

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2007-1788-AIR-E **TCEQ ID:** RN101211498 **CASE NO.:** 34901
RESPONDENT NAME: Haldor Topsoe, Inc.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Haldor Topsoe, 10010 Bayport Boulevard, Pasadena, Harris County</p> <p>TYPE OF OPERATION: Catalyst manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on April 14, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Kimberly Morales, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8938; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Ms. Ly Nguyen, EHS Manager, Haldor Topsoe, Inc., 10010 Bayport Boulevard, Pasadena, Texas 77507 Mr. Raymond V. Yellig, Vice President of Manufacturing, Haldor Topsoe, Inc., 10010 Bayport Boulevard, Pasadena, Texas 77507 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: September 21, 2007</p> <p>Date of NOV/NOE Relating to this Case: October 4, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failed to comply with the 0.41 pound/hour ("lb/hr") Carbon Monoxide ("CO") emissions limit for Hot Water Heater (EPN HWH-1). Specifically, during a February 8, 2007 reference method stack test, CO emissions from Hot Water Heater (EPN HWH-1) were 0.45 lb/hr. [30 TEX. ADMIN. CODE § 116.115(c), TCEQ Permit No. 21178, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$3,350</p> <p>Total Deferred: \$670 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$1,340</p> <p>Total Paid to General Revenue: \$1,340</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>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 60 days after the effective date of this Agreed Order, demonstrate that Hot Water Heater (EPN HWH-1) is operating within the CO lb/hr emissions limit of Air Permit No. 21178; and</p> <p>b. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): HG0903L

Attachment A
Docket Number: 2007-1788-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Haldor Topsoe, Inc.
Payable Penalty Amount:	Two Thousand Six Hundred Eighty Dollars (\$2,680)
SEP Amount:	One Thousand Three Hundred Forty Dollars (\$1,340)
Type of SEP:	Pre-approved
Third-Party Recipient:	Harris County Public Health and Environmental Services- Pollution Control Division's Fourier Transform Infra Red (FTIR) Project
Location of SEP:	Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent will contribute to Harris County Public Health and Environmental Services-Pollution Control Division's FTIR Project. This project includes the lease/contracting for services of air monitoring equipment, FTIR and other associated monitoring equipment, site preparation (including power and a shelter for the monitoring equipment), installation, operation and maintenance for a minimum of a two year period. Data validation management and reporting, and site closure and restoration will also be performed as a part of this project using methods approved by the TCEQ. The FTIR will analyze volatile organic compounds in ambient air. Harris County, in cooperation with the TCEQ, will establish Internet connectivity and automated data ingestion into the TCEQ LEADS system. SEP monies will fund the lease/contract for services of the FTIR and related equipment, site creation, preparation and installation of the FTIR, and the operation and maintenance of the FTIR site for a minimum of two years. SEP monies will also be used to pay for any equipment, software, and programming associated with establishing Internet connectivity and automated data ingestion.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide significant and discernible environmental benefits to the Harris County area by

THE UNIVERSITY OF CHICAGO

PHILOSOPHY DEPARTMENT

PHILOSOPHY 101

Introduction to Philosophy
This course is an introduction to the history and methods of philosophy. It covers the major figures and ideas of Western philosophy from ancient Greece to the present. The course is designed to provide students with a solid foundation in the field and to develop their critical thinking and writing skills.

The course is divided into several sections, each focusing on a different period or philosopher. The first section covers ancient Greek philosophy, including the Pre-Socratics, Plato, and Aristotle. The second section covers the Middle Ages, including Augustine, Aquinas, and Descartes. The third section covers the Enlightenment, including Locke, Hume, and Kant. The fourth section covers modern philosophy, including Hegel, Nietzsche, and Wittgenstein.

Students are expected to read the assigned texts and to participate actively in class discussions. The course is designed to be challenging and to provide a rich intellectual experience. Students who complete the course successfully will have a deep understanding of the history and methods of philosophy and will be well-prepared for more advanced study in the field.

For more information about this course, please contact the Philosophy Department at the University of Chicago.

PHILOSOPHY DEPARTMENT
5400 S. UNIVERSITY AVENUE
CHICAGO, IL 60637
TEL: 773-936-3700
WWW.PHIL.DUKE.EDU

providing measurements of concentrations of certain air pollutants. The information obtained from this monitoring site will provide the community with more knowledge of the types and quantities of pollutants present in this industrialized area. Data obtained from the monitoring site, and made available to the public, may be used by the TCEQ, Environmental Protection Agency (EPA), scientists, local government and industry to reduce emissions, as appropriate. Because air quality is an important priority in the Harris County area, this project is focused on providing air quality data that may be used by the TCEQ, local programs, and other stakeholders to investigate and improve knowledge of any identified air quality concerns. Data from the project may be used to detect and track air emissions in near real-time to determine air pollution source locations for enforcement actions, permitting and regulatory decisions, potential future health effects studies and/or as part of a pollution program such as the Environmental Monitoring and Response System. The data also can be used by the TCEQ and the EPA to help determine if additional air quality problems that have not yet been detected exist in the Harris County area.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Mr. Chris Barry
Harris County Pollution Control Division
P.O. Box 6031
Pasadena, Texas 77506

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

Haldor Topsoe, Inc.
Agreed Order – Attachment A

The check for any amount due shall be made out to “Texas Commission on Environmental Quality” and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

DATES	Assigned	8-Oct-2007	Screening	31-Oct-2007	EPA Due	30-Jun-2008
	PCW	9-Jan-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Haldor Topsoe, Inc.
Reg. Ent. Ref. No.	RN101211498
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION				
Enf./Case ID No.	34901	No. of Violations	1	
Docket No.	2007-1788-AIR-E	Order Type	1660	
Media Program(s)	Air	Enf. Coordinator	Kimberly Morales	
Multi-Media		EC's Team	Enforcement Team 5	
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 Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Reduction **Subtotal 5**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

Notes

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

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

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 31-Oct-2007

Docket No. 2007-1788-AIR-E

PCW

Respondent Haldor Topsoe, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34901

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101211498

Media [Statute] Air

Enf. Coordinator Kimberly Morales

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 judgments 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

Penalty enhancement due to one agreed order containing a denial of liability, two NOVs for the same or similar violations, and two NOVs for unrelated violations.

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

Screening Date 31-Oct-2007	Docket No. 2007-1788-AIR-E	PCW
Respondent Haldor Topsoe, Inc.		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 34901		<i>PCW Revision November 6, 2007</i>
Reg. Ent. Reference No. RN101211498		
Media [Statute] Air		
Enf. Coordinator Kimberly Morales		
Violation Number <input type="text" value="1"/>		
Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), TCEQ Permit No. 21178, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to comply with the 0.41 pound/hour ("lb/hr") Carbon Monoxide ("CO") emissions limit for Hot Water Heater (EPN HWH-1). Specifically, during a February 8, 2007 reference method stack test, CO emissions from Hot Water Heater (EPN HWH-1) were 0.45 lb/hr.	
	Base Penalty	<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes
 Human health and the environment have been exposed to an insignificant amount of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	x
	single event	<input type="text"/>

Violation Base Penalty

One annual event is recommended based on the date of the non-compliant reference method stack test, February 8, 2007, through the date of screening, October 31, 2007.

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 Haldor Topsoe, Inc.
Case ID No. 34901
Reg. Ent. Reference No. RN101211498
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$12,000	8-Feb-2007	29-Feb-2008	1.1	\$635	n/a	\$635

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that Hot Water Heater (EPN HWH-1) operates within the required emissions limits. Date required is the date of the non-compliant reference method stack test. Final date is the estimated date of the next reference method stack test.

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

\$12,000

TOTAL

\$635

Compliance History

Customer/Respondent/Owner-Operator: CN600132435 Haldor Topsoe, Inc. Classification: AVERAGE Rating: 7.06
 Regulated Entity: RN101211498 HALDOR TOPSOE Classification: AVERAGE Site Rating: 7.06

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0903L
	AIR OPERATING PERMITS	PERMIT	1217
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1012763
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD054460464
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	34841
	AIR NEW SOURCE PERMITS	PERMIT	9203
	AIR NEW SOURCE PERMITS	PERMIT	11054
	AIR NEW SOURCE PERMITS	PERMIT	21178
	AIR NEW SOURCE PERMITS	PERMIT	23333
	AIR NEW SOURCE PERMITS	PERMIT	23824
	AIR NEW SOURCE PERMITS	PERMIT	32528
	AIR NEW SOURCE PERMITS	PERMIT	41655
	AIR NEW SOURCE PERMITS	PERMIT	43441
	AIR NEW SOURCE PERMITS	PERMIT	43752
	AIR NEW SOURCE PERMITS	PERMIT	47849
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0903L
	AIR NEW SOURCE PERMITS	REGISTRATION	72828
	AIR NEW SOURCE PERMITS	REGISTRATION	74499
	AIR NEW SOURCE PERMITS	REGISTRATION	77885
	AIR NEW SOURCE PERMITS	AFS NUM	4820101413
	AIR NEW SOURCE PERMITS	AFS NUM	4820100359
	AIR NEW SOURCE PERMITS	REGISTRATION	79765
	STORMWATER	PERMIT	TXR05L230
	WATER LICENSING	LICENSE	1012763

Location: 10010 BAYPORT BLVD, PASADENA, TX, 77507 Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON
 Date Compliance History Prepared: October 31, 2007
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: October 31, 2002 to October 31, 2007

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

Name: Kimberly Morales Phone: (713) 422-8938

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? | <u>N/A</u> |
| 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: 05/25/2007 ADMINORDER 2006-1841-AIR-E
 Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to seal two open-ended lines in volatile organic compound service during the time period of June 15, 2005 through September 2, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: O-01217, SC 12 OP
 Permit 43752, SC 8 PERMIT

Description: Failed to consistently maintain the pH level for the scrubbing solution of the Thermal Oxidizer Caustic Scrubber at or above 10 from May 25, 2005 through November 13, 2005.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: O-01217 OP

Description: Failed to include an emissions event which occurred at the A301 baghouse on July 12, 2005 in the semiannual deviation report dated December 16, 2005.

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	03/19/2003	(27776)
2	08/12/2003	(145896)
3	09/15/2003	(248430)
4	09/30/2003	(249720)
5	10/20/2003	(252094)
6	01/06/2004	(254169)
7	02/02/2004	(257723)
8	09/01/2004	(291929)
9	09/28/2004	(335352)
10	01/07/2005	(340039)
11	01/21/2005	(340041)
12	03/01/2005	(347523)
13	03/29/2005	(375241)
14	12/30/2005	(434737)
15	04/13/2006	(456469)
16	08/29/2006	(457260)
17	07/03/2007	(566260)
18	08/13/2007	(571038)
19	10/04/2007	(595369)
20	10/30/2007	(598895)

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

Date: 03/20/2003 (27776)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PA 9203 SC10, 7A

Description: Failure to submit test notification 45 days before testing as required by Special Condition 10 and 7A.

Self Report? NO Classification: Minor

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

Rqmt Prov: PA Permit No. 9203, SC 10, SC 7E

Description: Failure to submit test report within 30 days of testing.

Date: 09/16/2003 (248430)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PA Permit No. 9203, SC No, 7B, 7C.

Description: RE failed to perform stack testing within the required 90 day time frame.

Date: 12/30/2004 (340041)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PA Permit No. 9203, Special Condition No. 1

Description: RE exceeded permitted emission limits for PM.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT UUU 60.736(a)

Description: RE failed to test ST-14 stack as required by 40 CFR 60, Subpart UUU within 180 days as required by 40 CFR 60.736(a).

Date: 03/01/2005 (347523)

Self Report? NO Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT UUU 60.735(c)(2)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT UUU 60.735(c)(3)

Description: Failure to submit a semiannual report as required in 40 CFR 60.735(c)(2) and 60.735(c)(3)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT 43752 Special Condition 8
Description: Failure to maintain required pH level of the scrubber solution for the Thermal Oxidizer caustic scrubber as required by NSR Permit No.: 43752, Special Condition 8.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter H 101.354(f)
Description: Failure to limit the NOx emissions from a facility to the allowables in the compliance account for the control period.

F. Environmental audits.

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
HALDOR TOPSOE, INC.
RN101211498**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1788-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 Haldor Topsoe, Inc. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a catalyst manufacturing plant at 10010 Bayport Boulevard in Pasadena, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 9, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Three Thousand Three Hundred Fifty Dollars (\$3,350) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Three Hundred Forty Dollars (\$1,340) of the administrative penalty and Six Hundred Seventy Dollars (\$670) is deferred contingent upon

the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. One Thousand Three Hundred Forty Dollars (\$1,340) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
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, the Respondent is alleged to have failed to comply with the 0.41 pound/hour ("lb/hr") Carbon Monoxide ("CO") emissions limit for Hot Water Heater (EPN HWH-1), in violation of 30 TEX. ADMIN. CODE § 116.115(c), TCEQ Permit No. 21178, Special Condition No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 21, 2007. Specifically, during a February 8, 2007 reference method stack test, CO emissions from Hot Water Heater (EPN HWH-1) were 0.45 lb/hr.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Haldor Topsoe, Inc., Docket No. 2007-1788-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 Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, One Thousand Three Hundred Forty Dollars (\$1,340) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 60 days after the effective date of this Agreed Order, demonstrate that Hot Water Heater (EPN HWH-1) is operating within the CO lb/hr emissions limit of Air Permit No. 21178; and
 - b. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

3/26/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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


Signature

1-24-08
Date

RAYMOND V. YELIG
Name (Printed or typed)
Authorized Representative of
Haldor Topsoe, Inc.

VICE PRESIDENT OF MANUFACTURING
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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Attachment A

Docket Number: 2007-1788-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Haldor Topsoe, Inc.
Payable Penalty Amount: Two Thousand Six Hundred Eighty Dollars (\$2,680)
SEP Amount: One Thousand Three Hundred Forty Dollars (\$1,340)
Type of SEP: Pre-approved
Third-Party Recipient: Harris County Public Health and Environmental Services-Pollution Control Division's Fourier Transform Infra Red (FTIR) Project
Location of SEP: Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent will contribute to Harris County Public Health and Environmental Services-Pollution Control Division's FTIR Project. This project includes the lease/contracting for services of air monitoring equipment, FTIR and other associated monitoring equipment, site preparation (including power and a shelter for the monitoring equipment), installation, operation and maintenance for a minimum of a two year period. Data validation management and reporting, and site closure and restoration will also be performed as a part of this project using methods approved by the TCEQ. The FTIR will analyze volatile organic compounds in ambient air. Harris County, in cooperation with the TCEQ, will establish Internet connectivity and automated data ingestion into the TCEQ LEADS system. SEP monies will fund the lease/contract for services of the FTIR and related equipment, site creation, preparation and installation of the FTIR, and the operation and maintenance of the FTIR site for a minimum of two years. SEP monies will also be used to pay for any equipment, software, and programming associated with establishing Internet connectivity and automated data ingestion.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide significant and discernible environmental benefits to the Harris County area by

providing measurements of concentrations of certain air pollutants. The information obtained from this monitoring site will provide the community with more knowledge of the types and quantities of pollutants present in this industrialized area. Data obtained from the monitoring site, and made available to the public, may be used by the TCEQ, Environmental Protection Agency (EPA), scientists, local government and industry to reduce emissions, as appropriate. Because air quality is an important priority in the Harris County area, this project is focused on providing air quality data that may be used by the TCEQ, local programs, and other stakeholders to investigate and improve knowledge of any identified air quality concerns. Data from the project may be used to detect and track air emissions in near real-time to determine air pollution source locations for enforcement actions, permitting and regulatory decisions, potential future health effects studies and/or as part of a pollution program such as the Environmental Monitoring and Response System. The data also can be used by the TCEQ and the EPA to help determine if additional air quality problems that have not yet been detected exist in the Harris County area.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Mr. Chris Barry
Harris County Pollution Control Division
P.O. Box 6031
Pasadena, Texas 77506

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

Haldor Topsoe, Inc.
Agreed Order - Attachment A

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

