

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2007-1437-AIR-E **TCEQ ID:** RN100223205 **CASE NO.:** 34577**RESPONDENT NAME:** Rohm and Haas Texas Incorporated

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: Rohm and Haas Texas Deer Park Plant, 1900 Tidal Road, Deer Park, Harris County</p> <p>TYPE OF OPERATION: Chemical manufacturing facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2007-2041-AIR-E.</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 March 24, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p>TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768</p> <p>TCEQ Enforcement Coordinator: Ms. Audra L. Ruble, Enforcement Division, Enforcement Team 4, MC R-14, (361) 825-3126; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171</p> <p>Respondent: Mr. Clifford Walk, Air Supervisor, Rohm and Haas Texas Incorporated, 1900 Tidal Road, Deer Park, Texas 77536</p> <p>Mr. Larry E. Schmid, Site Manager, Rohm and Haas Texas Incorporated, 1900 Tidal Road, Deer Park, Texas 77536</p> <p>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 type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 19, July 17, August 6, and August 9, 2007</p> <p>Date of NOV/NOE Relating to this Case: July 31, August 3; and August 24, 2007 (NOE)</p> <p>Background Facts: These were routine record reviews.</p> <p>AIR</p> <p>1) Failed to prevent an unauthorized emissions event which occurred at Tank 320 on March 21, 2007. Specifically, approximately 32.81 pounds ("lbs") of acetic acid, 280.93 lbs of acrylic acid, 5,331.56 lbs of isopropyl acetate, and 2,153.13 lbs of toluene were released over a duration of five hours and 25 minutes. These emissions were not authorized by the permit. Since the emissions event was avoidable, it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b)(1-11) [30 TEX. ADMIN. CODE § 116.115(c); Air Permit No. 8838, Special Condition ("SC") 1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failed to prevent an unauthorized emissions event which occurred at the propylene vaporizer on May 9, 2007. Specifically, approximately 1,396.04 lbs of propylene were released over a duration of 13 minutes. These emissions were not authorized by the permit. Since the emissions event was avoidable, it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b)(1-11) [30 TEX. ADMIN. CODE §§ 115.722(c) and 116.115(c); Air Permit No. 8838, SC 1;</p>	<p>Total Assessed: \$85,500</p> <p>Total Deferred: \$17,100 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$34,200</p> <p>Total Paid to General Revenue: \$34,200</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 30 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.d., that corrective actions have been taken to prevent the reoccurrence of emission events similar to the March 21 and May 9, 2007 incidents;</p> <p>b. Within 180 days after the effective date of this Agreed Order, either:</p> <p>i. Conduct performance testing and submit test results demonstrating compliance with the NO_x and CO emission limits for EPNs HT-1 and HT-2, as required by Air Permit No. 8838; or</p> <p>ii. File an administratively complete permit amendment application that accurately reflects the emissions of EPNs HT-1 and HT-2.</p> <p>c. If a permit amendment application is submitted in accordance with Ordering Provision No. 2.b.ii., then:</p> <p>i. Respond completely and adequately, as determined by the Air Permits Division, to all letters requesting information concerning the application within 30 days of the date of such letters, or by any other deadline specified in writing; and</p> <p>ii. Within 270 days after submittal of the application, submit written certification that appropriate authorization has been obtained for the emissions from EPNs HT-1 and HT-2 or cease operations until appropriate authorization is obtained.</p> <p>d. Written certification required by Ordering Provisions 2.a. and 2.c.ii. shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.</p>

<p>and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failed to maintain compliance with emission limits. Specifically, testing conducted on January 3, 2007 indicates that the A-Train Start Up Heater (EPN HT-1) exceeded permitted limits. Emission rates of 6.20 lbs per hour ("lbs/hr") for nitrogen oxides ("NO_x") and 16.62 lbs/hr for carbon monoxide ("CO") were measured during the performance testing, with permit limits of 3.60 lbs/hr and 3.02 lbs/hr, respectively [30 TEX. ADMIN. CODE § 116.115(c); Air Permit No. 8838, SC 1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failed to maintain compliance with emission limits. Specifically, testing conducted on January 4, 2007 indicates that the B-Train Start Up Heater (EPN HT-2) exceeded permitted limits. Emission rates of 7.08 lbs/hr for NO_x and 9.67 lbs/hr for CO were measured during the performance testing, with permit limits of 3.60 lbs/hr and 3.02 lbs/hr, respectively [30 TEX. ADMIN. CODE § 116.115(c); Air Permit No. 8838, SC 1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
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Additional ID No(s): HG0632T

Table 1. The effect of the concentration of the solution on the rate of the reaction.

Concentration of the solution (M)	Rate of the reaction (s ⁻¹)
0.1	0.001
0.2	0.002
0.3	0.003
0.4	0.004
0.5	0.005
0.6	0.006
0.7	0.007
0.8	0.008
0.9	0.009
1.0	0.010

The rate of the reaction increases linearly with the concentration of the solution. This is because the rate of the reaction is directly proportional to the concentration of the reactants. As the concentration of the solution increases, the number of reactant molecules per unit volume increases, leading to a higher frequency of collisions and a faster rate of reaction.

The data in Table 1 shows that the rate of the reaction increases from 0.001 s⁻¹ at a concentration of 0.1 M to 0.010 s⁻¹ at a concentration of 1.0 M. This is a tenfold increase in the rate of the reaction, which is consistent with the linear relationship between the rate and the concentration of the solution.

Attachment A

Docket Number: 2007-1437-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Rohm and Haas Texas Incorporated

Payable Penalty Amount: Sixty-Eight Thousand Four Hundred Dollars (\$68,400)

SEP Amount: Thirty-Four Thousand Two Hundred Dollars (\$34,200)

Type of SEP: Pre-approved

Third-Party Recipient: Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program

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 Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality*.

SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

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 a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

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:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

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.

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.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision June 26, 2007

DATES	Assigned	6-Aug-2007	Screening	6-Sep-2007	EPA Due	29-Apr-2008
	PCW	7-Sep-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Rohm and Haas Texas Incorporated
Reg. Ent. Ref. No.	RN100223205
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION				
Enf./Case ID No.	34577	No. of Violations	4	
Docket No.	2007-1437-AIR-E	Order Type	1660	
Media Program(s)	Air	Enf. Coordinator	Audra L. Ruble	
Multi-Media		EC's Team	EnforcementTeam 4	
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: The Respondent has received 22 NOVs for the same or similar violations, 29 NOVs for non-similar violations, four 1660 Agreed Orders, one federal consent decree, and has submitted three Notices of Intent within the past five years.

Culpability Enhancement Subtotal 4

Notes: The Respondent does not meet the culpability criteria.

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	X	(mark with x)

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

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

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

Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 6-Sep-2007

Docket No. 2007-1437-AIR-E

PCW

Respondent Rohm and Haas Texas Incorporated

Policy Revision 2 (September 2002)

Case ID No. 34577

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100223205

Media [Statute] Air

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>)	22	110%
	Other written NOVs	29	58%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<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	1	35%
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 submitted</i>)	3	-3%
	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) 280%

>> 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 received 22 NOVs for the same or similar violations, 29 NOVs for non-similar violations, four 1660 Agreed Orders, one federal consent decree, and has submitted three Notices of Intent within the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 280%

Screening Date 6-Sep-2007	Docket No. 2007-1437-AIR-E	PCW
Respondent Rohm and Haas Texas Incorporated	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 34577	<i>PCW Revision June 26, 2007</i>	
Reg. Ent. Reference No. RN100223205		
Media [Statute] Air		
Enf. Coordinator Audra L. Ruble		
Violation Number <input type="text" value="1"/>		
Rule Cite(s)	30 Tex. Admin. Code § 116.115(c); Air Permit No. 8838, Special Condition ("SC") 1; and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to prevent an unauthorized emissions event which occurred at Tank 320 on March 21, 2007, as documented during a record review conducted on June 19, 2007. Specifically, approximately 32.81 pounds ("lbs") of acetic acid, 280.93 lbs of acrylic acid, 5,331.56 lbs of isopropyl acetate, and 2,153.13 lbs of toluene were released over a duration of five hours and twenty-five minutes. These emissions were not authorized by the permit. Since the emissions event was avoidable, it does not meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222(b)(1-11).	

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm					
	Release	Major	Moderate	Minor		Percent <input type="text" value="50%"/>
	Actual	<input type="text"/>	x	<input type="text"/>		
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>			

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

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 Rohm and Haas Texas Incorporated
Case ID No. 34577
Reg. Ent. Reference No. RN100223205
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	21-Mar-2007	1-Apr-2008	1.0	\$26	n/a	\$26

Notes for DELAYED costs

Estimated cost to conduct additional operator training and to implement procedures to prevent reoccurrence. Date required is the date of the event and final date is when compliance is expected to be achieved.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$26

Screening Date 6-Sep-2007 **Docket No.** 2007-1437-AIR-E **PCW**

Respondent Rohm and Haas Texas Incorporated *Policy Revision 2 (September 2002)*

Case ID No. 34577 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN100223205

Media [Statute] Air

Enf. Coordinator Audra L. Ruble

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 115.722(c) and 116.115(c); Air Permit No. 8838, SC 1; and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent an unauthorized emissions event which occurred at the propylene vaporizer on May 9, 2007, as documented during a record review conducted on July 17, 2007. Specifically, approximately 1,396.04 lbs of propylene were released over a duration of thirteen minutes. These emissions were not authorized by the permit. Since the emissions event was avoidable, it does not meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222(b)(1-11).

Base Penalty

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

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

Matrix Notes

The emissions event resulted in the release of an insignificant amount of pollutants which do not exceed levels protective of human health and/or the environment.

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 checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

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 Rohm and Haas Texas Incorporated
Case ID No. 34577
Reg. Ent. Reference No. RN100223205
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	9-May-2007	1-Apr-2008	0.9	\$22	n/a	\$22

Notes for DELAYED costs
 Estimated cost to conduct additional operator training and to implement procedures to prevent recurrence.
 Date required is the date of the event and final date is when compliance is expected to be achieved.

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$500	TOTAL	\$22
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Screening Date 6-Sep-2007	Docket No. 2007-1437-AIR-E	PCW
Respondent Rohm and Haas Texas Incorporated	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 34577	<i>PCW Revision June 26, 2007</i>	
Reg. Ent. Reference No. RN100223205		
Media [Statute] Air		
Enf. Coordinator Audra L. Ruble		
Violation Number <input type="text" value="3"/>		
Rule Cite(s)	30 Tex. Admin. Code § 116.115(c); Air Permit No. 8838, SC 1; and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to maintain compliance with emission limits, as documented during a record review conducted on August 6, 2007. Specifically, testing conducted on January 3, 2007 indicates that the A-Train Start Up Heater (EPN HT-1) exceeded permitted limits. Emission rates of 6.20 lbs/hr for NOx and 16.62 lbs/hr for CO were measured during the performance testing, with permit limits of 3.60 lbs/hr and 3.02 lbs/hr, respectively.	
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"/>					

Matrix Notes

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	x
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input type="text"/>	

Violation Base Penalty

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$208"/>	Violation Final Penalty Total <input type="text" value="\$28,500"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$28,500"/>	

Economic Benefit Worksheet

Respondent Rohm and Haas Texas Incorporated
Case ID No. 34577
Reg. Ent. Reference No. RN100223205
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$2,500	3-Jan-2007	1-Sep-2008	1.7	\$208	n/a	\$208
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit a permit amendment. Date required is the date of testing and Final date is when compliance is expected to be achieved.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$208

Screening Date 6-Sep-2007

Docket No. 2007-1437-AIR-E

PCW

Respondent Rohm and Haas Texas Incorporated

Policy Revision 2 (September 2002)

Case ID No. 34577

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100223205

Media [Statute] Air

Enf. Coordinator Audra L. Ruble

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c); Air Permit No. 8838, SC 1; and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain compliance with emission limits, as documented during a record review conducted on August 9, 2007. Specifically, testing conducted on January 4, 2007 indicates that the B-Train Start Up Heater (EPN HT-2) exceeded permitted limits. Emission rates of 7.08 lbs/hr for NOx and 9.67 lbs/hr for CO were measured during the performance testing, with permit limits of 3.60 lbs/hr and 3.02 lbs/hr, respectively.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

Matrix Notes

The failure to maintain compliance with the emission limits has resulted in the release of an insignificant amount of pollutants which do not exceed protective levels.

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 checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Three quarterly events are recommended from date of testing (January 4, 2007) through screening (September 6, 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 Rohm and Haas Texas Incorporated
Case ID No. 34577
Reg. Ent. Reference No. RN100223205
Media Air
Violation No. 4

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
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Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$2,500	4-Jan-2007	1-Sep-2008	1.7	\$208	n/a	\$208
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit a permit amendment. Date required is the date of testing and Final date is when compliance is expected to be achieved.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$208

Compliance History

Customer/Respondent/Owner-Operator:	CN600131395	Rohm and Haas Texas Incorporated	Classification: AVERAGE	Rating: 3.63
Regulated Entity:	RN100223205	ROHM AND HAAS TEXAS DEER PARK PLANT	Classification: AVERAGE	Site Rating: 4.87
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER		HG0632T
	AIR OPERATING PERMITS	PERMIT		1583
	AIR OPERATING PERMITS	PERMIT		2232
	AIR OPERATING PERMITS	PERMIT		2233
	AIR OPERATING PERMITS	PERMIT		2234
	AIR OPERATING PERMITS	PERMIT		2235
	AIR OPERATING PERMITS	PERMIT		2236
	AIR OPERATING PERMITS	PERMIT		2237
	AIR OPERATING PERMITS	ACCOUNT NUMBER		HG0632T
	WASTEWATER	PERMIT		WQ0000458000
	WASTEWATER	PERMIT		TPDES0006084
	WASTEWATER	PERMIT		TX0006084
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT		50102
	UNDERGROUND INJECTION CONTROL	PERMIT		WDW078
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID		TXD065096273
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)		30041
	AIR NEW SOURCE PERMITS	PERMIT		N61
	AIR NEW SOURCE PERMITS	PERMIT		52270
	AIR NEW SOURCE PERMITS	PERMIT		54886
	AIR NEW SOURCE PERMITS	REGISTRATION		54970
	AIR NEW SOURCE PERMITS	REGISTRATION		54971
	AIR NEW SOURCE PERMITS	REGISTRATION		75383
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX828
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX828M1
	AIR NEW SOURCE PERMITS	PERMIT		55988
	AIR NEW SOURCE PERMITS	PERMIT		50454
	AIR NEW SOURCE PERMITS	REGISTRATION		72461
	AIR NEW SOURCE PERMITS	REGISTRATION		73729
	AIR NEW SOURCE PERMITS	REGISTRATION		74506
	AIR NEW SOURCE PERMITS	REGISTRATION		74756
	AIR NEW SOURCE PERMITS	REGISTRATION		73848
	AIR NEW SOURCE PERMITS	REGISTRATION		74713
	AIR NEW SOURCE PERMITS	PERMIT		73913
	AIR NEW SOURCE PERMITS	EPA ID		PSDTX987
	AIR NEW SOURCE PERMITS	REGISTRATION		77253
	AIR NEW SOURCE PERMITS	REGISTRATION		77241
	AIR NEW SOURCE PERMITS	PERMIT		54056
	AIR NEW SOURCE PERMITS	PERMIT		77200
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		HG0632T
	AIR NEW SOURCE PERMITS	PERMIT		723
	AIR NEW SOURCE PERMITS	PERMIT		751
	AIR NEW SOURCE PERMITS	PERMIT		1257A
	AIR NEW SOURCE PERMITS	PERMIT		1957
	AIR NEW SOURCE PERMITS	PERMIT		2165
	AIR NEW SOURCE PERMITS	PERMIT		4276
	AIR NEW SOURCE PERMITS	PERMIT		5051
	AIR NEW SOURCE PERMITS	PERMIT		5703
	AIR NEW SOURCE PERMITS	PERMIT		5802
	AIR NEW SOURCE PERMITS	PERMIT		6233
	AIR NEW SOURCE PERMITS	PERMIT		6654
	AIR NEW SOURCE PERMITS	PERMIT		6894
	AIR NEW SOURCE PERMITS	PERMIT		7309
	AIR NEW SOURCE PERMITS	PERMIT		7637
	AIR NEW SOURCE PERMITS	PERMIT		7648
	AIR NEW SOURCE PERMITS	PERMIT		8838
	AIR NEW SOURCE PERMITS	PERMIT		10715
	AIR NEW SOURCE PERMITS	PERMIT		11779
	AIR NEW SOURCE PERMITS	PERMIT		13804
	AIR NEW SOURCE PERMITS	PERMIT		17392
	AIR NEW SOURCE PERMITS	PERMIT		17442

AIR NEW SOURCE PERMITS	PERMIT	20901
AIR NEW SOURCE PERMITS	PERMIT	26728
AIR NEW SOURCE PERMITS	PERMIT	28728
AIR NEW SOURCE PERMITS	PERMIT	29010
AIR NEW SOURCE PERMITS	PERMIT	28913
AIR NEW SOURCE PERMITS	PERMIT	29705
AIR NEW SOURCE PERMITS	PERMIT	30727
AIR NEW SOURCE PERMITS	PERMIT	32069
AIR NEW SOURCE PERMITS	PERMIT	32671
AIR NEW SOURCE PERMITS	PERMIT	33817
AIR NEW SOURCE PERMITS	PERMIT	34654
AIR NEW SOURCE PERMITS	PERMIT	35142
AIR NEW SOURCE PERMITS	PERMIT	37086
AIR NEW SOURCE PERMITS	PERMIT	38913
AIR NEW SOURCE PERMITS	PERMIT	40134
AIR NEW SOURCE PERMITS	PERMIT	41356
AIR NEW SOURCE PERMITS	PERMIT	42170
AIR NEW SOURCE PERMITS	PERMIT	42737
AIR NEW SOURCE PERMITS	PERMIT	42914
AIR NEW SOURCE PERMITS	PERMIT	44595
AIR NEW SOURCE PERMITS	PERMIT	27131
AIR NEW SOURCE PERMITS	PERMIT	47480
AIR NEW SOURCE PERMITS	PERMIT	48921
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0632T
AIR NEW SOURCE PERMITS	AFS NUM	4820100034
AIR NEW SOURCE PERMITS	REGISTRATION	79126
AIR NEW SOURCE PERMITS	REGISTRATION	80267
AIR NEW SOURCE PERMITS	REGISTRATION	81342
AIR NEW SOURCE PERMITS	REGISTRATION	81248
AIR NEW SOURCE PERMITS	PERMIT	82008
AIR NEW SOURCE PERMITS	REGISTRATION	82086
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011717
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30041
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50102
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50102

Location: 1900 TIDAL RD, DEER PARK, TX, 77536 Rating Date: 9/1/2006 Repeat Violator: NO

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

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.

Effective Date: 10/10/2003 ADMINORDER 2002-0871-MLM-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart NNN 60.665(l)
Rqmt Prov: SC 2C PERMIT
Description: Failure to submit the semi annual reports for the distillation column in the BMA unit for 1996-2000 and the first semi annual report for 2001.
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart VV 60.487(a)

Rqmt Prov: SC 2B SP VV PERMIT

Description: Failure to submit the semi annual reports for fugitive monitoring of the BMA unit for 1996-2000 and the first semi annual report for 2001.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
40 CFR Part 63, Subpart H 63.181(c)

Description: Failure to maintain records of weekly visual inspections of the agitators.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.105(b)

Description: Failure to properly prepare a description of maintenance procedures for the management of wastewater generated from the emptying and purging of the MMA column.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.241
Description: Failure to install a Stage II vapor recovery system.

Effective Date: 01/08/2005 ADMINORDER 2004-0146-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 751, Special Condition 1 PERMIT

Description: Rohm and Haas is alleged to have failed to comply with the permitted emission rate of 5.65 pounds per hour (lb/hr) of carbon monoxide and 0.37 lb/hr of volatile organic compounds (VOCs) for EPN 35-HR-5.

Effective Date: 11/06/2005 ADMINORDER 2003-0610-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter D 115.354(2)(D)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 335, SubChapter E 335.112(a)(20)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1052(a)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1054(a)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1057(a)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1063(b)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1063(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 2B, 7F, 7G, 8F, 8G PERMIT
SC 6A, 3C, 4F, 4G PERMIT

Description: A.8.c.(1)(G). Failure to monitor valves, pumps, connectors in MMA and BMA service at the HT/HT2 unit applicable to 40 CFR 60, Subpart VV and 40 CFR 63, Subpart H.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8838 SC 4E PA

Description: A8.c.(1)(B). Failure to cap/plug open ended lines at the HT/HT2 Unit.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(20)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1050(c)

Description: Failure to tag 357 equipment components for fugitive emissions monitoring.

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)[G]

Description: Failure to update information on the Notice of Registration to accurately reflect current status.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(20)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1063(b)

Description: Failure to calibrate equipment used for fugitive monitoring prior to monitoring on the same day.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter D 115.354(2)(D)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 29010 SC2B, 7F, 7G, 8F, 8G PERMIT
Permit No. 8838 SC 6A, 3C, 4F, 4G PERMIT

Description: Failure to monitor pumps, connectors, and valves in methyl methacrylate (MMA) and BMA (butyl methacrylate) service at the P-North process unit.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to prohibit an emission event by good design, operation, or maintenance.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.205(d)(1)
30 TAC Chapter 117, SubChapter E 117.520(c)(1)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to have NOx control technology installed by November 15, 1999

Effective Date: 04/14/2006 ADMINORDER 2005-0152-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8838 General Condition PERMIT

Description: Failure to comply with the permitted emission limit of 0.25 pounds per hour of VOCs for emission point number HT-48 during a March 11, 2003 emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent an avoidable emissions event on December 26, 2003 which resulted in the unauthorized release of 2,132.66 pounds of VOCs from the B4 Reactor separator, which is not a permitted source of emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the TCEQ of the December 26, 2003 emissions event within 24 hours of discovery.

See addendum for information regarding federal actions.

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 09/03/2002 (3436)
- 2 09/17/2002 (158801)
- 3 10/16/2002 (158804)
- 4 10/31/2002 (14324)
- 5 11/20/2002 (158808)
- 6 12/13/2002 (13575)
- 7 12/17/2002 (16788)
- 8 12/17/2002 (13042)
- 9 12/19/2002 (14732)
- 10 12/30/2002 (158812)
- 11 01/27/2003 (158816)

12	02/03/2003	(18613)
13	02/03/2003	(18762)
14	02/03/2003	(18816)
15	02/24/2003	(11315)
16	02/28/2003	(158777)
17	03/03/2003	(21762)
18	03/07/2003	(21378)
19	03/21/2003	(28504)
20	03/24/2003	(22902)
21	03/25/2003	(158780)
22	03/28/2003	(23431)
23	03/28/2003	(23409)
24	03/28/2003	(23412)
25	04/01/2003	(25900)
26	04/10/2003	(27120)
27	04/21/2003	(158785)
28	05/02/2003	(31406)
29	05/19/2003	(295659)
30	06/05/2003	(27380)
31	06/18/2003	(158792)
32	06/20/2003	(31926)
33	07/13/2003	(35393)
34	07/13/2003	(37899)
35	07/21/2003	(295674)
36	07/21/2003	(295665)
37	08/07/2003	(9883)
38	08/12/2003	(9872)
39	08/23/2003	(112801)
40	08/25/2003	(9892)
41	08/25/2003	(295667)
42	08/27/2003	(152220)
43	09/22/2003	(295669)
44	10/01/2003	(248901)
45	10/21/2003	(295671)
46	10/21/2003	(295673)
47	11/17/2003	(295672)
48	11/18/2003	(253653)
49	01/30/2004	(259388)
50	01/30/2004	(259393)
51	01/30/2004	(258824)
52	03/09/2004	(260143)
53	03/19/2004	(295656)
54	03/31/2004	(295654)
55	04/22/2004	(295657)
56	05/25/2004	(295660)
57	05/27/2004	(250191)
58	06/16/2004	(295662)
59	06/18/2004	(274191)
60	06/25/2004	(250192)
61	07/15/2004	(272466)
62	07/15/2004	(272468)
63	07/15/2004	(272394)
64	07/21/2004	(352218)
65	07/23/2004	(249701)
66	07/23/2004	(250189)
67	07/30/2004	(271912)
68	07/30/2004	(271899)
69	08/11/2004	(288434)
70	08/13/2004	(249700)
71	08/23/2004	(352219)
72	08/31/2004	(292541)
73	08/31/2004	(291114)
74	09/20/2004	(352220)
75	09/30/2004	(287515)
76	09/30/2004	(288333)
77	10/05/2004	(334482)
78	10/22/2004	(291603)
79	10/26/2004	(352221)

80	10/26/2004	(352223)
81	10/26/2004	(292548)
82	11/11/2004	(287014)
83	11/11/2004	(289842)
84	11/14/2004	(274431)
85	11/14/2004	(274450)
86	11/14/2004	(274440)
87	11/19/2004	(341406)
88	11/29/2004	(352222)
89	12/09/2004	(341434)
90	12/16/2004	(283988)
91	12/16/2004	(283962)
92	12/16/2004	(287555)
93	12/17/2004	(334284)
94	12/17/2004	(334282)
95	12/17/2004	(334283)
96	12/27/2004	(284899)
97	12/27/2004	(284888)
98	12/28/2004	(288285)
99	12/30/2004	(338299)
100	01/03/2005	(288453)
101	01/04/2005	(285144)
102	01/05/2005	(338809)
103	01/12/2005	(346448)
104	01/21/2005	(381891)
105	02/23/2005	(381889)
106	03/08/2005	(350487)
107	03/21/2005	(381890)
108	03/31/2005	(374351)
109	04/06/2005	(374353)
110	04/06/2005	(374352)
111	04/22/2005	(378240)
112	05/19/2005	(392626)
113	07/25/2005	(399258)
114	07/25/2005	(400493)
115	07/27/2005	(400167)
116	07/28/2005	(400627)
117	08/05/2005	(397806)
118	08/15/2005	(397447)
119	08/18/2005	(404307)
120	08/23/2005	(401938)
121	08/23/2005	(404914)
122	08/25/2005	(405924)
123	08/29/2005	(418394)
124	08/30/2005	(418292)
125	11/04/2005	(435818)
126	12/29/2005	(434384)
127	01/09/2006	(440229)
128	02/21/2006	(455168)
129	02/23/2006	(455895)
130	02/25/2006	(456937)
131	02/27/2006	(456637)
132	02/28/2006	(457142)
133	02/28/2006	(451371)
134	02/28/2006	(457254)
135	03/23/2006	(454725)
136	03/24/2006	(457097)
137	03/28/2006	(457110)
138	03/28/2006	(452624)
139	04/28/2006	(457469)
140	05/01/2006	(460108)
141	05/04/2006	(457447)
142	05/09/2006	(461424)
143	05/09/2006	(460949)
144	05/11/2006	(460513)
145	05/11/2006	(463554)
146	05/11/2006	(460471)
147	05/11/2006	(460733)

148 05/11/2006 (458324)
 149 05/11/2006 (460912)
 150 05/11/2006 (460844)
 151 05/11/2006 (460393)
 152 05/25/2006 (374855)
 153 05/25/2006 (374902)
 154 05/26/2006 (459923)
 155 05/31/2006 (457270)
 156 07/25/2006 (457457)
 157 07/25/2006 (457453)
 158 07/25/2006 (406106)
 159 07/26/2006 (486614)
 160 07/27/2006 (462714)
 161 08/11/2006 (462093)
 162 08/14/2006 (464411)
 163 08/24/2006 (488546)
 164 08/30/2006 (489426)
 165 08/31/2006 (449984)
 166 09/29/2006 (513039)
 167 10/03/2006 (513582)
 168 10/03/2006 (513239)
 169 10/13/2006 (515313)
 170 10/23/2006 (512670)
 171 11/29/2006 (532188)
 172 12/01/2006 (517786)
 173 01/05/2007 (514335)
 174 01/31/2007 (536331)
 175 02/08/2007 (512671)
 176 02/28/2007 (540141)
 177 04/09/2007 (543775)
 178 05/21/2007 (518229)
 179 06/29/2007 (559790)
 180 07/03/2007 (558379)
 181 07/09/2007 (563232)
 182 07/24/2007 (564927)
 183 07/24/2007 (564923)
 184 07/26/2007 (566593)
 185 07/30/2007 (564812)
 186 08/06/2007 (568518)
 187 08/06/2007 (568496)
 188 08/07/2007 (568014)
 189 08/13/2007 (571023)
 190 08/28/2007 (571222)
 191 08/28/2007 (571662)
 192 08/29/2007 (573463)
 193 08/29/2007 (573797)

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

Date: 09/04/2002 (3436)
 Self Report? NO Classification: Minor
 Citation: 40 CFR Part 63, Subpart G 63.118(f)(5)
 Description: Failed to include the times and durations of flame outage on several flares on a HON semi-annual periodic report.
 Date: 10/17/2002 (14324)
 Self Report? NO Classification: Minor
 Citation: 40 CFR Part 63, Subpart G 63.118(f)(5)
 Description: Failed to include the times and durations of flame outage on several flares on a HON semi-annual periodic report.
 Date: 12/31/2002 (158816)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/27/2003 (11315)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.6
 30 TAC Chapter 319, SubChapter A 319.9(c)
 Description: Failure to maintain documentation of laboratory quality control.

Date: 02/28/2003 (158780)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 03/12/2003 (21378)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.222(b)(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G]
 Description: Failure to control emissions.
 Date: 03/21/2003 (22902)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.222(b)(3)
 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Failed to prevent an emissions event which resulted in unauthorized emissions.
 Date: 03/31/2003 (23412)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.222(b)(3)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to close bleed valve which caused unauthorized emissions.
 Date: 03/31/2003 (23409)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G]
 Description: Failure to report emissions event in a timely manner.
 Date: 03/31/2003 (158785)

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: 04/30/2003 (295659)

Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/31/2003 (158792)

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: 08/07/2003 (9883)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(d)(5)
 Description: Failure to include reason for delay of repair for the leaking fugitive monitoring component.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)
 Description: Failure to conduct fugitive monitoring of 65 pumps during March 22, 2002.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)
 Description: Failure to conduct fugitive monitoring of 5 agitators during March 2002.
 Date: 08/31/2003 (295669)

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: 09/30/2003 (295671)

Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 11/30/2003 (295673)

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: 12/31/2003 (295674)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/31/2004 (295654)
 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: 04/30/2004 (295660)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/31/2004 (295662)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 07/23/2004 (249701)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PA 48921 SC No. 6E
 Description: Failure to install a cap, blind flange, or plug on open ended lines or valves.
 Date: 07/23/2004 (250189)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
 Description: Failure to record flare observations for N17 and N6 Flares during the annual compliance certification period of April 4, 2003 through April 3, 2004.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PA TCEQ Air Permit No. 48922 SC No. 8
 Description: Failure to maintain records of weekly sampling of safety vent stacks (EPN N-7 & N-8).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 115, SubChapter D 115.354(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PA 723 & PSD-TX-828 SC No. 9B
 Description: Failure to tag leaking fugitive monitoring components during the annual compliance certification period of April 4, 2003 through April 3, 2004.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(1)(C)
 Description: Failure to re-monitor leaking fugitive monitoring components after the repairs are completed.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 Description: Failure to conduct first attempt repair for the leaking fugitive monitoring components within five (5) calendar days.
 Date: 08/13/2004 (249700)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)
 Description: Failure to submit compliance certification report within 30 days after the end of the certification period.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
 Description: Failure to record time when the the flare observation was made for SW-1 flare during annual compliance certification period.
 Date: 10/31/2004 (352222)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 11/14/2004 (274431)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Exceeded VOC rule limit during an avoidable emissions event.
 Date: 11/22/2004 (338299)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT No. 8838, GC #8
 Description: Failure to identify the function of process controllers. (Unauthorized emission)
 Date: 11/30/2004 (352223)
 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: 12/16/2004 (283988)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to report the emissions event that occurred in the A/B Trains in a timely manner.
 Date: 12/17/2004 (283962)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 Description: Failure to report an emissions event in a timely manner.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 723 Special Condition 1
 Description: Failure to prevent unauthorized emissions.
 Date: 12/31/2004 (381891)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 03/31/2005 (374351)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
 30 TAC Chapter 116, SubChapter B 116.115(b)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PA Permit No. 8838, GC #8
 Description: The emissions event initial notification was not submitted in a timely manner. (Unauthorized emissions)
 Date: 04/06/2005 (374353)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
 30 TAC Chapter 116, SubChapter B 116.115(b)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PA Permit No. 8838, GC No. 8
 Description: The emissions event initial notification was not submitted in a timely manner. (Unauthorized emissions)
 Date: 04/06/2005 (374352)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
 30 TAC Chapter 116, SubChapter B 116.115(b)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PA Permit No. 8838
 Description: The emissions event initial notification was not submitted in a timely manner. (Unauthorized emissions)
 Date: 07/25/2005 (399258)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
 Description: The facility failed to update its NOR with regard to waste streams and waste management units.
 Date: 07/27/2005 (400167)
 Self Report? NO Classification: Minor
 Citation: 40 CFR Chapter 270, SubChapter I, PT 270, SubPT C 270.30(a)
 Rqmt Prov: PERMIT V.A.1.
 Description: Permit Provision V. A. 1. -Authorized Units

The facility did not identify the boiler with a sign indicating it is Permit Unit No. 3. This is a violation of the recently issued permit.

The facility should erect the proper identification for this unit as required by the

Date: 08/15/2005 (397447)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT No. 723/PSD-TX-828-M1
Description: Failure to close the block valve to the first stage vacuum jet condenser discharge. (Unauthorized emissions)
Date: 08/29/2005 (418394)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)
Description: Failure to test within 150 days of start-up.
Date: 08/30/2005 (418292)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PA NSR Permit No. 43803 Special Condition 1
Description: Failure to comply with Special Condition No. 1 of NSR permit no. 83803. (Unauthorized emissions)
Date: 11/04/2005 (435818)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: PA 17392 SC No. 4
OP O-02235 SC no. 8
Description: Failure to comply with the VOC emission limit for the tank no. 90480 for the year 2004 as per SC 4 of TCEQ permit no. 17392.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP O-02235 SC 8
PA TCEQ Permit No. 17392 SC 8
Description: Failure to comply with VOC emission limit for the tank no. 91007 for the year 2004 as per SC no. 8 of TCEQ permit no. 17392.
Date: 01/10/2006 (440229)

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: PA SC no. 8 of NSR permit no. 29010
Description: Failure to comply with permitted emission limit of 0.71 tons per year of VOC for the year 2004 for the tank no. 91029 as per Special Condition no. 1 of TCEQ permit no. 29010.

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: PA SC no. 1 of NSR permit no. 29010
Description: Failure to comply with the permitted emission limit of 6.2 tons per year of VOC for the year 2004 for the tank 96674 as per special condition no. 1 of TCEQ permit no. 29010.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: PA NSR permit no. 29010
Description: Failure to comply with the permitted fill rate limit of 100 gallons per minute for the tank no. 91325 as stated in the permit application for the permit no. 29010.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: PA NSR permit no. 29010
Description: Failure to comply with the permitted fill rate limit of 125 gallons per minute for the tank no. 91326 as stated in the permit application for the permit no. 29010.
Date: 07/26/2006 (486614)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT No. 8838
Description: Failure to prevent an operator error resulting in power loss at HT2 process unit. (Unauthorized emissions)
Date: 08/14/2006 (464411)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Operating Permit No. O-02232
 PA TCEQ Air Permit No. 48921 SC 6E
 Description: Failure to plug an open-ended line.
 Date: 08/16/2006 (462093)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 Description: The 2005 deviation report did not include failure to monitor the Decanter water and the Cooling Tower water
 Date: 08/30/2006 (489426)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT No. 8838, Special Condition 1
 Description: Failure to prevent unauthorized emissions
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
 Description: Failure to submit a final report of an emissions event no later than two weeks after the end of the event.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
 Description: Failure to include in the final report, the authorized emission limits for the facilities involved in an emissions event.
 Date: 08/31/2006 (449984)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT H 60.84(e)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP O-01583
 Description: failure to comply with SO2 emission standard of 4 lbs per ton of acid produced 3-hour roll-over emissions to the atmosphere for one of their sulfuric acid unit as per 40 CFR 60.84(e)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PA SC no. 1 of Air Permit No. 751
 Description: failure to comply with CO emissions for the year 2004 as per special condition no. 1 of TCEQ permit no. 751.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP O-01583
 Description: failure to monitor 12 HON valves between July 28, 2004 through May 31, 2005.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP O-01583
 Description: failure to monitor a newly installed HON pump between July 28, 2004 through May 31, 2005.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PA SC No. 8 of TCEQ Air Permit No. 1257A
 Description: failure to maintain the temperature of wet crude methyl methacrylate to below 90 degrees F, which is transferred to tanks B-3-13 through B-3-17 as required by Special Condition no. 8 of TCEQ permit No. 1257A.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP O-01583
 PA SC no. 1 of AIR Permit No. 1257A
 Description: failure to comply with a VOC emissions limit for the tank B-3-8 as per special condition no. 1 of TCEQ permit 1257A.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)
 Rqmt Prov: OP O-01583
 Description: failure to conduct AVO pump inspection for 23 pumps in the B4 unit from May 20, 2004 through August 1, 2004.
 Date: 02/08/2007 (512671)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP FOP O-02236, SC No. 3(A)(iii)(1)
 Description: Failure to perform quarterly observation of visible emissions from a building emission source, enclosed facility, or other structure containing emission sources.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP FOP O-02236, SC 13
 PA NSR Permit No. 8838, SC 1
 Description: Failure to comply with Carbon Monoxide (CO) emission limit of NSR Permit No. 8838 for the HT-11 thermal incinerator.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP FOP O-02236, SC 13
 PA NSR Permit No. 8838, SC 1
 Description: Failure to comply with NOx emission limits of NSR permit 8838 for the thermal oxidizer.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP FOP O-02236, SC 13
 PA NSR Permit No. 8838, SC 24 A & B
 Description: Failure to maintain minimum operating temperature for thermal oxidizer as required by the NSR Permit No. 8838 SC 24 A & B.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP FOP O-02236, SC 13
 PA NSR Permit No. 8838, SC 24A
 Description: Failure to maintain minimum oxygen level in the HT-3 thermal oxidizer.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PA NSR Permit No. 8838, SC 1
 OP O-02236 SC 13
 Description: Failure to meet the minimum net heating value for the flares HT-4 and HT-10.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PA NSR Permit No. 8838, SC 4H
 OP O02236 SC No. 13
 Description: Failure to repair five leaking fugitive components within 15 days after the leak is discovered.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP FOP O-02236, SC 13
 PA NSR Permit No. 8838 SC 4E
 Description: Failure to plug six open-ended lines in light liquid service.
 Date: 02/28/2007 (540141)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT TCEQ Permit # 1257 A

Description: Failed to comply with the permitted emission rate for acetone.
Date: 03/15/2007 (543775)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT 8838/Special Condition 1
Description: Failed to prevent unauthorized emissions.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: Failed to submit an initial notification as soon as practicable.
Date: 06/28/2007 (559790)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: Failed to comply with the emissions events reporting requirements.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT Permit No. 8838/Special Condition No. 1
Description: Failed to prevent unauthorized emissions.
Date: 07/26/2007 (566593)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT 8838/Special Condition No. 1
Description: Failed to prevent unauthorized emissions
Date: 08/29/2007 (573797)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP General Terms and Conditions
Description: Failure to submit the semiannual deviation report within 30 days of the end of the
deviation reporting period.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP General Terms and Conditions
Description: Failure to submit the permit compliance certification within 30 days of the end of the
reporting period.

- F. Environmental audits.
- Notice of Intent Date: 01/15/2004 (263315)
No DOV Associated
 - Notice of Intent Date: 06/14/2004 (350744)
No DOV Associated
 - Notice of Intent Date: 09/15/2005 (434800)
No DOV Associated

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.
N/A

I. Participation in a voluntary pollution reduction program.

J. Early compliance.
N/A

Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ROHM AND HAAS TEXAS
INCORPORATED
RN100223205**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1437-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 Rohm and Haas Texas Incorporated ("Rohm and Haas") 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 Rohm and Haas appear before the Commission and together stipulate that:

1. Rohm and Haas owns and operates a chemical manufacturing facility located at 1900 Tidal Road in Deer Park, 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 Rohm and Haas agree that the Commission has jurisdiction to enter this Agreed Order, and that Rohm and Haas is subject to the Commission's jurisdiction.
4. Rohm and Haas received notice of the violations alleged in Section II ("Allegations") on or about August 5, and August 8 and 29, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Rohm and Haas of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eighty-Five Thousand Five Hundred Dollars (\$85,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Rohm and Haas has paid Thirty-Four Thousand Two Hundred Dollars (\$34,200) of the administrative penalty and Seventeen Thousand One Hundred Dollars (\$17,100) is deferred

contingent upon Rohm and Haas' 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 Rohm and Haas fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Rohm and Haas to pay all or part of the deferred penalty. Thirty-Four Thousand Two Hundred Dollars (\$34,200) shall be conditionally offset by Rohm and Haas' completion of a Supplemental Environmental Project.

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 Rohm and Haas 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 Rohm and Haas 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, Rohm and Haas is alleged to have:

1. Failed to prevent an unauthorized emissions event which occurred at Tank 320 on March 21, 2007, in violation of 30 TEX. ADMIN. CODE § 116.115(c); Air Permit No. 8838, Special Condition ("SC") 1; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on June 19, 2007. Specifically, approximately 32.81 pounds ("lbs") of acetic acid, 280.93 lbs of acrylic acid, 5,331.56 lbs of isopropyl acetate, and 2,153.13 lbs of toluene were released over a duration of five hours and 25 minutes. These emissions were not authorized by the permit. Since the emissions event was avoidable, it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b)(1-11).
2. Failed to prevent an unauthorized emissions event which occurred at the propylene vaporizer on May 9, 2007, in violation of 30 TEX. ADMIN. CODE §§ 115.722(c) and 116.115(c); Air Permit No. 8838, SC 1; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 17, 2007. Specifically, approximately 1,396.04 lbs of propylene were released over a duration of 13 minutes. These emissions were not authorized by the permit. Since the emissions event was avoidable, it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b)(1-11).
3. Failed to maintain compliance with emission limits, in violation of 30 TEX. ADMIN. CODE § 116.115(c); Air Permit No. 8838, SC 1; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on August 6, 2007. Specifically, testing conducted on January 3, 2007 indicates that the A-Train Start Up Heater (EPN HT-1) exceeded permitted

limits. Emission rates of 6.20 lbs per hour ("lbs/hr") for nitrogen oxides ("NO_x") and 16.62 lbs/hr for carbon monoxide ("CO") were measured during the performance testing, with permit limits of 3.60 lbs/hr and 3.02 lbs/hr, respectively.

4. Failed to maintain compliance with emission limits, in violation of 30 TEX. ADMIN. CODE § 116.115(c); Air Permit No. 8838, SC 1; and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on August 9, 2007. Specifically, testing conducted on January 4, 2007 indicates that the B-Train Start Up Heater (EPN HT-2) exceeded permitted limits. Emission rates of 7.08 lbs/hr for NO_x and 9.67 lbs/hr for CO were measured during the performance testing, with permit limits of 3.60 lbs/hr and 3.02 lbs/hr, respectively.

III. DENIALS

Rohm and Haas generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Rohm and Haas pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Rohm and Haas' 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: Rohm and Haas Texas Incorporated, Docket No. 2007-1437-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. Rohm and Haas shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Thirty-Four Thousand Two Hundred Dollars (\$34,200) of the assessed administrative penalty shall be offset with the condition that Rohm and Haas implement the SEP defined in Attachment A, incorporated herein by reference. Rohm and Haas' 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 Rohm and Haas shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 3.d., that corrective actions have been taken to prevent the reoccurrence of emission events similar to the March 21 and May 9, 2007 incidents;
 - b. Within 180 days after the effective date of this Agreed Order, either:

- i. Conduct performance testing and submit test results demonstrating compliance with the NO_x and CO emission limits for EPNs HT-1 and HT-2, as required by Air Permit No. 8838; or
 - ii. File an administratively complete permit amendment application that accurately reflects the emissions of EPNs HT-1 and HT-2.
- c. If a permit amendment application is submitted in accordance with Ordering Provision No. 3.b.ii., then:
- i. Respond completely and adequately, as determined by the Air Permits Division, to all letters requesting information concerning the application within 30 days of the date of such letters, or by any other deadline specified in writing; and
 - ii. Within 270 days after submittal of the application, submit written certification that appropriate authorization has been obtained for the emissions from EPNs HT-1 and HT-2 or cease operations until appropriate authorization is obtained.
- d. Written certification required by Ordering Provisions 3.a. and 3.c.ii. shall be as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certifications 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

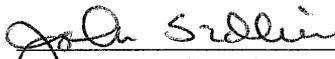
4. The provisions of this Agreed Order shall apply to and be binding upon Rohm and Haas. Rohm and Haas is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

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

3/7/2008

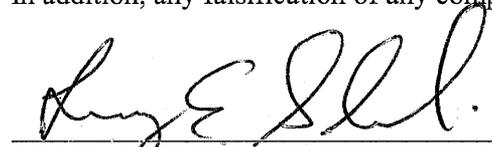
Date

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

12/12/2007

Date

LARRY E. SCHIMID

Name (Printed or typed)
Authorized Representative of
Rohm and Haas Texas Incorporated

SITEMANAGER

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.

Attachment A
Docket Number: 2007-1437-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Rohm and Haas Texas Incorporated
Payable Penalty Amount: Sixty-Eight Thousand Four Hundred Dollars (\$68,400)
SEP Amount: Thirty-Four Thousand Two Hundred Dollars (\$34,200)
Type of SEP: Pre-approved
Third-Party Recipient: Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program
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 Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality*.

SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

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 a discernible environmental benefit by reducing particulate emissions on buses by more than 90% below today’s level and reducing hydrocarbons below measurement capability.

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:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

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.

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.

