH0042M
AIR NEW SOURCE PERMITS	REGISTRATION	72622
AIR NEW SOURCE PERMITS	REGISTRATION	72610
AIR NEW SOURCE PERMITS	REGISTRATION	72733
AIR NEW SOURCE PERMITS	REGISTRATION	72783
AIR NEW SOURCE PERMITS	REGISTRATION	72983
AIR NEW SOURCE PERMITS	PERMIT	72296
AIR NEW SOURCE PERMITS	PERMIT	72945
AIR NEW SOURCE PERMITS	REGISTRATION	73042
AIR NEW SOURCE PERMITS	REGISTRATION	73053
AIR NEW SOURCE PERMITS	REGISTRATION	73184
AIR NEW SOURCE PERMITS	REGISTRATION	73322
AIR NEW SOURCE PERMITS	REGISTRATION	73616
AIR NEW SOURCE PERMITS	REGISTRATION	73753
AIR NEW SOURCE PERMITS	REGISTRATION	73745
AIR NEW SOURCE PERMITS	REGISTRATION	73749
AIR NEW SOURCE PERMITS	PERMIT	73749
AIR NEW SOURCE PERMITS	REGISTRATION	73903
AIR NEW SOURCE PERMITS	REGISTRATION	73904
AIR NEW SOURCE PERMITS	PERMIT	72893
AIR NEW SOURCE PERMITS	REGISTRATION	73940
AIR NEW SOURCE PERMITS	REGISTRATION	74003
AIR NEW SOURCE PERMITS	REGISTRATION	74022
AIR NEW SOURCE PERMITS	REGISTRATION	74058
AIR NEW SOURCE PERMITS	REGISTRATION	74118
AIR NEW SOURCE PERMITS	REGISTRATION	74120
AIR NEW SOURCE PERMITS	REGISTRATION	74121
AIR NEW SOURCE PERMITS	REGISTRATION	74094
AIR NEW SOURCE PERMITS	REGISTRATION	74158
AIR NEW SOURCE PERMITS	REGISTRATION	74176
AIR NEW SOURCE PERMITS	REGISTRATION	74174

AIR NEW SOURCE PERMITS	REGISTRATION	74191
AIR NEW SOURCE PERMITS	REGISTRATION	74168
AIR NEW SOURCE PERMITS	REGISTRATION	74257
AIR NEW SOURCE PERMITS	PERMIT	74392
AIR NEW SOURCE PERMITS	REGISTRATION	74404
AIR NEW SOURCE PERMITS	REGISTRATION	74502
AIR NEW SOURCE PERMITS	REGISTRATION	74548
AIR NEW SOURCE PERMITS	REGISTRATION	74643
AIR NEW SOURCE PERMITS	REGISTRATION	74686
AIR NEW SOURCE PERMITS	REGISTRATION	74685
AIR NEW SOURCE PERMITS	REGISTRATION	74683
AIR NEW SOURCE PERMITS	REGISTRATION	74722
AIR NEW SOURCE PERMITS	REGISTRATION	74813
AIR NEW SOURCE PERMITS	REGISTRATION	74812
AIR NEW SOURCE PERMITS	PERMIT	74985
AIR NEW SOURCE PERMITS	REGISTRATION	75070
AIR NEW SOURCE PERMITS	REGISTRATION	75102
AIR NEW SOURCE PERMITS	REGISTRATION	75122
AIR NEW SOURCE PERMITS	REGISTRATION	75146
AIR NEW SOURCE PERMITS	REGISTRATION	75234
AIR NEW SOURCE PERMITS	REGISTRATION	76412
AIR NEW SOURCE PERMITS	REGISTRATION	76570
AIR NEW SOURCE PERMITS	REGISTRATION	76607
AIR NEW SOURCE PERMITS	REGISTRATION	76807
AIR NEW SOURCE PERMITS	REGISTRATION	76860
AIR NEW SOURCE PERMITS	REGISTRATION	76857
WASTEWATER	PERMIT	WQ0000471000
WASTEWATER	PERMIT	TPDES0000949
INDUSTRIAL AND HAZARDOUS WASTE DISPOSAL	EPA ID	TXD007330202
INDUSTRIAL AND HAZARDOUS WASTE DISPOSAL	PERMIT	50043
INDUSTRIAL AND HAZARDOUS WASTE DISPOSAL	SOLID WASTE REGISTRATION # (SWR)	30137
WASTEWATER LICENSING	LICENSE	WQ0000471000
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1020092
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30137
USED OIL	REGISTRATION	A85413

Location: State Hwy 149 @ Kodak Blvd, Longview, TX Rating Date: 9/1/2005 Repeat Violator: NO

TCEQ Region: REGION 05 - TYLER

Date Compliance History Prepared: October 04, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 02, 2000 to October 02, 2005

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

Name: Audra Ruble Phone: 361-825-3126

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CEEDS Inv. Track. No.)

1	12/17/2001	(82731)
2	07/30/2001	(153776)
3	12/17/2001	(82730)
4	12/17/2001	(82729)
5	12/11/2001	(82728)
6	12/11/2001	(82727)
7	07/23/2002	(153777)
8	12/11/2001	(82726)
9	12/04/2001	(82725)
10	07/23/2003	(153778)
11	12/04/2001	(82724)
12	12/04/2001	(82723)
13	12/04/2001	(82722)
14	12/04/2001	(82721)
15	12/04/2001	(82720)
16	03/12/2003	(23773)
17	08/29/2001	(153780)
18	11/28/2001	(82719)
19	10/04/2001	(82718)
20	08/30/2002	(9169)
21	08/23/2002	(153781)
22	08/22/2005	(405030)
23	04/05/2004	(267733)
24	08/30/2001	(82717)
25	08/23/2002	(153782)
26	09/28/2005	(432883)
27	08/30/2002	(9121)
28	07/27/2001	(82716)
29	07/31/2003	(38151)
30	08/28/2002	(9186)
31	09/27/2001	(153784)
32	07/27/2001	(82715)
33	07/26/2001	(82714)
34	05/30/2003	(61647)
35	09/23/2002	(153785)
36	07/26/2001	(82713)
37	07/26/2001	(82712)
38	04/20/2005	(377304)
39	01/03/2005	(345829)
40	07/26/2001	(82711)
41	10/30/2000	(153786)
42	07/26/2001	(82710)
43	03/12/2003	(23831)
44	10/19/2004	(351421)
45	07/05/2005	(393234)
46	07/10/2001	(82709)
47	11/01/2001	(153787)
48	08/22/2005	(406138)
49	06/05/2001	(82708)
50	10/21/2002	(153788)

51	06/05/2001	(82707)
52	08/26/2005	(407430)
53	06/03/2003	(61798)
54	05/24/2001	(82706)
55	05/24/2001	(82705)
56	05/24/2001	(82704)
57	08/19/2003	(150726)
58	11/23/2004	(351422)
59	05/17/2001	(82703)
60	05/17/2001	(82702)
61	11/27/2000	(153790)
62	05/17/2001	(82701)
63	05/17/2001	(82700)
64	11/26/2001	(153791)
65	03/12/2003	(24524)
66	05/17/2001	(82699)
67	06/17/2004	(275984)
68	02/24/2004	(293669)
69	05/17/2001	(82698)
70	11/25/2002	(153792)
71	05/17/2001	(82697)
72	05/10/2001	(82696)
73	01/30/2001	(82695)
74	05/02/2003	(24169)
75	12/07/2004	(341048)
76	01/30/2001	(82694)
77	12/27/2000	(153794)
78	01/30/2001	(82693)
79	03/22/2003	(293672)
80	09/28/2005	(432759)
81	01/30/2001	(82692)
82	01/26/2001	(82691)
83	12/27/2001	(153795)
84	08/11/2005	(402307)
85	01/26/2001	(82690)
86	04/23/2004	(293673)
87	12/30/2002	(153796)
88	07/13/2005	(399882)
89	01/29/2004	(250443)
90	01/29/2001	(153798)
91	05/25/2004	(293675)
92	01/29/2002	(153799)
93	08/31/2005	(405967)
94	01/24/2003	(153800)
95	06/22/2004	(293677)
96	07/13/2005	(399771)
97	05/14/2003	(36483)
98	01/03/2005	(345817)
99	08/25/2003	(293680)
100	01/29/2004	(258924)
101	08/22/2005	(405683)
102	03/12/2003	(24677)

103	09/23/2003	(293682)
104	03/17/2005	(373696)
105	07/25/2005	(401376)
106	03/18/2004	(266121)
107	10/24/2003	(293684)
108	07/25/2005	(400970)
109	01/29/2004	(257722)
110	06/30/2005	(379775)
111	11/21/2003	(293685)
112	08/26/2005	(407396)
113	12/29/2003	(293686)
114	03/11/2005	(373876)
115	04/20/2005	(378314)
116	01/23/2004	(293688)
117	03/18/2004	(266071)
118	09/28/2005	(432012)
119	02/03/2004	(261420)
120	07/25/2005	(401412)
121	05/30/2003	(61604)
122	08/30/2002	(7499)
123	02/22/2005	(381482)
124	05/02/2003	(29894)
125	03/21/2005	(381483)
126	12/20/2004	(381484)
127	07/01/2004	(277715)
128	03/12/2003	(24100)
129	01/31/2005	(381485)
130	07/05/2001	(39449)
131	01/03/2005	(345910)
132	03/17/2005	(373783)
133	02/03/2004	(261617)
134	07/28/2003	(146866)
135	12/22/2003	(258006)
136	10/28/2004	(293068)
137	03/12/2003	(24554)
138	07/22/2005	(395173)
139	11/19/2002	(14466)
140	03/11/2005	(373995)
141	01/29/2004	(257791)
142	03/13/2003	(25973)
143	04/19/2005	(377228)
144	03/22/2005	(374488)
145	02/26/2001	(153756)
146	08/22/2005	(405448)
147	07/29/2005	(395158)
148	02/27/2002	(153757)
149	07/25/2005	(399922)
150	03/13/2003	(25944)
151	02/24/2003	(153758)
152	03/27/2001	(153759)
153	03/27/2002	(153760)
154	03/25/2003	(153761)

155	12/06/2002	(16366)
156	05/01/2001	(153764)
157	04/29/2002	(153765)
158	04/21/2003	(153766)
159	07/25/2005	(401361)
160	06/03/2002	(82757)
161	05/07/2002	(82756)
162	03/17/2005	(373560)
163	05/07/2002	(82755)
164	03/22/2005	(17025)
165	04/18/2002	(82754)
166	07/25/2005	(401537)
167	08/13/2003	(146622)
168	05/29/2001	(153768)
169	03/22/2002	(82753)
170	05/28/2002	(153769)
171	03/22/2002	(82752)
172	03/22/2002	(82751)
173	05/23/2003	(153770)
174	03/22/2002	(82750)
175	03/22/2002	(82749)
176	03/22/2002	(82748)
177	08/30/2002	(9134)
178	03/22/2002	(82747)
179	03/22/2002	(82746)
180	03/13/2002	(82745)
181	07/26/2004	(332755)
182	03/13/2002	(82744)
183	06/27/2001	(153772)
184	03/13/2002	(82743)
185	08/28/2003	(150648)
186	03/13/2002	(82742)
187	07/26/2004	(351418)
188	03/13/2002	(82741)
189	06/24/2002	(153773)
190	03/13/2002	(82740)
191	12/20/2004	(344802)
192	03/13/2002	(82739)
193	01/03/2005	(345805)
194	03/13/2002	(82738)
195	08/28/2003	(150745)
196	06/24/2003	(153774)
197	03/07/2002	(82737)
198	08/24/2004	(351419)
199	03/07/2002	(82736)
200	12/16/2003	(257911)
201	02/06/2002	(82735)
202	02/06/2002	(82734)
203	08/31/2005	(418706)
204	02/06/2002	(82733)
205	01/10/2002	(82732)
206	09/23/2004	(351420)

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

- Date: 08/31/2004 (351420) Classification: Moderate
Self Report? YES
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: 09/30/2002 (153788) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
- Date: 01/31/2004 (293669) Classification: Moderate
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
- Date: 02/29/2004 (293672) Classification: Moderate
Self Report? YES
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: 03/31/2004 (293673) Classification: Moderate
Self Report? YES
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: 01/05/2004 (258924) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 101, SubChapter F 101.201(e)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to notify the Texas Commission on Environmental Quality (TCEQ) Tyler Regional Office of a reportable emissions event within 24 hours after discovery of the event.
- Date: 05/31/2004 (293677) Classification: Moderate
Self Report? YES
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: 08/23/2005 (406138) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP IA
PA IA
Description: Failure to maintain the time weighted average vacuum pressure below 105 mm Hg.
- Date: 11/30/2003 (293686) Classification: Moderate
Self Report? YES
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: 08/19/2005 (405030) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 106, SubChapter K 106.262[G]
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP IA
Description: Failure to notify the TCEQ within 10 days of the installation or modification of the facility. The notification should have been submitted on September 20, 2004, but was not submitted until October 8, 2004. 30 TAC 106.262(a)(3) requires that the notification be submitted within 10 days.
- Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rqmt Prov: OP IA

Description: Failure to equip 94 open-ended lines and valves with a cap, blind flange, plug, or second valve.

Date: 08/31/2005 (405967)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 61, Subpart V 61.242-6(a)(1)

Rqmt Prov: OP IA

Description: Failure to equip 37 open-ended lines and valves with a cap, blind flange, plug, or second valve.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
40 CFR Part 61, Subpart V 61.242-1(a)

Rqmt Prov: OP IA

Description: Failure to monitor 135 components in benzene service.

Date: 11/30/2004 (381484)

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: 08/19/2005 (405448)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rqmt Prov: OP IA

PA IA
Description: Failure to equip 41 open-ended lines and valves with a cap, blind flange, plug, or second valve.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP IA

PA IA
Description: Failure to equip 1 open-ended line/valve with a cap, blind flange, plug, or second valve.

Date: 03/18/2005 (373696)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(8)(A)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to prevent unauthorized emissions during an excess opacity event (Incident # 52751).

Date: 08/19/2005 (405683)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)

Rqmt Prov: OP IA

PA IA
Description: Failure to equip 30 open-ended lines and valves with a cap, blind flange, plug, or second valve.

Date: 07/26/2004 (332755)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EASTMAN CHEMICAL
COMPANY,
RN100219815

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2005-0168-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Eastman Chemical Company ("Eastman") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, represented by the Litigation Division, and Eastman appear before the Commission and together stipulate that:

1. Eastman owns and operates a chemical manufacturing plant at 300 Kodak Boulevard, Longview, Harrison County, Texas (the "Plant").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and TCEQ rules.
3. The Commission and Eastman agree that the Commission has jurisdiction to enter this Agreed Order, and that Eastman is subject to the Commission's jurisdiction.
4. Eastman received notice of the violations alleged in Section II ("Allegations") on or about December 12, 2004 and October 3, 2005.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Eastman of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of sixteen thousand three hundred thirty-eight dollars (\$16,338.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Eastman has paid sixteen thousand three hundred thirty-eight dollars (\$16,338.00) of the administrative 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 Eastman 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 Eastman has initiated employee training concerning Plant standard operating procedures and drafted and implemented procedures to prevent the reoccurrence of emission events and reporting violations in response to this enforcement action.
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 Eastman 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

Eastman is alleged to have violated:

1. 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(A) and 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to submit an initial notification within 24 hours of the discovery of an emissions event (Incident No. 47737), as documented during an investigation conducted on November 3, 2004.
2. 30 TEX. ADMIN. CODE § 101.201(c) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to submit, within two weeks after the end of the emissions event, a final record of an

emissions event (Incident No. 47737), as documented during an investigation conducted on November 3, 2004.

3. 30 TEX. ADMIN. CODE § 116.115(a)(1)(A), Permit No. 19959, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to prevent unauthorized emissions (Incident No. 47737), as documented during an investigation conducted on November 3, 2004. Since these emissions were reported late and the cause of the emissions event was avoidable (Incident No. 47737), Eastman failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b).
4. 30 TEX. ADMIN. CODE §§ 116.115(b)(2) and 122.143(4), Air Permit 1105 and Federal Operating Permit ("FOP") O-01436 and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to prevent an unauthorized emission event on March 29, 2005 (Incident No. 55924). A relief valve, which is not authorized for any emissions, was reported to have released approximately 602 lbs of Volatile Organic Compounds. The emissions do not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b).
5. 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Air Permit 1329, Special Condition 1 and FOP O-01974 and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to prevent an unauthorized emission event on July 21, 2005 (Incident No. 61818). The EPN 104T161 was reported to have released approximately 50.60 lbs of Ethylene oxide during the 48-hour event with a permitted limit of 0.34 lbs per hour. The emissions do not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b).
6. 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4) and FOP O-01974 and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to meet the minimum reporting requirements for an emission event which began on July 21, 2005. The emission event (Incident No. 61818) was not reported within 24 hours of discovery as documented during an investigation conducted on September 28, 2005.

III. DENIALS

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

IV. ORDER

1. It is, therefore, ordered by the TCEQ that Eastman pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Eastman'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 considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Eastman Chemical Company, Docket No. 2005-0168-AIR-E" to:

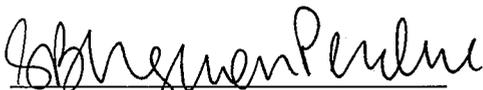
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon Eastman. Eastman 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.
3. This Agreed Order, issued by the Commission, shall not be admissible against Eastman 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.
4. 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.
5. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Eastman, or three days after the date on which the Commission mails notice of the Order to Eastman, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

11/20/07

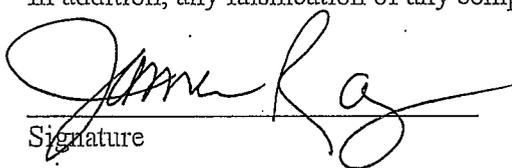
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

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

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



Signature

Sept. 20, 2007

Date

James Ray

Name (Printed or typed)

Authorized representative of
Eastman Chemical Company

Vice President & General Manager
Eastman Chemical Company
Texas Operations

Title