EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1756-AIR-E **TCEQ ID:** RN100225945 **CASE NO.:** 34867

RESPONDENT NAME: The Dow Chemical Company

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
X AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Dow Texas Operations Freeport, 2301 North Brazosport Boulevard, Freeport, Brazoria County

TYPE OF OPERATION: Chemical manufacturing plant

SMALL BUSINESS: ___ **Yes** __X__ **No**

OTHER SIGNIFICANT MATTERS: There are no complaints. There are four additional pending enforcement actions regarding this facility location, Docket Nos. 2007-1981-AIR-E, 2007-1843-IHW-E, 2007-0923-AIR-E, and 2004-1344-MLM-E.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on April 21, 2008. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768
TCEQ Enforcement Coordinator: Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, MC R-13, (210) 403-4006; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: Ms. Linda Bartholome, Responsible Care Leader, The Dow Chemical Company, 2301 North Brazosport Boulevard, Freeport, Texas 77541-3257
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ___ Complaint ___ Routine ___ Enforcement Follow-up _X_ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** September 11 and 12, and October 10, 2007 **Date of NOV/NOE Relating to this Case:** October 15, 19, and 26, 2007 (NOEs) **Background Facts:** These were routine record reviews. **AIR** 1) Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 1,184 pounds of the highly reactive volatile organic compound ("HRVOC") ethylene were released through a 3-way diverter valve on the KO-132 knockout pot in the Polyethylene 4 Unit during an emissions event (Incident No. 96595) that occurred on August 27, 2007 and lasted one hour and 15 minutes. These emissions are not authorized by the permit. Since these emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), New Source Review ("NSR") Permit No. 834, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failed to comply with the emissions limit of 0.15 pounds per hour ("lbs/hr") of carbon monoxide ("CO") and 400 parts per million volume ("ppmv") at 3.0% oxygen for the F-826 Heater, emissions point number ("EPN") B23S826. Specifically, during a reference method stack test of the F-826 Heater conducted on May 2, 2007, CO emissions were 2.29 lbs/hr and 773 ppmv at 3.0% oxygen. Records subsequently reviewed showed emissions of 2.42 lbs/hr on June 24, 2007, 2.31 lbs/hr on July 10, 2007 and 2.16 lbs/hr on	**Total Assessed:** $44,450 **Total Deferred:** $8,890 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $17,780 **Total Paid to General Revenue:** $17,780 **Site Compliance History Classification** ___ **High** __X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** __X_ **Average** __ **Poor** **Major Source:** _X_ Yes ___ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that the Respondent implemented the following corrective action measures at the Plant: a. Regarding Incident No. 96595, revised nitrogen purging procedures to include clarification of valve line-up, and then trained personnel on the new procedures. These corrective actions were completed by August 31, 2007. b. Regarding the failed stack test conducted on May 2, 2007, the F-826 Heater was retested on December 2, 2007 and found to be within 400 ppmv. c. Regarding Incident No. 95290: i. Increased fresh water flow rate to the absorber, installed spargers on gas inlet nozzles, and increased nitrogen purge to the column on August 4, 2007; and ii. Checked the vent return line from the storage tanks to the rail cars to confirm there are no restrictions on August 30, 2007. **Ordering Provisions:** 1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A) 2) The Order will also require the Respondent to: a. Within 180 days after the effective date of this Agreed Order, demonstrate that the F-826 Heater is operating within permitted limits; and b. Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.

September 6, 2007 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and 117.310(c)(1), Flexible Permit No. 20432 and PSD-TX-994, Special Condition I-1 and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 3) Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 36.92 pounds of the hazardous air pollutant ethylene oxide were released through the T-6 Scrubber Vent, EPN B54V7, in the Ethylene Oxide Distribution B5400 Unit during an emissions event (Incident No. 95290) that occurred on August 1, 2007 and lasted three hours. Since these emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 18569, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)]. .		

Additional ID No(s).: BL0082R

Attachment A
Docket Number: 2007-1756-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**The Dow Chemical Company**
Payable Penalty Amount:	**Thirty-Five Thousand Five Hundred Sixty Dollars ($35,560)**
SEP Amount:	**Seventeen Thousand Seven Hundred Eighty Dollars ($17,780)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program**
Location of SEP:	**Brazoria 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 Brazoria 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.

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision September 19, 2007*

TCEQ

DATES

Assigned	22-Oct-2007				
PCW	2-Jan-2008	**Screening**	24-Oct-2007	**EPA Due**	11-Jul-2008

RESPONDENT/FACILITY INFORMATION

Respondent	The Dow Chemical Company		
Reg. Ent. Ref. No.	RN100225945		
Facility/Site Region	12-Houston	**Major/Minor Source**	Major

CASE INFORMATION

Enf./Case ID No.	34867	**No. of Violations**	3
Docket No.	2007-1756-AIR-E	**Order Type**	1660
Media Program(s)	Air	**Enf. Coordinator**	Trina Grieco
Multi-Media		**EC's Team**	EnforcementTeam 5

Admin. Penalty $ Limit Minimum $0 Maximum $10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1*: $12,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — **389%** Enhancement — *Subtotals 2, 3, & 7*: $48,625

Notes: Penalty enhancement due to 49 NOVs issued for same or similar violations, 51 NOVs issued for non-similar violations (which includes 14 self-reported effluent violations), three agreed orders containing a denial of liability, and three agreed orders without a denial of liability. Penalty reduction due to 53 notice of audit letters and 20 disclosures of violations submitted.

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

Notes: The Respondent does not meet the culpability criteria.

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

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

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

0% Enhancement* — *Subtotal 6*: $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$941
Approx. Cost of Compliance	$15,900

SUM OF SUBTOTALS 1-7 — *Final Subtotal*: $61,125

OTHER FACTORS AS JUSTICE MAY REQUIRE — *Adjustment*:

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount: $61,125

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty*: $44,450

DEFERRAL — **20%** Reduction — *Adjustment*: -$8,890

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY: $35,560

Screening Date 24-Oct-2007 **Docket No.** 2007-1756-AIR-E **PCW**

Respondent The Dow Chemical Company *Policy Revision 2 (September 2002)*

Case ID No. 34867 *PCW Revision September 19, 2007*

Reg. Ent. Reference No. RN100225945

Media [Statute] Air

Enf. Coordinator Trina Grieco

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	49	245%
	Other written NOVs	51	102%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	3	60%
	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	3	75%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which notices were submitted*)	53	-53%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	20	-40%

		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) 389%

>> Repeat Violator (Subtotal 3)

No ***Adjustment Percentage (Subtotal 3)*** 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer ***Adjustment Percentage (Subtotal 7)*** 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to 49 NOVs issued for same or similar violations, 51 NOVs issued for non-similar violations (which includes 14 self-reported effluent violations), three agreed orders containing a denial of liability, and three agreed orders without a denial of liability. Penalty reduction due to 53 notice of audit letters and 20 disclosures of violations submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 389%

Screening Date 24-Oct-2007 **Docket No.** 2007-1756-AIR-E **PCW**

Respondent The Dow Chemical Company *Policy Revision 2 (September 2002)*

Case ID No. 34867 *PCW Revision September 19, 2007*

Reg. Ent. Reference No. RN100225945

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), New Source Review ("NSR") Permit No. 834, Special Condition 1 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 1,184 pounds of the highly reactive volatile organic compound ("HRVOC") ethylene were released through a 3-way diverter valve on the KO-132 knockout pot in the Polyethylene 4 Unit during an emissions event (Incident No. 96595) that occurred on August 27, 2007 and lasted one hour and 15 minutes. These emissions are not authorized by the permit. Since these emissions were avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
Actual		x	
Potential			

OR

Percent 50%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: The Houston-Galveston-Brazoria nonattainment area has been exposed to a significant amount of HRVOCs as a result of the violation.

Adjustment $5,000

$5,000

Violation Events

Number of Violation Events 1 — 1 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $5,000

One monthly event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $24,450

This violation Final Assessed Penalty (adjusted for limits) $10,000

Economic Benefit Worksheet

Respondent The Dow Chemical Company
Case ID No. 34867
Reg. Ent. Reference No. RN100225945
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling	$300	27-Aug-2007	31-Aug-2007	0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$100	27-Aug-2007	31-Aug-2007	0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost to revise nitrogen purging procedures to include clarification of valve line-up, and then train personnel on the new procedures. Date required is the date of the emissions event. Final date is the date corrective actions were completed.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $400

TOTAL $0

Screening Date 24-Oct-2007 **Docket No.** 2007-1756-AIR-E **PCW**

Respondent The Dow Chemical Company *Policy Revision 2 (September 2002)*

Case ID No. 34867 *PCW Revision September 19, 2007*

Reg. Ent. Reference No. RN100225945

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.715(a) and 117.310(c)(1), Flexible Permit No. 20432 and PSD-TX-994, Special Condition I-1 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the emissions limit of 0.15 pounds per hour ("lbs/hr") of carbon monoxide ("CO") and 400 parts per million volume ("ppmv") at 3.0% oxygen for the F-826 Heater, emissions point number ("EPN") B23S826. Specifically, during a reference method stack test of the F-826 Heater conducted on May 2, 2007, CO emissions were 2.29 lbs/hr and 773 ppmv at 3.0% oxygen. Records subsequently reviewed showed emissions of 2.42 lbs/hr on June 24, 2007, 2.31 lbs/hr on July 10, 2007 and 2.16 lbs/hr on September 6, 2007.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: The Houston-Galveston-Brazoria nonattainment area has been exposed to an insignificant amount of contaminants (33.08 lbs of CO) as a result of the violation.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events: 2

4 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $5,000

Two quarterly events are recommended for the two quarters during which the exceedances occurred.

Economic Benefit (EB) for this violation

Estimated EB Amount $939

Statutory Limit Test

Violation Final Penalty Total $24,450

This violation Final Assessed Penalty (adjusted for limits) $24,450

Economic Benefit Worksheet

Respondent The Dow Chemical Company
Case ID No. 34867
Reg. Ent. Reference No. RN100225945
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$15,000	2-May-2007	1-Aug-2008	1.3	$939	n/a	$939
Notes for DELAYED costs	Estimated cost to implement measures designed to ensure the F-826 Heater is operating within permitted limits and conduct another stack test. Date required is the failed stack test date. Final date is the date corrective actions are projected to be completed.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $15,000

TOTAL $939

Screening Date 24-Oct-2007 **Docket No.** 2007-1756-AIR-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

Respondent The Dow Chemical Company

Case ID No. 34867

Reg. Ent. Reference No. RN100225945

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), NSR Permit No. 18569, Special Condition 1 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 36.92 pounds of the hazardous air pollutant ("HAP") ethylene oxide were released through the T-6 Scrubber Vent, EPN B54V7, in the Ethylene Oxide Distribution B5400 Unit during an emissions event (Incident No. 95290) that occurred on August 1, 2007 and lasted three hours. Since these emissions were avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			x
	Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: The Houston-Galveston-Brazoria nonattainment area has been exposed to an insignificant amount of HAPs as a result of the violation.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $2

Statutory Limit Test

Violation Final Penalty Total $12,225

This violation Final Assessed Penalty (adjusted for limits) $10,000

Economic Benefit Worksheet

Respondent The Dow Chemical Company
Case ID No. 34867
Reg. Ent. Reference No. RN100225945
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$500	1-Aug-2007	30-Aug-2007	0.1	$2	n/a	$2
Notes for DELAYED costs	Estimated cost to implement procedures designed to ensure vent return lines from the storage tanks to the railcars is free of debris. Date required is the date the exceedance occurred. Final date is the date corrective actions were completed.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $500

TOTAL $2

Compliance History

Customer/Respondent/Owner-Operator:	CN600356976	The Dow Chemical Company	Classification: AVERAGE	Rating: 2.68
Regulated Entity:	RN100225945	DOW TEXAS OPERATIONS FREEPORT	Classification: AVERAGE	Site Rating: 2.76

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0082R
AIR OPERATING PERMITS	PERMIT	1388
AIR OPERATING PERMITS	PERMIT	2202
AIR OPERATING PERMITS	PERMIT	2203
AIR OPERATING PERMITS	PERMIT	2204
AIR OPERATING PERMITS	PERMIT	2205
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PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200535
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200232
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200027
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WASTEWATER	PERMIT	TPDES0006483
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WASTEWATER	PERMIT	TX0059447000
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UNDERGROUND INJECTION CONTROL	PERMIT	WDW071
UNDERGROUND INJECTION CONTROL	PERMIT	WDW076
UNDERGROUND INJECTION CONTROL	PERMIT	WDW081
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008092793
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AIR NEW SOURCE PERMITS	PERMIT	10770
AIR NEW SOURCE PERMITS	PERMIT	11275
AIR NEW SOURCE PERMITS	PERMIT	11832
AIR NEW SOURCE PERMITS	PERMIT	12173
AIR NEW SOURCE PERMITS	PERMIT	12755
AIR NEW SOURCE PERMITS	PERMIT	15718
AIR NEW SOURCE PERMITS	PERMIT	15988
AIR NEW SOURCE PERMITS	PERMIT	18211
AIR NEW SOURCE PERMITS	PERMIT	18320
AIR NEW SOURCE PERMITS	PERMIT	19041
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL0023K
AIR NEW SOURCE PERMITS	REGISTRATION	78626
AIR NEW SOURCE PERMITS	REGISTRATION	78471
AIR NEW SOURCE PERMITS	REGISTRATION	78482
AIR NEW SOURCE PERMITS	REGISTRATION	78570
AIR NEW SOURCE PERMITS	REGISTRATION	78680
AIR NEW SOURCE PERMITS	REGISTRATION	78668
AIR NEW SOURCE PERMITS	REGISTRATION	78966
AIR NEW SOURCE PERMITS	REGISTRATION	78897
AIR NEW SOURCE PERMITS	REGISTRATION	79348
AIR NEW SOURCE PERMITS	REGISTRATION	79383
AIR NEW SOURCE PERMITS	REGISTRATION	79131
AIR NEW SOURCE PERMITS	REGISTRATION	79130
AIR NEW SOURCE PERMITS	REGISTRATION	79202
AIR NEW SOURCE PERMITS	REGISTRATION	79243
AIR NEW SOURCE PERMITS	REGISTRATION	79920
AIR NEW SOURCE PERMITS	REGISTRATION	79806
AIR NEW SOURCE PERMITS	REGISTRATION	80380
AIR NEW SOURCE PERMITS	REGISTRATION	80372
AIR NEW SOURCE PERMITS	REGISTRATION	80161
AIR NEW SOURCE PERMITS	REGISTRATION	80240
AIR NEW SOURCE PERMITS	REGISTRATION	80360
AIR NEW SOURCE PERMITS	REGISTRATION	80624
AIR NEW SOURCE PERMITS	EPA ID	PSDTX999
AIR NEW SOURCE PERMITS	REGISTRATION	81207
AIR NEW SOURCE PERMITS	REGISTRATION	81302
AIR NEW SOURCE PERMITS	REGISTRATION	81275
AIR NEW SOURCE PERMITS	REGISTRATION	81271
AIR NEW SOURCE PERMITS	REGISTRATION	81267
AIR NEW SOURCE PERMITS	REGISTRATION	81301
AIR NEW SOURCE PERMITS	REGISTRATION	82007
AIR NEW SOURCE PERMITS	REGISTRATION	50904
AIR NEW SOURCE PERMITS	REGISTRATION	50941
AIR NEW SOURCE PERMITS	REGISTRATION	51074
AIR NEW SOURCE PERMITS	REGISTRATION	51354
AIR NEW SOURCE PERMITS	REGISTRATION	51426
AIR NEW SOURCE PERMITS	REGISTRATION	51547
AIR NEW SOURCE PERMITS	REGISTRATION	81882
AIR NEW SOURCE PERMITS	REGISTRATION	81988
AIR NEW SOURCE PERMITS	REGISTRATION	81724
AIR NEW SOURCE PERMITS	REGISTRATION	81582
AIR NEW SOURCE PERMITS	REGISTRATION	82027
AIR NEW SOURCE PERMITS	REGISTRATION	37290
AIR NEW SOURCE PERMITS	REGISTRATION	82393

AIR NEW SOURCE PERMITS	REGISTRATION	82279
AIR NEW SOURCE PERMITS	REGISTRATION	82286
AIR NEW SOURCE PERMITS	REGISTRATION	82284
AIR NEW SOURCE PERMITS	REGISTRATION	82190
AIR NEW SOURCE PERMITS	REGISTRATION	82636
AIR NEW SOURCE PERMITS	REGISTRATION	82587
AIR NEW SOURCE PERMITS	REGISTRATION	82614
AIR NEW SOURCE PERMITS	REGISTRATION	82934
AIR NEW SOURCE PERMITS	REGISTRATION	82774
AIR NEW SOURCE PERMITS	REGISTRATION	83031
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	38910
WATER LICENSING	LICENSE	0200232
WASTEWATER LICENSING	LICENSE	WQ0000007000
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30106
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50161

Location: 2301 N BRAZOSPORT BLVD, FREEPORT, TX, 77541 Rating Date: September 01 07 Repeat Violator: N

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: October 29, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 29, 2002 to October 29, 2007

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

Name: Trina Grieco Phone: (210) 403-4006

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: 02/17/2003 ADMINORDER 2002-0689-IHW-E

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
30 TAC Chapter 335, SubChapter E 335.112(a)(9)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(b)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(f)

Description: Failure to provide a secondary containment for ancillary piping having threaded connections for valves, gauges, and joints.

Effective Date: 11/11/2004 ADMINORDER 2003-0947-AIR-E

Classification: Moderate

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

Rqmt Prov: 46429 PERMIT
Description: Failure to demonstrate a VOC DRE of at least 99.99% as required by Permit No. 46429, SC 8.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G]
30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 46429 MAERT PERMIT
Description: Failure to demonstrate compliance with VOC #/hr emission limits as required by Permit 46429 MAERT.

Classification: Moderate

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

Rqmt Prov: 46429 SC14 PERMIT
Description: Failure to provide a compliance test for NOx as specified in 40CFR60, Appendix A, Method 7E, § 2 as referenced to Method 6C, § 2.1 and 2.2.
3. Failure to provide a compliance test for NOx as specified in 40CFR60, Appendix A, Method 7E, § 2 as referenced to Method 6C, § 2.1 and 2.2.

Effective Date: 08/07/2005 ADMINORDER 2004-0572-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit #X-7386, SC#1 PERMIT
Description: Failed to prevent the premature failure of Primary Reactor R-1 rupture disk which resulted in the release of unauthorized emissions.

Classification: Minor

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

Rqmt Prov: NSR Permit 3301, Special Condition #9 PERMIT

Description: Failed to maintain logs whenever a chlorine leak is discovered in the unit.

Classification: Moderate

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

Rqmt Prov: NSR Permit 4022, Special Condition #7 PERMIT
Description: Failed to maintain a minimum of at least 8 weight percent caustic concentration in the series-operated D-206A/T-206A Scrubbers.

Classification: Moderate

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

Rqmt Prov: NSR Permit 3301, Special Condition #1 PERMIT
Description: Failed to adhere to the permitted limit in tons per year (EPN No. B47F1) for CO during CY 2002.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116(a)[G]

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

Rqmt Prov: NSR Permit 4021, Special Condition #9 PERMIT
Description: Failed to operate the tail gas back-up-scrubber (EPN No. B22SV31) exclusively within the conditions of the permit.

Effective Date: 04/14/2006 ADMINORDER 2005-0716-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flex Air Permit No. 20432, SC III-1 PERMIT
Description: Failed to prevent unauthorized emissions of 2,372.99 pounds (lbs) of volatile organic compounds (VOCs), 2,753.36 lbs of carbon monoxide (CO), and 100% opacity.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]

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

Description: Failed to submit an initial report within 24 hours after the discovery of an emissions event.

Classification: Moderate

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

Rqmt Prov: Permit 834, Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions of 1,174 pounds lbs of VOCs.

Classification: Moderate

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

Rqmt Prov: NSR Permit No. 5340, Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions of 443.94 pounds lbs of VOCs.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit #20996, SC #1 PERMIT
Description: Failed to prevent unauthorized emissions of 66.64 lbs of 1,2-butylene oxide, 3,905.8 lbs of VOCs, 482.98 lbs of ethylene oxide, and 22.54 lbs of propylene oxide.

Classification: Moderate

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

Rqmt Prov: NSR Permit 48813, Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions of 1,893 lbs VOCs.

Effective Date: 07/13/2007 ADMINORDER 2006-2006-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Flex Air Permit 20432, SC Ch III-1 PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 7836, SC 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Effective Date: 08/31/2007 ADMINORDER 2006-2225-AIR-E

Classification: Moderate

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

Rqmt Prov: Permit No. 19519, MAERT PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Minor

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

Description: Failed to submit an emissions event report within 24 hours after discovery of the event. Specifically, the emissions event was discovered on July 16, 2004 at 2:00 p.m., but was not reported until July 17, 2005 at 10:00 p.m.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit X-7386, SC 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 19041, SC1 PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to include the applicable permit number in the Authorization section of the final emissions event report.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1 10/29/2002 (14541)
2 10/30/2002 (10265)
3 11/18/2002 (12073)
4 11/27/2002 (159619)
5 12/09/2002 (14830)
6 12/17/2002 (15107)
7 12/19/2002 (18859)
8 12/23/2002 (159623)
9 01/03/2003 (15110)
10 01/27/2003 (21017)
11 01/27/2003 (21168)
12 01/31/2003 (159627)
13 02/03/2003 (286198)
14 02/03/2003 (285652)
15 02/12/2003 (22520)
16 02/28/2003 (26378)
17 02/28/2003 (159586)
18 03/04/2003 (26394)
19 03/06/2003 (26396)
20 03/07/2003 (21400)
21 03/20/2003 (23813)
22 03/21/2003 (159590)
23 04/14/2003 (27517)
24 04/28/2003 (159595)
25 05/19/2003 (159599)
26 05/19/2003 (28851)
27 05/27/2003 (29063)
28 05/28/2003 (31177)
29 05/28/2003 (31159)
30 05/30/2003 (60877)
31 06/23/2003 (35416)
32 06/24/2003 (60303)
33 06/26/2003 (60783)
34 06/30/2003 (35785)
35 07/02/2003 (35418)
36 07/23/2003 (296010)
37 07/26/2003 (61449)
38 07/30/2003 (133869)
39 07/31/2003 (33803)
40 08/04/2003 (36623)
41 08/07/2003 (61967)
42 08/08/2003 (159603)
43 08/14/2003 (150122)
44 08/15/2003 (140682)
45 08/19/2003 (150391)
46 08/21/2003 (151151)
47 08/22/2003 (150711)
48 08/25/2003 (151529)
49 08/26/2003 (296012)

50	08/29/2003	(152748)
51	08/29/2003	(151240)
52	08/30/2003	(152221)
53	08/30/2003	(149187)
54	09/04/2003	(247717)
55	09/17/2003	(248098)
56	10/01/2003	(250440)
57	10/01/2003	(296014)
58	10/01/2003	(250457)
59	10/23/2003	(296016)
60	10/31/2003	(253956)
61	11/12/2003	(254614)
62	11/24/2003	(296017)
63	11/26/2003	(250021)
64	11/30/2003	(126059)
65	11/30/2003	(249732)
66	12/15/2003	(254080)
67	12/24/2003	(296018)
68	01/09/2004	(254701)
69	01/09/2004	(253974)
70	01/09/2004	(254710)
71	01/21/2004	(296019)
72	02/03/2004	(257672)
73	02/05/2004	(258950)
74	02/05/2004	(260440)
75	02/06/2004	(251940)
76	02/11/2004	(260442)
77	02/11/2004	(260085)
78	02/11/2004	(260441)
79	02/23/2004	(260927)
80	02/26/2004	(296001)
81	03/10/2004	(261603)
82	03/10/2004	(264415)
83	03/15/2004	(262011)
84	03/15/2004	(261999)
85	03/15/2004	(261987)
86	03/22/2004	(263436)
87	03/22/2004	(296004)
88	03/29/2004	(264628)
89	03/30/2004	(264622)
90	04/12/2004	(264619)
91	04/13/2004	(265611)
92	04/19/2004	(296006)
93	04/23/2004	(265028)
94	04/23/2004	(258324)
95	04/29/2004	(255279)
96	04/30/2004	(255002)
97	04/30/2004	(254073)
98	05/12/2004	(257994)
99	05/14/2004	(248280)
100	05/14/2004	(263118)
101	05/17/2004	(253533)
102	05/24/2004	(31438)
103	05/26/2004	(352355)
104	05/26/2004	(258253)
105	06/01/2004	(254581)
106	06/02/2004	(272991)
107	06/03/2004	(258305)
108	06/16/2004	(247738)
109	06/28/2004	(352356)
110	06/30/2004	(266880)
111	06/30/2004	(267508)
112	06/30/2004	(267938)
113	07/06/2004	(258308)
114	07/07/2004	(258307)
115	07/20/2004	(278387)
116	07/26/2004	(352357)
117	07/28/2004	(276490)
118	07/28/2004	(282417)
119	07/28/2004	(282469)

120	08/16/2004	(281509)
121	08/17/2004	(284165)
122	08/17/2004	(273076)
123	08/17/2004	(284292)
124	08/18/2004	(277856)
125	08/24/2004	(352358)
126	08/27/2004	(267540)
127	08/27/2004	(266751)
128	08/27/2004	(279078)
129	08/29/2004	(265955)
130	08/31/2004	(272564)
131	08/31/2004	(273678)
132	08/31/2004	(273416)
133	08/31/2004	(273127)
134	08/31/2004	(273881)
135	08/31/2004	(272729)
136	08/31/2004	(272789)
137	08/31/2004	(272814)
138	08/31/2004	(274129)
139	09/01/2004	(267453)
140	09/01/2004	(277902)
141	09/07/2004	(291280)
142	09/07/2004	(333240)
143	09/23/2004	(352359)
144	10/22/2004	(352360)
145	10/31/2004	(276897)
146	10/31/2004	(276789)
147	10/31/2004	(289698)
148	11/01/2004	(285137)
149	11/01/2004	(284370)
150	11/01/2004	(285135)
151	11/01/2004	(286768)
152	11/04/2004	(338243)
153	11/05/2004	(334318)
154	11/05/2004	(334295)
155	11/22/2004	(335797)
156	11/24/2004	(352361)
157	12/06/2004	(284914)
158	12/10/2004	(114224)
159	12/13/2004	(339850)
160	12/13/2004	(336762)
161	12/13/2004	(334315)
162	12/16/2004	(285097)
163	12/16/2004	(286819)
164	12/16/2004	(114225)
165	12/16/2004	(289573)
166	12/17/2004	(286731)
167	12/17/2004	(339587)
168	12/17/2004	(338429)
169	12/20/2004	(339119)
170	12/20/2004	(339116)
171	12/21/2004	(334606)
172	12/22/2004	(289575)
173	12/22/2004	(289567)
174	12/23/2004	(381958)
175	12/28/2004	(251988)
176	12/28/2004	(256034)
177	12/31/2004	(338842)
178	01/05/2005	(285365)
179	01/06/2005	(339121)
180	01/07/2005	(338837)
181	01/07/2005	(339147)
182	01/07/2005	(339138)
183	01/07/2005	(339177)
184	01/09/2005	(339130)
185	01/14/2005	(338682)
186	01/17/2005	(249734)
187	01/21/2005	(337408)
188	01/21/2005	(381959)
189	01/27/2005	(347186)

190	01/31/2005	(347857)
191	01/31/2005	(347762)
192	01/31/2005	(347883)
193	02/01/2005	(347843)
194	02/21/2005	(337409)
195	02/21/2005	(344830)
196	02/21/2005	(337411)
197	02/21/2005	(345433)
198	02/21/2005	(345507)
199	02/21/2005	(344930)
200	02/23/2005	(346354)
201	02/23/2005	(346345)
202	02/24/2005	(339179)
203	02/25/2005	(345303)
204	02/28/2005	(381956)
205	03/02/2005	(372448)
206	03/07/2005	(372291)
207	03/07/2005	(372281)
208	03/10/2005	(346208)
209	03/18/2005	(346350)
210	03/18/2005	(346346)
211	03/21/2005	(346710)
212	03/22/2005	(346347)
213	03/23/2005	(347781)
214	03/28/2005	(381957)
215	04/01/2005	(345046)
216	04/08/2005	(347573)
217	04/21/2005	(575527)
218	05/04/2005	(347119)
219	05/04/2005	(338714)
220	05/06/2005	(376209)
221	05/10/2005	(346362)
222	05/17/2005	(376212)
223	05/17/2005	(376280)
224	05/17/2005	(376237)
225	05/20/2005	(392573)
226	05/23/2005	(262475)
227	05/23/2005	(345033)
228	05/23/2005	(376200)
229	05/24/2005	(380324)
230	05/26/2005	(575530)
231	05/27/2005	(379484)
232	05/27/2005	(374664)
233	05/31/2005	(346355)
234	06/02/2005	(376058)
235	06/02/2005	(376059)
236	06/14/2005	(375259)
237	06/14/2005	(350783)
238	06/15/2005	(380845)
239	06/17/2005	(376522)
240	06/22/2005	(350704)
241	06/24/2005	(396413)
242	06/24/2005	(575533)
243	06/24/2005	(396517)
244	06/28/2005	(376054)
245	06/29/2005	(347598)
246	07/01/2005	(378760)
247	07/08/2005	(376056)
248	07/11/2005	(393361)
249	07/12/2005	(393369)
250	07/13/2005	(397022)
251	07/21/2005	(393364)
252	07/21/2005	(575536)
253	07/22/2005	(397876)
254	07/22/2005	(397878)
255	07/22/2005	(397880)
256	07/22/2005	(397881)
257	07/28/2005	(380321)
258	08/04/2005	(398933)
259	08/05/2005	(398937)

260	08/05/2005	(396199)
261	08/05/2005	(393374)
262	08/08/2005	(396518)
263	08/11/2005	(377164)
264	08/12/2005	(285295)
265	08/15/2005	(398936)
266	08/15/2005	(393373)
267	08/19/2005	(404732)
268	08/19/2005	(393378)
269	08/22/2005	(396197)
270	08/22/2005	(575539)
271	08/24/2005	(403273)
272	08/25/2005	(404533)
273	08/25/2005	(397853)
274	08/29/2005	(398935)
275	08/30/2005	(398938)
276	09/01/2005	(403238)
277	09/12/2005	(406575)
278	09/14/2005	(431669)
279	09/22/2005	(575541)
280	09/28/2005	(406914)
281	09/28/2005	(402693)
282	09/30/2005	(402695)
283	10/05/2005	(374026)
284	10/21/2005	(575543)
285	10/26/2005	(432895)
286	10/26/2005	(432986)
287	10/26/2005	(432935)
288	10/26/2005	(431242)
289	10/26/2005	(432043)
290	10/26/2005	(432097)
291	11/15/2005	(435315)
292	11/25/2005	(575545)
293	11/30/2005	(373986)
294	11/30/2005	(435278)
295	12/23/2005	(575547)
296	12/30/2005	(433116)
297	01/10/2006	(436188)
298	01/17/2006	(376062)
299	01/17/2006	(593182)
300	01/23/2006	(575550)
301	01/24/2006	(575549)
302	01/27/2006	(436181)
303	02/03/2006	(436165)
304	02/07/2006	(436297)
305	02/09/2006	(435249)
306	02/26/2006	(575523)
307	02/27/2006	(436730)
308	02/27/2006	(453320)
309	03/02/2006	(431805)
310	03/17/2006	(340573)
311	03/23/2006	(436917)
312	03/23/2006	(433180)
313	03/24/2006	(374721)
314	03/24/2006	(575525)
315	03/28/2006	(436841)
316	03/31/2006	(436922)
317	03/31/2006	(454296)
318	04/11/2006	(454294)
319	04/17/2006	(459765)
320	04/17/2006	(454234)
321	04/17/2006	(436288)
322	04/17/2006	(433179)
323	04/19/2006	(459137)
324	04/19/2006	(575528)
325	04/26/2006	(433177)
326	05/09/2006	(459139)
327	05/11/2006	(459075)
328	05/11/2006	(459108)
329	05/11/2006	(289568)

330	05/17/2006	(462138)
331	05/17/2006	(461234)
332	05/17/2006	(463636)
333	05/17/2006	(465607)
334	05/24/2006	(466817)
335	05/25/2006	(462747)
336	05/25/2006	(462749)
337	05/25/2006	(462949)
338	05/26/2006	(575531)
339	05/31/2006	(457316)
340	06/15/2006	(481001)
341	06/22/2006	(458889)
342	06/26/2006	(575534)
343	07/14/2006	(457318)
344	07/14/2006	(486688)
345	07/14/2006	(484040)
346	07/14/2006	(480854)
347	07/14/2006	(480399)
348	07/14/2006	(480559)
349	07/14/2006	(485731)
350	07/17/2006	(462746)
351	07/17/2006	(462748)
352	07/17/2006	(482291)
353	07/18/2006	(481382)
354	07/21/2006	(482501)
355	07/21/2006	(457258)
356	07/21/2006	(575537)
357	08/07/2006	(466313)
358	08/07/2006	(438858)
359	08/08/2006	(479807)
360	08/11/2006	(457284)
361	08/11/2006	(247956)
362	08/14/2006	(483129)
363	08/14/2006	(483077)
364	08/14/2006	(483124)
365	08/15/2006	(489783)
366	08/15/2006	(490271)
367	08/15/2006	(462106)
368	08/18/2006	(465699)
369	08/18/2006	(483113)
370	08/18/2006	(480155)
371	08/18/2006	(338817)
372	08/18/2006	(338822)
373	08/22/2006	(490091)
374	08/22/2006	(484727)
375	08/23/2006	(509637)
376	08/23/2006	(457315)
377	08/23/2006	(457302)
378	08/23/2006	(484737)
379	08/24/2006	(575540)
380	08/25/2006	(509011)
381	08/25/2006	(484732)
382	08/28/2006	(484741)
383	08/28/2006	(497117)
384	08/28/2006	(490104)
385	08/31/2006	(457309)
386	09/01/2006	(487866)
387	09/01/2006	(489802)
388	09/01/2006	(509414)
389	09/01/2006	(509787)
390	09/01/2006	(509679)
391	09/01/2006	(508889)
392	09/01/2006	(497542)
393	09/01/2006	(487340)
394	09/01/2006	(489195)
395	09/07/2006	(510182)
396	09/07/2006	(510901)
397	09/08/2006	(489713)
398	09/08/2006	(489814)
399	09/08/2006	(490187)

400	09/08/2006	(490183)
401	09/08/2006	(510155)
402	09/18/2006	(509863)
403	09/18/2006	(575542)
404	09/29/2006	(513116)
405	10/11/2006	(512347)
406	10/12/2006	(515784)
407	10/12/2006	(515660)
408	10/25/2006	(509774)
409	10/25/2006	(516468)
410	10/30/2006	(512117)
411	10/30/2006	(509665)
412	11/03/2006	(575544)
413	11/07/2006	(516999)
414	11/07/2006	(516589)
415	11/08/2006	(515899)
416	11/10/2006	(517068)
417	11/15/2006	(518266)
418	11/21/2006	(519005)
419	11/21/2006	(575546)
420	11/28/2006	(340237)
421	11/30/2006	(532072)
422	11/30/2006	(519472)
423	12/04/2006	(518693)
424	12/04/2006	(518648)
425	12/04/2006	(518746)
426	12/04/2006	(518847)
427	12/05/2006	(518987)
428	12/05/2006	(519433)
429	12/05/2006	(518994)
430	12/07/2006	(532408)
431	12/12/2006	(532985)
432	12/13/2006	(512466)
433	12/15/2006	(512613)
434	12/18/2006	(512614)
435	12/20/2006	(512546)
436	12/20/2006	(518862)
437	12/22/2006	(575548)
438	01/03/2007	(533504)
439	01/08/2007	(533024)
440	01/08/2007	(535581)
441	01/16/2007	(535585)
442	01/17/2007	(537051)
443	01/18/2007	(512465)
444	01/19/2007	(532798)
445	01/19/2007	(532792)
446	01/19/2007	(535582)
447	01/19/2007	(535584)
448	01/19/2007	(535587)
449	01/25/2007	(535586)
450	02/14/2007	(537570)
451	02/15/2007	(532539)
452	02/16/2007	(532501)
453	02/16/2007	(538485)
454	02/20/2007	(537571)
455	02/26/2007	(575524)
456	02/27/2007	(518917)
457	02/28/2007	(540981)
458	03/22/2007	(542323)
459	03/22/2007	(538381)
460	03/22/2007	(536044)
461	03/23/2007	(553947)
462	03/23/2007	(554153)
463	03/23/2007	(538331)
464	03/23/2007	(542214)
465	03/23/2007	(543884)
466	03/23/2007	(554156)
467	03/26/2007	(554162)
468	03/26/2007	(575526)
469	03/30/2007	(489600)

470	03/30/2007	(489438)
471	04/02/2007	(532635)
472	04/09/2007	(554548)
473	04/09/2007	(554546)
474	04/12/2007	(543310)
475	04/18/2007	(514268)
476	04/19/2007	(535999)
477	04/19/2007	(531924)
478	04/19/2007	(575529)
479	04/19/2007	(531943)
480	04/24/2007	(555828)
481	04/27/2007	(532788)
482	04/30/2007	(515463)
483	05/07/2007	(514793)
484	05/07/2007	(511310)
485	05/08/2007	(511682)
486	05/08/2007	(511545)
487	05/08/2007	(557566)
488	05/08/2007	(511841)
489	05/08/2007	(557567)
490	05/08/2007	(533412)
491	05/09/2007	(555628)
492	05/10/2007	(558512)
493	05/10/2007	(558404)
494	05/11/2007	(462109)
495	05/14/2007	(516561)
496	05/14/2007	(398934)
497	05/14/2007	(516545)
498	05/14/2007	(516563)
499	05/14/2007	(559653)
500	05/14/2007	(559614)
501	05/17/2007	(513875)
502	05/18/2007	(554549)
503	05/21/2007	(538079)
504	05/23/2007	(560258)
505	05/24/2007	(575532)
506	05/25/2007	(561809)
507	05/25/2007	(560311)
508	05/25/2007	(560284)
509	05/25/2007	(561826)
510	05/25/2007	(561833)
511	05/25/2007	(560273)
512	05/31/2007	(561133)
513	05/31/2007	(541434)
514	05/31/2007	(561026)
515	06/01/2007	(562217)
516	06/01/2007	(562270)
517	06/08/2007	(515992)
518	06/11/2007	(555138)
519	06/21/2007	(575535)
520	06/22/2007	(563821)
521	06/22/2007	(563870)
522	06/25/2007	(556660)
523	06/26/2007	(557013)
524	06/26/2007	(556265)
525	07/03/2007	(565234)
526	07/09/2007	(564733)
527	07/11/2007	(532793)
528	07/16/2007	(561727)
529	07/16/2007	(563110)
530	07/18/2007	(575538)
531	07/31/2007	(564288)
532	08/06/2007	(568658)
533	08/06/2007	(568639)
534	08/06/2007	(564280)
535	08/09/2007	(564283)
536	08/09/2007	(563748)
537	08/09/2007	(570823)
538	08/10/2007	(563126)
539	08/13/2007	(571129)

540 08/13/2007 (571130)
541 08/14/2007 (568679)
542 08/14/2007 (568640)
543 08/15/2007 (571282)
544 08/15/2007 (570829)
545 08/16/2007 (543314)
546 08/16/2007 (563635)
547 08/28/2007 (572069)
548 08/30/2007 (568613)
549 08/31/2007 (543556)
550 08/31/2007 (568778)
551 08/31/2007 (512665)
552 09/05/2007 (571679)
553 09/06/2007 (573171)
554 09/07/2007 (573940)
555 09/07/2007 (571291)
556 09/28/2007 (564703)
557 09/28/2007 (565429)
558 09/28/2007 (564652)
559 10/03/2007 (573174)
560 10/03/2007 (543554)
561 10/03/2007 (574254)
562 10/04/2007 (594925)
563 10/10/2007 (567008)
564 10/10/2007 (566738)
565 10/11/2007 (567653)
566 10/12/2007 (571215)
567 10/15/2007 (597177)
568 10/15/2007 (567828)
569 10/18/2007 (569785)
570 10/18/2007 (569776)
571 10/18/2007 (569781)
572 10/18/2007 (569770)
573 10/18/2007 (569841)
574 10/19/2007 (594927)
575 10/23/2007 (566959)
576 10/25/2007 (594929)
577 10/25/2007 (597157)
578 10/25/2007 (594923)
579 10/26/2007 (573825)
580 10/26/2007 (597159)
581 10/26/2007 (570354)
582 10/26/2007 (574064)

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

Date: 10/31/2002 (159619)
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: 11/30/2002 (159623)
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: 12/31/2002 (159627)
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: 12/31/2002 (15110)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.222(b)(9)
5C THC Chapter 382, SubChapter A 382.085(a)
Description: Failure to control emissions.

Date: 03/05/2003 (26396)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(3)[G]

Description: Failure to have at least a B-surface water operator.

Date: 03/05/2003 (26394)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(3)[G]

Description: Failure to have proper grade of licensed operator.

Date: 04/30/2003 (159599)

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: 05/24/2003 (29063)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)
30 TAC Chapter 101, SubChapter F 101.201(a)(2)[G]
30 TAC Chapter 116, SubChapter G 116.715(a)

Description: Dow failed to report the emissions and quantities by facility per 30 TAC 101.201(2)(G).

Date: 05/30/2003 (60877)

Self Report? NO Classification Moderate

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

Description: Notification updates under TAC 335.6 are required.

Date: 06/30/2003 (296010)

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: 07/25/2003 (133869)

Self Report? NO Classification Minor

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

Description: Failure to maintain compliance with the permit effluent limits, at outfall 601, for the daily-maximum pounds/day of zinc.

Date: 08/07/2003 (61967)

Self Report? NO Classification Moderate

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

Description: Failure to prevent the release of 1,202 lbs of unauthorized ethylene emissions.

Date: 08/29/2003 (151240)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)

Description: Failure to prevent the release of unauthorized emissons during an emissions event.

Date: 08/30/2003 (152221)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)

Description: Failure to control VOC emissions during an emissons event.

Date: 08/31/2003 (296014)

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 (296016)

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 (249732)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(b)(1)

Description: Dow failed to report an emissions event (Investigation No. 435278) after final emissions from a scheduled maintenance event exceeded emissions reported on the Initial Notification.

Date: 11/30/2003 (249734)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(b)(1)

Description: Dow failed to notify the TCEQ when the maintenance event became an emissions event.

Date: 12/02/2003 (250021)

Self Report? NO Classification Moderate

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

Rqmt Prov: PERMIT 7531

Description: Failure to follow Reference Method 18 when testing for methylene chloride emissions from F-732 thermal oxidizer.

Date: 01/12/2004 (253974)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)(A)
30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: PA Flexible Permit #20432, SC #4 and # I-17

Description: Failure to meet the minimum heating value of 300 Btu/scf for a steam-assisted flare (FS-801) in accordance with 40 CFR 60.18 when waste streams containing significant quantities of hydrogen are sent to the flare.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)(7)

Description: Dow exceeded the NOx emission cap established in the Maximum Allowable Emission Rate (MAER) table under Flexible Permit # 20432 for the three emission points (EPNs B68FU1, B70FU1 and B70F801).

Date: 02/06/2004 (251940)

Self Report? NO Classification Moderate

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

Rqmt Prov: PERMIT TCEQ AIR PERMIT #21596, SC #1

Description: Avoidable emissions event with emissions of benzene.

Date: 03/29/2004 (264622)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(ii)

Description: Failure to provide a ground storage capacity which is equal to 50% of the maximum daily demand.

Date: 03/31/2004 (296006)

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: 04/29/2004 (255279)

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 TCEQ Air Permit #8567 S.C.#1

Description: Exceeded VOC permit limit during an emissions event.

Date: 04/30/2004 (254073)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 106, SubChapter D 106.124(5)(A)
30 TAC Chapter 116, SubChapter B 116.110(a)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Exceeded VOC PBR limit during an emissions event.

Date: 06/01/2004 (254581)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.261(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Avoidable emissions event.

Date: 06/03/2004 (258305)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

Rqmt Prov: PERMIT 1472
OP O-02220

Description: Failure to maintain minimum BTU requirement in gas stream to Flare A26VELR02.

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: PERMIT 1472
OP O-02220

Description: Failure to maintain the minimum operating temperature in Waste Gas Boiler EPN A26S500.

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: PERMIT 1472
OP O-02220

Description: Exceedance of permitted fill/drain rates for Tank D-275, Tank D-550 and Tank D-20M.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT 1472
OP O-02220

Description: Exceedance of MAERs for Tank R-1B and Tank D-15C.

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: PERMIT 1472
OP O-02220

Description: Failure to use submerged fill loading for railcar equipment A26VELR02 and drum loading equipment A26VELR04.

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: PERMIT 1472
OP O-02220

Description: Failure to equip open-ended valve with a plug.

Date: 06/30/2004 (352357)

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: 07/12/2004 (258308)

Self Report? NO Classification Minor

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

Rqmt Prov: PERMIT 18561
OP O-02221

Description: Failure to cap open-ended lines.

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: PERMIT 18561
OP O-02221

Description: Failure to maintain partial pressure records.

Date: 07/12/2004 (258307)

Self Report? NO Classification Minor

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

Description: Failure to report a deviation in the semiannual deviation report.

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)

Rqmt Prov: PERMIT 19519, Special Condition 5(E)
PERMIT 48813, Special Condition 5(E)
PERMIT 834, Special Condition 9(E)
PERMIT 8567, Special Condition 8(E)
OP O-02215

Description: Failure to seal open-ended lines.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT 8567
OP O-02215

Description: Failure to monitor valves for fugitive emissions.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: PERMIT 8567
OP O-02215
Description: Failure to monitor pump seals for fugitive emissions.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: PERMIT 19519
OP O-02215
Description: Cooling tower emissions exceeded MAER for VOCs.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.144(1)(E)
Description: Failure to maintain records of daily flare observations.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 106, SubChapter K 106.262(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP O-02215
Description: Late submittal of PBR registration.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
Rqmt Prov: PERMIT 834
OP O-02215
Description: Failure to maintain minimum BTU requirement in feed stream to flare.

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)
Rqmt Prov: PERMIT 19519, Special Condition 5(I)
PERMIT 48813, Special Condition 5(I)
PERMIT 6803, Special Condition 8(I)
PERMIT 8567, Special Condition 8(H)
OP O-02215
Description: Failure to re-monitor fugitive components within 15 days.

Date: 08/27/2004 (267540)

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 TCEQ Air Permit #21596, SC #1
Description: Exceeded VOC permit limit during an avoidable emissions event.

Date: 08/27/2004 (266751)

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 TCEQ Air Permit #21596, SC #1
Description: Dow exceeded VOC permit limit during an avoidable emissions event.

Date: 08/29/2004 (265955)

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Exceeded HCL permit limit.

Date: 11/05/2004 (338243)

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter B 115.126(1)(A)(i)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.506(d)
Rqmt Prov: PA NSR Permit #3320, General Provision #5
OP Special Term & Condition #6A
Description: Failure to maintain continuous data records of thermal oxidizer (EPN B20TOX) firebox temperature on 8/27/2003, 3/3/2004 and 7/6/2004.

Self Report? NO Classification Minor

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

Rqmt Prov: OP Special Term and Condition #5

Description: Failure to maintain working pressure data of Acrylonitrile Storage Tank D-121A on 8/27/2003, 3/3/2004 and 7/6/2004.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP Special Term and Condition #1A

Description: Failure to monitor with an instrument after repair a leaking component found via AVO inspection on 11/14/2003 and 1/3/2004.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.356(2)(F)(iii)
30 TAC Chapter 115, SubChapter D 115.356(2)(F)(iv)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(d)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(d)(3)

Rqmt Prov: PA NSR Permit #3320, General Provision #7K
OP Special Term and Condition #1A

Description: Failure to keep records of the date of first repair attempt and date of leak repair for two leaking valves.

Date: 11/22/2004 (335797)

Self Report? NO Classification Moderate

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

Rqmt Prov: OP O-02210, SC No. 10
PA Permit No. 7531, SC No. 1

Description: Unauthorized emissions which could have been avoided by good design, operation or maintenance practices.

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)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)

Rqmt Prov: OP O-02210, SC No. 10
PA Permit No. 7531, SC No. 3E.

Description: Failure to cap or plug open-ended lines per the Permit No. 7531, SC No. 3E

Date: 12/16/2004 (289573)

Self Report? NO Classification Moderate

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

Description: Failure to report an emissions event within 24 hours following incident 35402

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Failed to report an emissions event within 24 hours during Incident 35402

Date: 12/22/2004 (289567)

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 5340

Description: Incident 40337 was an avoidable emissions event.

Date: 12/28/2004 (334606)

Self Report? NO Classification Minor

Citation: 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)

Rqmt Prov: PERMIT 2472, SC 9E
PERMIT 2773, SC12E
OP O-02206, SC 1A and SC 12

Description: Failure to plug open ended valves.

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: PERMIT 770, SC 1
OP O-02206, SC 12
Description: THROX unit exceeded CO MAER.
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: PERMIT 770, SC 6
OP O-02206, SC 12
Description: Exceeded vinyl chloride average feedrate limit.
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: PERMIT 770, SC 18
OP O-02206, SC 12
Description: Exceeded firebox temperatures for THROX & TOX
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: PERMIT 770, SC 17
OP O-02206, SC 12
Description: Flowmeters on vent stream to TOX not operational.
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: PERMIT 770, SC 1
OP O-02206, SC 12
Description: Flare A32CSF1 exceeded hourly VOC MAER
Self Report? NO Classification Moderate
Citation: 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(d)(4)
Rqmt Prov: PERMIT 2472, SC 9F
PERMIT 2773, SC 12F
OP O-02206, SC 1A and SC 12
Description: Failure to monitor valves and pressure sensing devices
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)(iii)
Rqmt Prov: OP O-02206, SC 1A
Description: Failure to monitor connectors
Date: 12/28/2004 (256034)
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 941
Description: Incident 7827 was an avoidable emissions event.
Date: 12/31/2004 (338842)

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(c)
Description: Dow failed to report accurately. Avoidable emissions event during Incident 43280.

Self Report? NO Classification Major
Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)
30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT TCEQ Air Permit No. 48479 SC 1 and 4
Description: Incident #43280 was avoidable.

Date: 12/31/2004 (381959)
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: 01/14/2005 (338682)
Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP FOP O-02214, Spec Terms/Cond. 1.D.
PERMIT Standard Permit #49187
Description: Dow exceeded the hourly emission limit for CO on unit B246PGT62 as authorized by Standard Permit (SP) 49187, at the following times:
a) 8/13/03, 16:00 to 17:00, release of 290.38 lbs/hr, an exceedence of 213%
b) 7/1/04, 19:00 to 20:00, release of 129 lbs/hr, an exceedence of 39%

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP FOP O-02214, Spec. Terms/Conds. #1.D.
PERMIT Standard Permit #49187
Description: Dow exceeded the hourly emission limit for NOx on unit B246PGT62 as authorized by the Standard Permit (SP) 49187 limit of 38.3 lbs/hr, at eight (8) documented times.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP FOP O-02214, Spec. Terms/Conds. #1.A.
PERMIT NSR Permit #9044, Gen. Conditions #8
Description: Dow exceeded the hourly emission limit for NOx on unit B246PGT63 as authorized by the NSR Permit 9044 limit of 585 lbs/hr, on 1/6/04, from 11:00 to 12:00, with a release of 590.89 lbs/hr, an exceedence of 1%.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP FOP O-2214, Spec. Terms/Conds. #1.A.
PERMIT NSR Permit #9046, Gen. Condition #8
Description: Dow exceeded the hourly emission limit for NOx on unit B246PGT66 as authorized by the NSR Permit 9046 limit of 826.99 lbs/hr, documented as eighteen (18) occurrences.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)(5)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)
Description: Dow failed to accurately report periods of excess emissions for NOx in two semi-annual NOx RACT reports, dated January 14, 2004, and June 14, 2004.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)[G]
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)
Rqmt Prov: OP FOP O-02214, Spec. Terms/Cond. #1.A.
Description: Dow failed to make a timely submission of a semi-annual NOx RACT report. The deadline for the report submittal was 12/15/03, and the report was not submitted until 1/14/04.

Date: 03/23/2005 (347781)
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
Rqmt Prov: PERMIT NSR Permit No. 37884, SC 8E
Description: Failed to seal open-ended lines.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)
Description: Failed to perform quarterly fugitive monitoring.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
Description: Failed to attempt to repair leaks.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(2)
Description: Failed to attempt to repair leaks.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP Title V Permit No. O-02313, SC 14
Description: Failed to meet risk management plan requirements.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

Rqmt Prov: PERMIT NSR Permit No. 37884, SC 6A
Description: Failed to maintain a minimum Btu for a flare.
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT NSR Permit No. 37884, SC 1
Description: Failed to meet maximum allowable emission rates.
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
Description: Failed to create a final record of an emissions event.
Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT NSR Permit No. 37884, SC 1
Description: Failed to meet maximum allowable emission rates.

Date: 03/31/2005 (575527)
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: 05/04/2005 (338714)
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP FOP O-02205, Special Condition #9
Description: Dow failed to record the outlet gas temperature, at least weekly, of scrubber B5010SV110, for the weeks beginning 8/21/03, 10/5/03, 11/9/03, 11/30/03, 12/7/03, 12/14/03, 12/21/03, and 12/28/03.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP FOP O-02205, Special Condition #9
Description: Dow failed to comply with the requirement to operate the scrubber B5010SV110 under the maximum stack gas temperature of 95 degrees F.
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP FOP O-02205, Special Condition #10
PERMIT NSR Permit #20607, Special Condition #7
Description: Dow failed to comply with the permit condition by filling a tank truck without employing the vapor balancing method from the truck to the tank.
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 FOP O-02205, Special Condition #10
PERMIT NSR Permit #20774, Special Cond. #15.E.
Description: Dow failed to maintain caps and/or plugs on nine open-ended lines in the B5016 Contract Manufacturing Plant.
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP FOP O-02205, Special Condition #10
PERMIT NSR Permit #20774, Spec. Cond. #9
Description: Dow failed to maintain the water flow rate minimum on Scrubber T-543 during periods of vent gas flow.
Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.05181(a)[G]
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP FOP O-02205, Gen. Terms and Conditions
Description: Dow failed to register the production processes of various Maxistab products under either a PBR or NSR permit.

Date: 05/24/2005 (380324)
Self Report? NO Classification Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP FOP O-02217, Special Condition #1
Description: Dow failed to keep monthly visual inspection records for three cold solvent degreasers.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
Description: Dow failed to report eighteen deviations in the First Semi-Annual Report, reporting period October 16, 2003, through April 15, 2004.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP FOP O-02217, Special Condition #15
PERMIT NSR Permit #21596, General Condition #8
Description: Dow failed to minimize emissions on 12/24/03 by allowing absorbent pads contaminated with styrene used during a pump replacement to be discarded into a secondary containment area, which then collected rain water.

Date: 06/17/2005 (376522)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
Description: Failure to equip open-ended lines with a cap or plug.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
Description: Failure to create records of five non-reportable emissions events within the required time frame.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: PA NSR Permit 20432, SC I-8
Description: Failure to complete pressure testing of tank trucks for loading operations.

Self Report? NO Classification Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
Description: Failure to monitor five pump seals monthly from March 2004 through July 2004.

Self Report? NO Classification Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(1)
Description: Failure to monitor three agitators monthly from March 2004 through July 2004.

Self Report? NO Classification Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(c)
Description: Failure to inspect continuous parameter monitoring data from EPNs OC3U3B901, OC3U3B902, OC3U3B903 daily from January 16, 2004 through January 29, 2004.
Failure to inspect continuous parameter monitoring data from EPNs OC3U3B901, OC3U3B902, OC3U3B903 daily from January 16, 2004 through January 29, 2004.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(4)
Description: Failure to monitor an accessible valve in August 2004.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: OP Title V Permit O-02207, SC 13
Description: Failure to perform monthly inspection of a solvent cleaning station in October 2004.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT NSR Permit 3434, SC 1
Description: Failure to meet the emission specifications for HCl, Cl2, SO2, and CO from EPNs OCD3SB901, OCD3SB902, and OCD3SB903.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter C 122.210(a)
Description: Failure to submit a Title V permit revision application to include EPN B39RX210 in the permit.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
Rqmt Prov: PERMIT NSR Permit 20432, SC 2E
Description: Failure to equip open-ended lines with a cap or plug.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT NSR Permit 21512, SC 9E
Description: Failure to equip open-ended lines with a cap or plug.
Failure to equip open-ended lines with a cap or plug.

Date: 06/29/2005 (378760)

Self Report? NO Classification Moderate

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

Description: Failure to maintain compliance with the permitted effluent limits.

Date: 07/08/2005 (376056)

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 TCEQ Air Permit No. 19041, SC No. 1

Description: Dow had an avoidable emissions event during Incident 51417.

Date: 07/22/2005 (397876)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.62
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(a)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(b)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)(1)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)(2)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(c)[G]
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(d)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11[G]

Description: Complete hazardous waste determination is required.

Self Report? NO Classification Minor

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

Description: NOR update required.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)[G]
40 CFR Chapter 268, SubChapter I, PT 268, SubPT E 268.50(b)

Description: CSA, LDR, one year storage limit exceeded.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)

Description: Tank containment should be free of cracks.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(ii)

Description: Tank, inspection information should be documented.

Date: 08/08/2005 (396518)

Self Report? NO Classification Moderate

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

Description: Dow Incident 55412 was avoidable. The incident was not excessive.

Date: 08/15/2005 (393373)

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 TCEQ Air Permit 20775, SP No. 1

Description: Dow had an avoidable emissions event during Incident 55560.

Date: 08/15/2005 (398936)

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 19519 GC No. 8

Description: Dow had an avoidable emissions event during Incident 59062. Not an excessive event.

Date: 08/22/2005 (404732)

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: PERMIT 4021, SC 1
OP O-02202, SC 10

Description: Exceedance of MAER for chlorine for T-307; Permit 4021, SC1

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: PERMIT 4021, SC 7
OP O-02202, SC 10

Description: Exceedance of the concentration limit for chlorine; Permit 4021, SC 7

Date: 08/26/2005 (403273)

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: PERMIT 1472, SC 5
OP O-02220, SC 7

Description: Exceedance of permitted tank fill rate stipulated in Permit 1472, SC 5.

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: PERMIT 1472, SC 1
OP O-02220, SC 7

Description: Exceedance of the MAER for ammonia for Tank D-330; Permit 1472, SC 1

Self Report? NO Classification Minor

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

Description: Deviations omitted from 3 semiannual deviation reports

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)

Rqmt Prov: PERMIT 1472, SC 8
OP O-02220, SC 1A & SC 7

Description: Operation of Flare A26VEF1 without a flame present; Permit 1472, SC 8

Date: 08/31/2005 (403238)

Self Report? NO Classification Minor

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

Rqmt Prov: OP FOP O-02221, Special Condition #12
PERMIT NSR Permit #18561, Special Condition 6E

Description: Dow failed to maintain caps and/or plugs on two open-ended lines in the B1300 Poly Glycol Methyldiethanolamines (MDEA) and Aminoethylethanolamines (AEEA) Plants for components.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.354(2)[G]
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)

Rqmt Prov: OP FOP O-02221, Special Condition 12
PERMIT NSR Permit #18561, Special Condition 6F
PERMIT NSR Permit 18561, Spec. Conds. 6E and 6K

Description: Dow failed to fugitive emission monitor fifty-nine (59) components,16 valves and 43 connectors.

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 FOP O-02221, Special Condition 12
PERMIT NSR Permit 18561, Special Condition 17

Description: Dow failed to maintain the minimum scrubber water flow rate for the SC-2 Kettle Scrubber (EPN B13SV3).

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 FOP O-02221, Special Condition 12
PERMIT NSR Permit 18561, Special Condition 17

Description: Dow failed to maintain the minimum scrubber water flow rate for the SC-2 Scrubber (EPN B13SV2).

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1438(f)[G]

Description: Dow failed to maintain a daily average scrubber water flow for the SC-2 Kettle Scrubber (EPN B13SV3).

Date: 09/30/2005 (575543)

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: 10/31/2005 (575545)

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: 01/17/2006 (593182)

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Date: 03/02/2006 (431805)

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(A)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.506(d)
Description: Failure to store required data from November 1, 2004 to November 3, 2004.

Self Report? NO Classification Major
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
Rqmt Prov: PERMIT # 3320, General Provision 7 E
Description: Failure to maintain a plug on an open ended line.
Date: 03/27/2006 (374721)

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT TCEQ Air Permit 22072 - SC 4
Description: During Dow Inc. No. 80470 Dow sent emissions to an unlit flare.

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 TCEQ Air Permit 22072 - SC 1
Description: During Dow Inc No. 92568 Dow did not determine the status of the salt dome prior to drilling.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 116, SubChapter G 116.715(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT Flexible Air Permit 20432 SC III-1 & -21
Description: During Dow Incident 92771 the flame of the flare was not present.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT Flexible Air Permit 20432 SC III-1
Description: During Dow Incident 94567 (Inv 374721) a valve was inadvertently opened.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT Flexible Air Permit 20432 SC III-1
Description: Incident 51360 at Dow was an avoidable emissions event.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT Flexible Air Permit 20432 SC III-1
Description: Dow had an avoidable emissions event during Incident 94909.

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 Permit 48813 - SC 1
Description: During Incidents 84700, 84701, and 93405 Dow had avoidable emissions events

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 48813 Special Condition 1
Description: During Recordable Incident 95308, Dow had an avoidable emissions event.

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 48813 SC 1
Description: Dow had an avoidable emissions event during recordable Incident 90045.
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 48813 Special Condition 1
Description: Dow had an avoidable emissions event during recordable Incident 101031.
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 834 Special Condition 1
Description: Incident 83616 at Dow was avoidable.
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 834 Special Condition 1
Description: Dow Incident 88672 was an avoidable emissions event.
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 834 Special Condition 1
Description: Dow Incident 89747 was an avoidable emissions event.
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 834 Special Condition 1
Description: Dow Incident 93432 was an avoidable incident.
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 834 Special Condition 1
Description: Dow Incident 93975 was an avoidable emissions event.
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 834 Special Condition 1
Description: Dow Incident 95602 was an avoidable emissions event.
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 834 Special Condition 1
Description: Dow Incident 97687 was an avoidable emissions event.
Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or second valve. Two valves at Furnace F-7 with monitoring tag Nos 193757 and 197365 were observed with open-ended lines during the on-site investigation.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or second valve. An open ended line in HRVOC service at the R102/S102 bay wall area was observed during the on-site investigation.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to equip each open-ended valve or line with a cap, blind flange, plug, or second valve. An open ended line in HRVOC service at the R102/S102 bay wall area was observed during the on-site investigation.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter H 115.781(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(a)

Description: Failure to demonstrate that each applicable HRVOC valve in the process unit was monitored in accordance with the requirements described in 30 TAC § 115.354, as directed by 30 TAC § 115.781(b).
Failure to demonstrate that each applicable HRVOC valve in the process unit was monitored in accordance with the requirement

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter H 115.781(b)

Description: Failure to demonstrate that at least ten unmarked valves in HRVOC service were complying with the monitoring requirements described in the applicable sections of 30 TAC " 115.354 and 115.781(b). Ten unmarked valves in HRVOC service were subsequently numbered in the field with monitoring program identification numbers

Date: 04/18/2006 (433179)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT TCEQ Air Permit 2008, SC1

Description: Failure to notify and report in a timely manner following a reportable emissions event (Incident No. 64153).

Date: 04/20/2006 (459137)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.206(e)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT Permit 46306, Special Condition 7(C)

Description: Exceeded permitted limits of ammonia (NH3). Violation of Permit # 46306 Special Condition 7(C), 30 TAC 117.206 (e)(2), 30 TAC 116.115 (c), and 5 THC Chapter 382.085(b).

Date: 04/26/2006 (433177)

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 Air Permit No. 2008, SC 1

Description: Failure to provide a backup dempster resulting in unauthorized emisssions.(Incident No. 64154)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)

Description: Dow did not report in a timely manner during Incident 64154.

Date: 06/22/2006 (458889)

Self Report? NO Classification Moderate

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

Rqmt Prov: PERMIT NSR 20432, SC III-5
OP Title V O-02213, SC 16

Description: Dow failed to meet the NOx emissions hourly standard of 0.1 lb/MMBtu 87 times, and the CO emissions hourly standard of 0.034 lb/MMBtu 276 times from Pyrolysis Furnace Nos. 1 through 7 (OC6L8H1~7) as required by NSR Permit 20432, Special Condition (SC) III-5.

Self Report? NO Classification Moderate

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

Rqmt Prov: PERMIT NSR 20432, SC III-6
OP Title V O-02213, SC 16

Description: Dow failed to meet the NOx emissions hourly standard of 0.06 lb/MMBtu 301 times, and the CO emissions hourly standard of 0.015 lb/MMBtu 47 times from Pyrolysis Furnace Nos. 8 and 10 (OC6L8H8&10) as required by NSR Permit 20432, SC III-6.

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: PERMIT NSR 20432, SC 1E
OP Title V O-02213, SC !A and 16

Description: Dow failed to equip open-ended lines with a valve or plug on 23 occasions.

Self Report? NO Classification Moderate

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

Rqmt Prov: PERMIT NSR 20432, SC III-1
OP Title V O-02213, SC 16

Description: Dow failed to meet the permit allowables 4 times for NOx and 2 times for CO from Gas Turbine GT-30 (B72L7GT30).

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 A 382.085(b)

Rqmt Prov: PERMIT NSR 20432, SC 4
OP Title V O-02213, SC 16

Description: Dow failed to meet the specified requirement of 300 BTU/SCF for the Flare B60L7F1 on November 15, 2004.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Title V O-02213, SC 1A

Description: that Dow failed to record daily review of the operating parameters for 8 days as required by 40 CFR 61.354(a)(2).

Self Report? NO Classification Minor

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

Rqmt Prov: OP Title V O-02213, SC 15

Description: Dow failed to collect flare pilot monitoring data for the Flares FS-1 and FX-1000 (OC6L8F1, and OC6L8F1000) on four occasions, and failed for the Flare B71S2F1 on three occasions.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.702(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Title V O-02213, SC 1A

Description: Dow failed to route off gas from the processes subject to 40 CFR 60 Subpart RRR to its primary control device Furnaces OC6L8S1 thru OC6L8S10. The off gas was routed to the Flares OC6L8F1000 and OC6L8F1 on nineteen occasions.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Title V O-02213, SC 10C

Description: Dow failed to follow precisely the written startup, shutdown, and malfunction plan on three occurrences.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Title V O-02213, SC 10C

Description: Dow failed to update the written startup, shutdown, and malfunction plan as required.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT NSR 20432, SC III-3B
OP Title V O-02213, SC 1A and 16

Description: Dow failed to monitor nine valves on six monthly monitoring activities during the period of April 19, 2004 through September 15, 2004.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP Title V O-02213, SC 3B(iii)
Description: Dow failed to keep records of visible emissions observations for ten furnaces, one thermal oxidizer and one decoke vent during the 3rd quarter of 2004.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.132(a)(1)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP Title V O-02213, SC 1A
Description: Dow failed to maintain the compartment totally enclosed and have all openings sealed for the Water Separator OC6L8D27 as one leaking connector was noted between October 14, 2004 and October 19, 2004.

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 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT NSR 20432, SC 1E
OP Title V O-02213, SC 1A and 16
Description: Dow failed to equip open-ended lines with a valve or plug on four occasions.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)[G]
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(c)[G]
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: PERMIT NSR 20432, SC 1F
OP Title V O-02213, SC 1A and 16
Description: Dow failed to monitor 97 valves and 8 flanges on two quarterly monitoring activities during the period of April 19, 2004 through October 18, 2004.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)(i)(A)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(a)(1)(i)(A)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP Title V O-02213, SC 1A
Description: Dow failed to perform annual fugitive monitoring of components of the benzene waste management units on an annual basis.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP Title V O-02213, SC 1A
Description: Dow failed to inspect daily the operating parameters for benzene waste operations for 20 days to ensure proper operations.

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)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP Title V O-02213, SC 1A
Description: Dow failed to perform one weekly visual inspection of pumps as required.

Self Report? NO Classification Minor

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

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(2)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP Title V O-02213, SC 1A
Description: Dow failed to perform 13 weekly visual inspections of pumps as required.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: OP Title V O-02213, SC 1A
Description: Dow f Failed to perform nine weekly visual inspections of flanges as required.

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: PERMIT NSR 21596, SC 11E
OP Title V O-02213, SC 1A and 16

Description: Dow failed to equip open-ended lines with a valve or plug on 10 occasions.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(f)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: ORDER Title V O-02213, SC !A

Description: Dow failed to perform monthly visual car-seal inspections on Benzene Waste Management Units' closed vent system in September and October of 2004.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Title V O-02213, SC 1A

Description: Dow failed to perform eight daily visual flare observations as required.

Date: 07/14/2006 (457318)

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 A 382.085(b)

Rqmt Prov: PERMIT NSR 654, SC 4
OP Title V O-02203, SC 14

Description: Dow failed to install a pressure gauge or its equivalent between the rupture disk and the pressure safety valve on T-4 Tower.

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 A 382.085(b)

Rqmt Prov: PERMIT NSR 654, SC 10E
OP Title V O-02203, SC 1A and 14

Description: Dow failed to equip open-ended lines with plugs/caps on two occasions.

Date: 07/18/2006 (462748)

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 Special Condition 7(c)

Description: Failure to meet permitted ammonia emission standard.

Date: 07/18/2006 (462746)

Self Report? NO Classification Moderate

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

Description: Ammonia limit excedence. Violation of permit #46306 SC 7, 30 TAC 116.115(c), and 5 THC Chapter 382.085(b).

Date: 07/21/2006 (457258)

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 D 382.085(b)

Rqmt Prov: PERMIT 18561, SC 6E
OP O-02221, STC 12
OP O-02221, STC 1A

Description: Failure to cap or plug the Twelve (12) open-ended lines in VOC service in Specialty Chemicals 2 Unit.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
30 TAC Chapter 122, SubChapter C 122.222(k)(3)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to register the PBRs 106.261 and 106.262 within 10 days of increase in VOC emissions of 0.79 lbs/hr and 0.85 tons per year as a result of production of new line of products and failed to

submit off-permit notification concurrently.

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: PERMIT 18561, SC 17
OP O-02221, STC 12

Description: Failure to maintain minimum flow rate of 10 gallons per minute (gpm) of water as required by NSR permit 18561, Special Condition 17 for the SC-2 kettle scrubber (EPN B13SV3).

Date: 08/11/2006 (457284)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.216(a)(5)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Title V O-02216, SC 6C

Description: Dow failed to include the specific rule citation for any unit with a claimed exemption from the emission specification of §117.206 in the final NOx control report submitted on March 31, 2005.

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 A 382.085(b)

Rqmt Prov: PERMIT NSR 20525, SC 15E
PERMIT NSR 46429, SC 12E
PERMIT NSR 46431, SC 13E
OP Title V O-02216, SC 1A and 15

Description: Dow failed to equip open-ended lines in hazardous air pollutant (HAP) with plugs/caps on fourteen occasions.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT NSR 46431, SC 13E
OP Title V O-02216, SC 1A and 15

Description: Dow failed to conduct one weekly fugitive inspection by visual, audible, and/or olfactory means.

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 A 382.085(b)

Rqmt Prov: PERMIT NSR Permit 46431, SC 21
OP Title V Permit O-02216, SC 15

Description: Dow failed to conduct daily analysis on the selective catalytic reduction (SCR) unit on four occasions.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.211(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Title V O-02216, SC 1A

Description: Dow failed to conduct stack sampling on the furnace exhaust stack (EPN A36S621) within 60 days of startup of the emissions control.

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 A 382.085(b)

Rqmt Prov: PERMIT NSR Permit 46431, SC 17
OP Title V Permit O-02216, SC 15

Description: Dow failed to maintain the pH in the scrubber (EPN A36S531) at 7.5 or greater on two occasions.

Self Report? NO Classification Minor

Citation: 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 A 63.7(a)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:

PERMIT NSR Permit 46431, SC 12C
OP Title V Permit O-02216, SC 10D and 15

Description: Dow failed to conduct performance test on the thermal treatment unit (TTU) and the tail scrubber (EPN A36S531) within 180 days as required by 40 CFR 63.7(a)(2) and 63.116(c), and as required by NSR Permit 46431, SC 12C.

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 A 382.085(b)

Rqmt Prov:
PERMIT NSR Permit 46431, SC 22A
OP Title V Permit O-02216, SC 15

Description: Dow failed to monitor the carbon bed during unloading operation for the tank (EPN A40S741).

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 A 382.085(b)

Rqmt Prov:
PERMIT NSR Permit 2008, SC 1
OP Title V Permit O-02216, SC 15

Description: NOx, CO, SO2 emissions in lb/hr from the flare (EPN B4F19A) exceeded the allowables specified in the Maximum Allowable Emission Rate Table for NSR Permit 2008 during a period from January 10, 2005 through March 13, 2005.

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 A 382.085(b)

Rqmt Prov:
PERMIT NSR Permit 2008, SC 9
OP Title V Permit O-02216, SC 15

Description: Dow failed to maintain the minimum requirement of 300 BTU/scf for the flare (EPN B4F19A) during a period from January 10, 2005 through June 10, 2005.

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:
PERMIT NSR Permit 2008, SC 14E
OP Title V Permit O-02216, SC 1A and 15

Description: Dow failed to equip one open-ended line in VOC service with a cap or plug.

Self Report? NO Classification Minor

Citation:
30 TAC Chapter 115, SubChapter B 115.112(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:
OP Title V Permit O-02216, SC 1A and 14

Description: Dow failed to maintain pilots for the flare (EPNA36MDF532), which was used as a control device for tank vents V-103 and V-534 at the time the pilots went out on September 19, 2005.

Self Report? NO Classification Minor

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

Rqmt Prov:
OP Title V Permit O-02216, SC 14

Description: Dow failed to keep two monthly inspection records for the degreaser (A36MDSC1).

Self Report? NO Classification Moderate

Citation:
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(d)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:
PERMIT NSR Permit 46431, SC 13F
OP Title V Permit O-02216, SC 1A and 15

Description: Dow failed to monitor 107 valves during the first and second quarters of 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)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:
PERMIT NSR Permit 46431, SC 14A
OP Title V Permit O-02216, SC 1A and 15

Description: Dow failed to monitor 324 connectors during the first and second quarters of 2005.

Date: 08/18/2006 (465699)

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 TCEA Air Permit No. 21596, SC 1

Description: Dow had an avoidable emissions event during Incident No. 73674.

Date: 08/19/2006 (480155)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.130
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 A 382.085(b)

Rqmt Prov: OP FOP# O-02205, Special Condition #10
PA NSR Permit #20774, Special Condition 10E

Description: Failure to cap 6 open-ended valves/lines in HAP service per 63.167(a)(1).

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 FOP# O-02205, Special Condition #11
OP FOP# O-02205, Special Condition #1A
PA NSR Permit 20774, Special Condition #10E

Description: Failure to cap one open-ended valve or line in general VOC service as required by 115.352(4).

Self Report? NO Classification Minor

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

Rqmt Prov: OP FOP# O-02205, Special Condition #9

Description: Failure to limit the outet gas temperature of PT-110 to 95 degrees fahrenheit during venting operations.

Date: 08/22/2006 (484727)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(2)[G]

Rqmt Prov: PERMIT VII.A.1.

Description: Failure to report the burning of Waste Stream 2196219H in Boiler B-901 (NOR 089) on the 2005 Annual Waste Summary.

Date: 08/23/2006 (457315)

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 A 382.085(b)

Rqmt Prov: PERMIT NSR 20909, SC 5
OP Title V O-02211, SC 14

Description: Dow failed to install pressure indicators for all vent streams from process vessels that are routed to an emissions control device so that the pressure indicators would indicate positive flows from the vessels to the primary thermal oxidizer (EPN B35EWS200).

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 A 382.085(b)

Rqmt Prov: PERMIT NSR 20909, SC 8
OP Title V O-02211, SC 14

Description: Dow failed to operate upset diverter valves and the backup oxidizer start-up automatically when a diversion is needed from the primary thermal oxidizer (EPN B35EWS200) to the backup thermal oxidizer (EPN B34EWS201).

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.216(a)(5)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Title V O-02211, SC 6C

Description: Dow failed to include the specific rule citation for any unit with a claimed exemption from the emission specification of §117.206 in the final NOx control report.

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 A 382.085(b)

Rqmt Prov: PERMIT NSR 313, SC 14
OP Title V O-02211, SC 14

Description: Dow failed to record fan amperage readings once every shift.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DD 63.697(b)(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Title V O-02211, SC 1A

Description: Dow failed to submit the required semiannual report within the time frame allowed.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Title V O-02211, SC 11C

Description: Dow failed to follow malfunction procedure as it was written during a malfunction of a flow meter.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)[G]
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Title V O-02211, SC 1A

Description: Dow failed to submit the required semiannual report within the time frame allowed.

Date: 08/23/2006 (457302)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Title V O-02218, SC 6

Description: Dow failed to equip 23 open-ended lines with caps or plugs as fugitive emissions were represented and authorized through Permit by Rule (PBR) 106.262.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.262(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP Title V O-02218, SC 6

Description: Dow failed to provide notification using Form PI-7 within ten days following the modification of the facility.

Date: 08/23/2006 (484737)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(18)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1052(e)

Rqmt Prov: PERMIT VI.A.21.a.

Description: Failure to conduct annual monitoring for fugitive emissions from Pump MP-506.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(18)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1061(b)(2)

Rqmt Prov: PERMIT VI.A.21.a.

Description: Failure to provide the notification and perform annual monitoring of valves in light liquid service.

Date: 08/28/2006 (497117)

Self Report? NO Classification Minor

Citation: 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 A 382.085(b)

Rqmt Prov: OP FOP #O-02206, Special Condition #11
OP FOP #O-02206, Special Condition #1A
PA NSR Permit 2773, Special Condition #12E

Description: Failure to cap 53 open-ended valves or lines in HAP service.

Self Report? NO Classification Minor

Citation: 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: OP FOP #O-02006, Special Condition #1A
OP FOP #O-02206, Special Condition #11
PA NSR Permit 2472, Special Condition #9.I
PA NSR Permit 2773, Special Condition #12.I

Description: Failure to perform Method 21 remonitoring to three valves in HAP service within 15 days.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(1)

Rqmt Prov: OP FOP #O-02206, Special Condition #11
OP FOP #O-02206, Special Condition #1A
PA NSR Permit #2472, Special Condition #9.I

Description: Failure to remonitor the P-206 pump seal, after repairs, within 15 days.

Self Report? NO Classification Minor

Citation: 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 63.174(d)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP #O-02006, Special Condition #11
OP FOP #O-02206, Special Condition #1A
PA NSR Permit 2472, Special Condition #9.I

Description: Failure to remonitor four flanges in HAP service, after completion of repairs, within 15 days.

Date: 08/31/2006 (457309)

Self Report? NO Classification Moderate

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

Rqmt Prov: OP O-2710, Special Condition 3(B)(iii)

Description: Failure to conduct the visible emissions observations for the units in B6200, B4300 area during the compliance years 2004 and 2005.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 20432, Special Condition I-38.c
OP O-02207, Special Condition 14

Description: Failure to conduct the quarterly cylinder gas audit (CGA) analysis of the continuous emissions monitoring system (CEMS) for the EPN B62CB1.

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: PERMIT 3434, Special Condition 27.B
OP O-02207, Special Condition 14

Description: Failure to maintain the sulfur content of the waste oils burned in the boilers below 50 ppmw.

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 116, SubChapter G 116.715(a)
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: PERMIT 20432, Special Condition 1.E
PERMIT 3434, Special Condition 7.E
OP O-02207, Special Condition 14
OP O-02207, Special Condition 1A

Description: Failure to cap or plug the Eight (8) open-ended lines in VOC service in the O-02207 Title V permit area.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)

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

Rqmt Prov: PERMIT 3434, Special Condition 7.G
OP O-02207, Special Condition 14
OP O-02207, Special Condition 1A

Description: Failure to monitor nine pumps in VHAP service in the O-02207 Title V permit area.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-2207, General Terms & Conditions

Description: The RE failed to report some instances of deviations in the deviation report dated November 17, 2005.

Date: 10/12/2006 (515660)

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 Air Permit No. 48813, SC 1

Description: Dow failed to prevent an operator error resulting in unauthorized emissions during Incident No. 79109.

Date: 10/25/2006 (509774)

Self Report? NO Classification Moderate

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

Rqmt Prov: PERMIT TCEQ Air Permit No. 46429 MAERT

Description: Investigation 509774 determined that Dow failed to communicate with a contractor technician properly to prevent unauthorized emissions during Incident 76828.

Date: 11/30/2006 (519472)

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 No. 48813, SC 1

Description: Investigation No. 519472 determined that Dow had an avoidable emissions event during Incident No. 79942.

Date: 12/13/2006 (512466)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.261(a)(7)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02212, SC 16.A.

Description: The Dow Chemical Company, Dow Texas Operations Freeport, failed to submit Form PI-7 on March 31, 2005, for the increase of ethylene and propylene emissions to the monitor well flare (BSRSRMW1T). This constitutes a violation of 30 Texas Administrative Code (TAC) § 106.261(a)(7)(B).

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02212, SC 16.A.
PERMIT Permit No. 22072, SC 4

Description: the Dow Chemical Company ("Dow"), Dow Texas Operations Freeport, failed to maintain the minimum heat value for Monitor Well Flare no. 1 (unit I.D. BSRSRFMW1) and Brine Flare 2 (unit I.D. BSRF401).

Date: 12/18/2006 (512614)

Self Report? NO Classification Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.998(b)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Dow failed to maintain records of daily average pH data for the T-734 Scrubber System (EPN B84S734) on October 5 and 6, 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: PERMIT NSR 7531, SC 1
OP Title V O-02210, SC 10

Description: Dow failed to meet the maximum permit allowable of 0.06 lb/hr for Cl2 from the T-734 Scrubber System (EPN B84S734) on the following dates during performance testing: 08-18-05 10:33 to 11:15 0.13 lb/hr; 08-29-05 11:23 to 12:14 0.38 lb/hr; 08-30-05 10:52 to 17:04 1.63 lb/hr; 10/12/05 9:43 to 13:23 0.1 lb/hr

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.262[G]

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

Rqmt Prov: OP Title V O-02210, SC 10

Description: Dow failed to register a minor process modification made in April 2005 under Permits by Rule (PBR) 106.262(a)(3) within ten days following the modification of the facility.

Date: 01/18/2007 (512465)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.206(e)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02214, SC 15.A.(i)

Description: The Dow Chemical Company, Dow Texas Operations Freeport exceeded the CO limit of 400 ppmv on Boiler No. 5 (Unit ID no. B664PB5, EPN FB-45). This constitutes a violation of 30 TAC 117.206(e)(1).

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-02214, SC 9.A.
PERMIT Permit No. 46306, SC 7.C.

Description: The Dow Chemical Company, Dow Texas Operations Freeport exceeded the ammonia limit of 10 ppmvd on boiler FB-93 (EPN: B56SB3). This constitutes a violation of Permit no. 46306, PSD-TX-986, and N-059, Special Condition (SC) 7.C.

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-02214, SC 9.A.
PERMIT Permit No. 46306, SC 1

Description: The Dow Chemical Company, Dow Texas Operations Freeport exceeded the maximum allowable emission rate for NOx for boiler FB-92 (EPN: B56SB2) on March 3, 2006. This constitutes a violation of Permit no. 46306, PSD-TX-986, and N-059, SC 1.

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-02214, SC 9.A.
PERMIT Permit No. 46306, SC 7.A.

Description: The Dow Chemical Company, Dow Texas Operations Freeport exceeded the lb/mmBtu emission rate for NOx for boilers FB-92 (EPN: B56SB2) and FB-94 (EPN: B56SB4) on March 3, 2006. This constitutes a violation of Permit no. 46306, PSD-TX-986, and N-059, SC 7.A.

Date: 02/16/2007 (532501)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02219, SC 1.A.

Description: Failure to record 188 daily observation of the flare (Unit I.D. B3808F1) beginning February 3, 2006, through September 30, 2006. This constitutes a violation of 30 Texas Administrative Code (TAC) § 111.111(a)(4)(A)(ii).

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02219, SC 2.F.

Description: Failure to create a final onsite record of emissions events. This constitutes a violation of 30 TAC §

101.201(b).

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02219, General Terms and Conditions

Description: Failure to report all incidents of deviations as required by 30 TAC § 122.145(2)(A).

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT DDD 60.562-2(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02219, SC 13.A.
PERMIT Permit No. 20775, SC 7.E.

Description: Failure to maintain secondary enclosures on the following open-ended line tag nos. EAI 128564.2, EAI 80701.2, EAI 80353, and 80701.2.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.767(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02219, SC 1.I.(iv)

Description: Failure to maintain the pressure between on the cooling water side at a minimum of 5 psig for HRVOC greater than the process fluid side for cooling tower B3831CT1.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)[G]
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to test HRVOC vents in the Research Reactor (BX250RX1).

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter C 122.217(a)(2)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit an Application for Minor Permit Revisions prior to operating the Research Reactor (B250RX1).

Date: 02/28/2007 (542323)

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 Flex Air Permit No. 20432, SC III-1

Description: Investigation No. 542323 determined that Dow had an avoidable emissions event during Incident No. 84696.

Date: 03/27/2007 (542214)

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 Air Permit No. 770, SC 1

Description: Investigation No. 542214 determined that Dow Incident No. 84425 could have been avoided by good operations practices.

Date: 03/31/2007 (553947)

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 Air Permit No. 834, SC1

Description: Investigation No. 553947 determined that Dow Incident No. 85437 was caused by operator error. The incident was avoidable.

Date: 04/02/2007 (532635)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)[G]
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Site failed to represent volatile organic compound (VOC) emissions from Catalyst Mix Tanks D-10, D-10A, D-11, D-11A, D-12, and D-12A (B77APPT10, B77APPT10A, and B77APPT11, B77APPT11A, B77APPT12, and B77APPT12A) in the permit application for NSR Permit 8567.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02215, SC 2F

Description: Site failed to create final records of seven emissions events no later than two weeks after the end of the emissions events.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(e)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT NSR 8567, SC 6
OP Title V O-02215, SC 11

Description: Site failed to operate the flare (B78APF1) with a flame present for a total of 21 minutes on February 14, 2006.

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: PERMIT NSR 8567, SC 1
OP Title V O-02215, SC 11

Description: Site failed to maintain the hourly permitted emission limit of 0.34 lbs/hr of VOC for a tank (B78APST5).

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
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: PERMIT NSR 6803, SC 9E
PERMIT NSR 834, SC 9E
PERMIT NSR 8567, SC 8E
OP Title V O-02215, SC 11
OP Title V O-02215, SC 1F(v)

Description: Site failed to equip five open-ended lines with plugs/blinds. The regulated entity also discovered to fail to equip nine open-ended lines with second valves/plugs on the non-threaded drain lines of D-10, D-11, and D-12 on May 11, 2006.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.781(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP Title V O-02215, SC 1F(v)

Description: Site failed to conduct weekly visual inspections of pumps, compressors, and agitators in highly reactive volatile organic compound (HRVOC) service during the week of January 15, 2006.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP Title V O-02215, SC 1F(ii)

Description: Site failed to operate Train 1 Make Hoppers, MH-101, MH-102 & MH-103, Check Hoppers CH-101A & CH-101B, and Spin Dryer SD-102 within the established operating limits for the selected operating parameters to establish maximum potential HRVOC hourly emission data expected during normal operation for the vent (B25P2RX101).

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: PERMIT NSR 48813, SC 1
OP Title V O-02215, SC 11

Description: Site failed to limit the VOC emissions from Train 2 Make Hoppers MH-201, MH-202, and MH-203 (B25P2SB201, B25P2SB202, and B25P2SB203) within the permit allowables of 1.98 lbs/hr from each hopper vent.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(1)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP Title V O-02215, SC 1F(i)

Description: Site failed to operate Make Hoppers MH-241, MH-243, MH-244 and MH-311 within the established operating limits for the selected operating parameters to establish

maximum potential HRVOC hourly emission data expected during normal operation for the vent (B25P2VOGS).

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(3)
30 TAC Chapter 115, SubChapter H 115.782(a)
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: PERMIT NSR 19519, SC 10H
PERMIT NSR 48813, SC 5H
PERMIT NSR 6803, SC 9H
OP Title V O-02215, SC 11

Description: Site failed to place leaker tags on six leaking valves and four leaking connectors.

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: PERMIT NSR 834, SC 1
OP Title V O-02215, SC 11

Description: Site failed to limit the VOC emissions from Train 1 Blending Silos RB-1, RB-5, RB-9, and RB-13 (B41P4SB1, B41P4SB5, B41P4SB9, and B41P4SB13) within the permit allowables of 3.11 lbs/hr from each silo vent.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)[G]
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT NSR 834, SC 3
PERMIT NSR 8567, SC 6
OP Title V O-02215, SC 11
OP Title V O-02215, SC 1F(iii)

Description: Site failed to maintain the minimum net heating value of 300 Btu/scf for the gas being combusting at the flare (B78APF1) on two occasions for a total of two hours on June 2 and 30, 2006.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)[G]
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP Title V O-02215, SC 2

Description: Site failed to determine an emissions event (Incident # 79942) occurred on August 13, 2006 is a reportable emissions event and failed to notify the commission regional office the reportable event no later than 24 hours after the discovery of the emissions event.

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: PERMIT NSR 6803, SC 1

OP Title V O-02215, SC 11

Description: Site failed to maintain VOC emissions from the flare (B27P3F1) within the emissions allowable of 10.95 lbs/hr for one hour on September 11, 2006.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)[G]
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP Title V O-02215, SC 1F(i)

Description: Site failed to conduct testing on the Poly 4 hold up hopper vents (B41V1 and B41V2) to establish maximum potential HRVOC hourly emission data by the compliance date of January 30, 2006.

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: PERMIT NSR 8567, SC 1
OP Title V O-02215, SC 11

Description: Site failed to maintain VOC emissions from Tanks T-10 and T-11 within the permitted allowables of 0.02 lbs/hr for each of the tanks, and 0.06 tons/yr for T-10 and 0.03 tons/yr for T-11.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP Title V O-02215, General Conditions

Description: Site failed to report all instances of deviations in deviation reports.

Date: 04/13/2007 (543310)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
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 O-02203, SC 14.A.
PERMIT Permit No. 4031, SC 16.E.

Description: Failure to seal an open-ended line (OEL) in organic hazardous air pollutant service (unit ID: B13GBFU3).

Date: 04/27/2007 (532788)

Self Report? NO Classification Moderate

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

Rqmt Prov: OP FOP O-02217, SC #15
PERMIT TCEQ Air Permit No. 6932, SC #3A

Description: Dow failed to prevent inadequate fuel supply to the flares.

Self Report? NO Classification Moderate

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

Rqmt Prov: OP FOP O-02217, SC #15
PERMIT TCEQ Air Permit No. 6932, S C #1

Description: Dow failed to control the release of unauthorized VOCs.

Self Report? NO Classification Moderate

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

Rqmt Prov: OP FOP O-02217, SC 15
PERMIT TCEQ Air Permit No. 19720 SC 3

Description: Dow exceeded their annual permitted throughput loading rate.

Date: 06/30/2007 (575538)

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: 07/11/2007 (532793)

Self Report? NO Classification Moderate

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

Rqmt Prov: OP Permit # O-02311, General Terms & Cond.
OP Permit # O-02311, Special Condition #10
PERMIT Permit #20776, Special Condition #5

Description: Failure to prevent the solvent recovery tank system pressure from exceeding 10 psig.

Date: 07/27/2007 (563635)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.15(3)(A)

Rqmt Prov: PERMIT Provision IV.A

Description: Failure to notify acceptance of unmanifested wastes within 15 days from the date the wastes were accepted.

Date: 08/06/2007 (568640)

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 a deviation report by the submittal due date.

Date: 08/14/2007 (568679)

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 D 382.085(b)

Rqmt Prov: OP General Terms and Conditions

Description: Failure to submit semiannual deviation report within 30 days of end of deviation reporting period.

Date: 08/31/2007 (512665)

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 Permit No. O-02206, STC 11
PERMIT NSR Permit No. 2472 SC 9E
PERMIT NSR Permit No. 2773 SC 12 E

Description: Failure to plug 35 open-ended lines.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1366(b)(1)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP No. O-02206 STC 10
OP FOP No. O-02206 STC 1D

Description: failure to record solvent flow and pH for the units A32TO560, A32STHROX, A32CPST06C&D, and A32CSST284 during February 20, 2006 at 3:03 p.m. through February 21, 2006 till 7:35 a.m.

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-02206 STC 11
PERMIT NSR Permit No. 770 SC 11

Description: failed to complete annual refresher training for the year 2005.

Self Report? NO Classification Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)(i)

Description: failure monitor 29 connectors initially and annually as required from January 16, 2005 through July 15, 2006.

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-02206 STC 11

Description: failure to record firebox temperature of incinerators A32CPSTO6D and A32CPSTO6C and failed to detect pilot flame for flare A32CSST284 for one hour between April 25, 2006 at 9:00 a.m. through April 26, 2006 at 10:00 a.m. while compute files were backed-up.

Self Report? NO Classification Moderate

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

Rqmt Prov: OP FOP O-02206 STC 11
PERMIT NSR Permit No. R-770 SC 17 B(2)

Description: faillure to maintain minimum Liquid / Gas (L/G) ratio for the Huntsman's ammonia scrubber 36 times during July 16, 2005 through January 15, 2006.

Date: 08/31/2007 (543556)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-2208, STC 3(A)(ii)

Description: Failure to conduct visible emission observations for unit ID B19S2, each quarter from April 4, 2004 through September 30, 2005.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
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: PERMIT NSR Permit No. 20432 SC 2E
OP O-02208 STC 1(F)

Description: Failure to plug 12 open-ended lines during October 19, 2005 through September 27, 2006. This is an alleged violation of 40 CFR 63.167(a)(1) and 30 TAC 115.352(4).

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT NSR Permit No. 20232 SC 4
OP O-02208 STC 17

Description: Failure to maintain minimum BTU of 300 Btu/scf for the flares B23G1FS865, B70ALF1, and B70ALF801 during April 19, 2006 through October 17, 2006 and November 5, 2005 through April 18, 2006.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02208 STC 1M

Description: Failure to analyze grab samples when the on-line analyzer data unavailable for 15 instances from June 13, 2006 through August 13, 2006 for the unit B23G2F865 and for two instances from February 1, 2006 through June 27, 2006 for the unit B70AKF1.

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: PERMIT NSR Permit No. 20432 SC 1-12A
OP O-0228 STC 17

Description: failure to install a rupture disc upstream of PSV in HAP service. This is an alleged violation of NSR Permit No. 20432 SC I-12A

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT A 61.14(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(7)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02208 STC 9G

Description: failure to maintain monitoring data for the flare, B23G2F865 from July 4, 2006 through July 5, 2006.

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)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02208 STC 1F

Description: failure to monitor a pump during September 1, 2006 through October 18, 2006. This is an alleged violation of 40 CFR 63.163(b)(1).

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: PERMIT NSR Permit 20432 SC 2F
OP O-02208 STC 17

Description: failure to replace rupture disc at the earliest convenience during January 31, 2006 through March 29, 2006.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP O-02208 STC 11

Description: failed to install car seal on the ten (10) bypass valves on closed vent system during December 13, 2005 though December 14, 2005.

Date: 10/03/2007 (543554)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT NSR 20432; SC I-9.C.,SC I-9.D.,SC I-9.E.
OP Title V O-02207; SC 14.A.
Description: failed to maintain water flow rates to scrubbers with a minimum rate as indicated in the permit

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)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP Title V O-02207: SC 14.A.
Description: failed to maintain water flow to the Scrubber, EPN B64VS3, with a minimum rate of 30 gallons per minute on November 27, 2005.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT NSR 20432,; SC I-38.C.
OP Title V O-02207; SC 14.A.
Description: failed to perform quarterly cylinder gas audits (CGAs) on the continuous emissions monitoring system (CEMS) for Epoxy 2 Carbon Bed, EPN B62CB1 from April 1, 2005 through June 30, 2006.

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 Title V O-02207; SC 3.B.(iii)
Description: failed to perform annual observations of the stationary vents, EPN B62E2RX1 and B43E3RX1 from January 16, 2004 to April 18, 2006, and failed to keep records of annual observations of the stationary vent, EPN B52V001 from April 18, 2004 to October 18, 2006

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT NSR 20432; SC I-37.C.
OP Title V O-02207: SC 14.A.
Description: failed to convert volatile organic compounds (VOC) concentrations to pounds per hour from April 1, 2005 to July 31, 2006 for Epoxy 2 Carbon Bed, EPN B62CB1.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
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: PERMIT NSR 20432: SC 2E
OP Title V O-02207; SC 1.A., 14.A.
Description: failed to equip open-ended lines in hazardous air pollutant (HAP) and in VOC service with a cap or plug.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.345(d)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP Title V O-02207; SC 1.A.
Description: failed to submit a semi-annual NOx CEMS report for Boilers B-901, B-902, and B-903, EPN OC3U3B901, EPN OC3U3B902, and EPN OC3U3B903, within the established deadline.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(e)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT W 63.528(a)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: OP Title V O-02207; SC 1.A.
OP Title V O-02207; SC 8.G.
Description: failed to submit a semi-annual report for the Epoxy Products (1) Unit, within the established deadline.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: PERMIT NSR 3434; SC 6.F.

OP Title V O-02207; SC 1.A., 14.A.

Description: failed to re-monitor of a fugitive leaker within 15 days of the detection of the leak.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP Title V O-02207: General Conditions

Description: failed to report all instances of deviations in the deviation report dated November 18, 2005

Date: 10/23/2007 (566959)

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: PERMIT NSR 20909; SC 7.
OP Title V O-02211; SC 14.

Description: Site failed to maintain a positive flow from the vent header system to the thermal oxidizer (EPN B35EWS200) on November 14 and 15, 2006.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.69(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP Title V O-02211; SC 20

Description: Site failed to certify the operating procedures required by 40 CFR 68.69(c) pertaining to risk management processes to assure that they are current and accurate.

F. Environmental audits.

Notice of Intent Date: 02/18/2004 (265119)
No DOV Associated

Notice of Intent Date: 03/19/2004 (336700)
No DOV Associated

Notice of Intent Date: 04/14/2004 (274298)
No DOV Associated

Notice of Intent Date: 06/14/2004 (347895)
No DOV Associated

Notice of Intent Date: 12/17/2004 (347242)
Disclosure Date: 11/23/2005
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D

30 TAC Chapter 115, SubChapter H
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V

Rqmt Prov: PERMIT NSR Permit 20432
PERMIT NSR Permit 22072

Description: Failure to monitor Valves, Connectors, Pressure Relief Valves, Pumps, Compressors, Agitator and Instrumentation Systems in the Salt Dome Operation, LHC-7 and LHC8.

Viol. Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A

Description: Failure to include components which missed monitoring in emissions inventory calculations.

Notice of Intent Date: 03/30/2005 (378947)
No DOV Associated

Notice of Intent Date: 04/20/2005 (380855)
Disclosure Date: 10/28/2005
Vio. Classification: Moderate
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM

Rqmt Prov: PERMIT NSR Permit 2473

Description: Failed to monitor all components under a prescribed Leak Detection and Repair Program.

Vio. Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A

Description: Failed to include missed monitored components in emissions inventory.

Notice of Intent Date: 08/16/2005 (434104)
Disclosure Date: 02/22/2006
Viol. Classification: Moderate
Rqmt Prov: PERMIT NSR permit 37884

Description: Failure to monitor 369 Valves, 1156 Connectors and 31 Pressure Relief Valves in the OC4 Polypropylene Unit.
Viol. Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A

40 CFR Chapter 372, SubChapter J, PT 372, SubPT B
Description: Failed to report emission calculations of components that were not monitored under a prescribed LDAR program

Notice of Intent Date: 09/16/2005 (436340)
No DOV Associated

Notice of Intent Date: 10/26/2005 (465631)
Disclosure Date: 04/27/2006
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D

30 TAC Chapter 115, SubChapter H
Rqmt Prov: PERMIT 19519
PERMIT 48813
PERMIT 6803
Description: Failure to monitor Valves, Connectors, Pressure Relief Valves in B25 Polyethylene 2 and failure to monitor Valves, Connectors, Pressure Relief Valves, Agitator and Pumps in B27 Polyethylene 3.

Viol. Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A

Description: Failure to include components which missed monitoring (B25 Polyethylene 2 and B27 Polyethylene 3) in the emissions inventory calculations.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D

Description: Failure to close open ended lines.
Disclosure Date: 10/25/2006
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D

30 TAC Chapter 115, SubChapter H
Rqmt Prov: PERMIT 19519
PERMIT 48813
PERMIT 6803
Description: Failure to monitor Valves, Connectors, Pressure Relief Valves in B25 Polyethylene 2 and failure to monitor Valves, Connectors, Pressure Relief Valves, Agitator and Pumps in B27 Polyethylene 3.

Viol. Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A

Description: Failure to include components which missed monitoring (B25 Polyethylene 2 and B27 Polyethylene 3) in the emissions inventory calculations.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D

Description: Failure to close open ended lines.

Notice of Intent Date: 10/31/2005 (597298)
No DOV Associated

Notice of Intent Date: 01/06/2006 (452904)
Disclosure Date: 05/12/2006
Viol. Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F

Description: RQ emissions event records missing information.
Viol. Classification: Moderate
Rqmt Prov: PERMIT NSR Permit 22070

Description: Failure to maintain monthly emissions records for all storage tanks and loading operations.
Viol. Classification: Minor
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V

Description: Failure to maintain documentation for the design criteria of the seal system, the barrier fluid system or both for dual mechnical seal pumps in benzene service.

Viol. Classification: Minor

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V

Description: Failure to label lines for Pygas.

Notice of Intent Date: 02/06/2006 (458261)
Disclosure Date: 08/04/2006
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D

30 TAC Chapter 115, SubChapter H
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
Description: Failure to monitor valves, connectors and pressure relief valves under a prescribed Leak Detection and Repair Program.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A

Description: Failure to submit emissions inventories for missed component monitoring.

Notice of Intent Date: 02/27/2006 (459089)
No DOV Associated

Notice of Intent Date: 03/29/2006 (464367)
Disclosure Date: 08/30/2006
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D

Rqmt Prov: PERMIT NSR permit 2606
Description: Failure to monitor components
Viol. Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A

Description: Failure to include missed monitored components in EIQ submittals

Notice of Intent Date: 03/29/2006 (464509)
Disclosure Date: 10/02/2006
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D
30 TAC Chapter 115, SubChapter H
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
Description: Failure to monitor 146 valves and 398 connectors.
Viol. Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A
Description: Failure to include missedmonitored components in emissions calculations reporting.

Notice of Intent Date: 03/29/2006 (464513)
Disclosure Date: 08/30/2006
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
Rqmt Prov: PERMIT NSR Permit 5340
Description: Failed to monitor 341 Valves and 1018 Connectors in the A18 Chlorinated Methane Unit.
Viol. Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A

Description: Failure to include components which missed monitoring in the emissions inventory calculations.

Notice of Intent Date: 03/29/2006 (466306)
Disclosure Date: 09/28/2006
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D

30 TAC Chapter 115, SubChapter H
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
Rqmt Prov: PERMIT NSR Permit 8567
Description: Failure to monitor 261 Valves and 715 Connectors in the B77 Adhesive Polymers Plant.
Viol. Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A

Description: Failed to include components that missed monitoring in emissions inventory calculations.

Notice of Intent Date: 03/29/2006 (466317)
Disclosure Date: 09/28/2006

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D

30 TAC Chapter 115, SubChapter H
Rqmt Prov: PERMIT NSR Permit 834
Description: Failure to monitor 828 Valves, 3981 Connectors, 4 Pumps, and 6 Relief Valves in the B41 Polyethylene Plant.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D

Description: Failure to close 80 open ended lines in B41 Polyethylene Plant.
Viol. Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A

Description: Failure to include missed monitored components in emissions inventory calculations.

Notice of Intent Date: 04/21/2006 (465958)
Disclosure Date: 10/22/2006
Viol. Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
Rqmt Prov: PERMIT NSR Flex Permit 20432
Description: Failure to monitor 633 Valves, 5175 Connectors, 4 Relief Devices and 38 Pumps in the B71 Styrene Plant.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A

Description: Failure to include components which missed monitoring in emissions inventory calculations.

Notice of Intent Date: 04/25/2006 (480426)
Disclosure Date: 10/22/2006
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D

30 TAC Chapter 115, SubChapter H
40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
Rqmt Prov: PERMIT NSR Flex Permit 20525
PERMIT NSR Flex Permit 46429
PERMIT NSR Permit 8567

Description: Failure to monitor Valves, Connectors and Agitators in B44 Voranol Plant, failure to monitor Valves and Connectors in B46 SPC Plant and failure to monitor Valves and Connectors in B46 Blending Plant.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D

30 TAC Chapter 115, SubChapter H
Rqmt Prov: PERMIT NSR Flex Permit 20525
PERMIT NSR Flex Permit 46429
Description: Failure to include 2 Pumps and 14 Relief Valves in the LDAR Program in B44 Voranol Plant, failure to include 3 Pumps in the LDAR Program in B46 SPC Plant.

Viol. Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A

Description: Failure to include components which missed monitoring into Emissions Inventory calculations.

Notice of Intent Date: 05/12/2006 (465966)
Disclosure Date: 11/15/2006
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D

40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
Rqmt Prov: PERMIT NSR Flex permit 20432
Description: Failure to monitor 108 Valves, 392 Connectors and 3 Pumps in the B43 Epoxy 3. Failure to monitor 898 Valves, 3018 Connectors, 12 Pressure Relief Valves, 10 Pumps and 1 Agitator in the B62 Epoxy 2.

Viol. Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A

Description: Failure to include missed monitored components in emissions inventory calculations.
Viol. Classification: Minor
Citation: 1 THC Chapter 1

Rqmt Prov: PERMIT Title V permit O-02207

Description: Failure to included missed monitored components in previous Title V Deviation Reports.

Notice of Intent Date: 06/13/2006 (484536)
Disclosure Date: 05/14/2007
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D
30 TAC Chapter 115, SubChapter H
Rqmt Prov: PERMIT NSR permit 20432
Description: Failure to monitor components.
Viol. Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A
Description: Failure to include missed monitored components on EIQ reports

Notice of Intent Date: 06/20/2006 (486601)
No DOV Associated

Notice of Intent Date: 06/26/2006 (488476)
No DOV Associated

Notice of Intent Date: 08/15/2006 (511065)
No DOV Associated

Notice of Intent Date: 08/28/2006 (514018)
No DOV Associated

Notice of Intent Date: 10/24/2006 (461404)
No DOV Associated

Notice of Intent Date: 12/13/2006 (536545)
No DOV Associated

Notice of Intent Date: 12/13/2006 (536549)
No DOV Associated

Notice of Intent Date: 12/27/2006 (537891)
No DOV Associated

Notice of Intent Date: 01/09/2007 (541786)

No DOV Associated

Notice of Intent Date: 01/12/2007 (554256)
No DOV Associated

Notice of Intent Date: 01/19/2007 (541798)
Disclosure Date: 07/12/2007
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D

30 TAC Chapter 115, SubChapter H
Rqmt Prov: PERMIT NSR permit 48715
Description: Failure to, under a prescribed LDAR program, monitor 462 valves, 2873 connectors, 1 pump, 5 relief valves.
Viol. Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A

Description: Failure to include missed monitored components in EIQs.
Viol. Classification: Minor
Rqmt Prov: PERMIT Title V O-02204

Description: Failure to include missed monitored components in Title V deviation report.

Notice of Intent Date: 01/19/2007 (541800)
Disclosure Date: 07/13/2007
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H
Rqmt Prov: PERMIT NSR 3320
Description: Failure to monitor components under a prescribe LDAR program.
Viol. Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A

Description: Failure to include missed monitored components in EIQ.
Viol. Classification: Minor
Rqmt Prov: PERMIT Title V O-02209

Description: Failure to include missed monitored components on Title V deviation report.

Notice of Intent Date: 01/25/2007 (541805)
Disclosure Date: 07/30/2007

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D

Description: Failure to monitor components.
Viol. Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A

Description: Failure to include missed monitored components in EIQ.
Viol. Classification: Minor
Rqmt Prov: PERMIT Title V O-02211

Description: Failure to include missed monitored components onTitle V deviation report.
Notice of Intent Date: 01/25/2007 (541810)
Disclosure Date: 07/25/2007
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D

30 TAC Chapter 115, SubChapter H
Description: Failure to monitor components under a prescribed LDAR program.
Viol. Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A

Description: Failure to include missed monitored components in EIQ.
Viol. Classification: Minor
Rqmt Prov: PERMIT Title V O-02311

Description: Failure to include missed monitored components on Title V deviation report.
Notice of Intent Date: 02/13/2007 (542642)
Disclosure Date: 07/30/2007
Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM

Description: Failure to monitor components under a prescribe LDAR program.
Viol. Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A

Description: Failure to include missed monitored components EIQ.
Viol. Classification: Minor
Rqmt Prov: PERMIT Title V O-02205

Description: Failure to include missed monitored components on Title V deviation report.
Notice of Intent Date: 02/12/2007 (542650)
No DOV Associated

Notice of Intent Date: 02/26/2007 (554272)
No DOV Associated

Notice of Intent Date: 02/26/2007 (554275)
No DOV Associated

Notice of Intent Date: 04/02/2007 (557536)
No DOV Associated

Notice of Intent Date: 04/02/2007 (557539)
No DOV Associated

Notice of Intent Date: 04/02/2007 (557547)
No DOV Associated

Notice of Intent Date: 04/18/2007 (558622)
No DOV Associated

Notice of Intent Date: 04/16/2007 (558628)
No DOV Associated

Notice of Intent Date: 04/19/2007 (558643)
No DOV Associated

Notice of Intent Date: 04/19/2007 (558652)
No DOV Associated

Notice of Intent Date: 04/20/2007 (558658)
No DOV Associated

Notice of Intent Date: 04/18/2007 (558712)
No DOV Associated

Notice of Intent Date: 04/20/2007 (558725)
No DOV Associated

Notice of Intent Date: 04/18/2007 (558733)
No DOV Associated

Notice of Intent Date: 10/02/2007 (598845)
No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING THE DOW CHEMICAL COMPANY RN100225945	§ § § § §	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2007-1756-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 The Dow Chemical Company ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at 2301 North Brazosport Boulevard in Freeport, Brazoria County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.

4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about October 20, 24, and 31, 2007.

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

6. An administrative penalty in the amount of Forty-Four Thousand Four Hundred Fifty Dollars ($44,450) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seventeen Thousand Seven Hundred Eighty Dollars ($17,780) of the administrative penalty and Eight Thousand Eight Hundred Ninety Dollars

($8,890) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Seventeen Thousand Seven Hundred Eighty Dollars ($17,780) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director recognizes that the Respondent implemented the following corrective action measures at the Plant:

   a. Regarding Incident No. 96595, revised nitrogen purging procedures to include clarification of valve line-up, and then trained personnel on the new procedures. These corrective actions were completed by August 31, 2007.

   b. Regarding the failed stack test conducted on May 2, 2007, the F-826 Heater was retested on December 2, 2007 and found to be within 400 parts per million volume ("ppmv").

   c. Regarding Incident No. 95290:

      i. Increased fresh water flow rate to the absorber, installed spargers on gas inlet nozzles, and increased nitrogen purge to the column on August 4, 2007; and

      ii. Checked the vent return line from the storage tanks to the rail cars to confirm there are no restrictions on August 30, 2007.

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

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

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

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review ("NSR") Permit No. 834, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on September 12, 2007. Specifically, unauthorized emissions of 1,184 pounds of the highly reactive volatile organic compound ("HRVOC") ethylene were released through a 3-way diverter valve on the KO-132 knockout pot in the Polyethylene 4 Unit during an emissions event (Incident No. 96595) that occurred on August 27, 2007 and lasted one hour and 15 minutes. These emissions are not authorized by the permit. Since these emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

2. Failed to comply with the emissions limit of 0.15 pounds per hour ("lbs/hr") of carbon monoxide ("CO") and 400 ppmv at 3.0% oxygen for the F-826 Heater, emissions point number ("EPN") B23S826, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a) and 117.310(c)(1), Flexible Permit No. 20432 and PSD-TX-994, Special Condition I-1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on October 10, 2007. Specifically, during a reference method stack test of the F-826 Heater conducted on May 2, 2007, CO emissions were 2.29 lbs/hr and 773 ppmv at 3.0% oxygen. Records subsequently reviewed showed emissions of 2.42 lbs/hr on June 24, 2007, 2.31 lbs/hr on July 10, 2007 and 2.16 lbs/hr on September 6, 2007.

3. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 18569, Special Condition 1 and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during a record review conducted on September 11, 2007. Specifically, unauthorized emissions of 36.92 pounds of the hazardous air pollutant ethylene oxide were released through the T-6 Scrubber Vent, EPN B54V7, in the Ethylene Oxide Distribution B5400 Unit during an emissions event (Incident No. 95290) that occurred on August 1, 2007 and lasted three hours. Since these emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Dow Chemical Company, Docket No. 2007-1756-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Seventeen Thousand Two Hundred Eighty Dollars ($17,280) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. the Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. The Respondent shall undertake the following technical requirements:

   a. Within 180 days after the effective date of this Agreed Order, demonstrate that the F-826 Heater is operating within permitted limits; and

   b. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

      The certification shall be submitted to:

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

      with a copy to:

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

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

5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

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

8. 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.

9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

10. 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.

11. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

3/26/2008
Date

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

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

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

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

Linda Bartholome
Signature

1-16-08
Date

LINDA BARTHOLOME
Name (Printed or typed)
Authorized Representative of
The Dow Chemical Company

RESPONSIBLE CARE LEADER
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: 2007-1756-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**The Dow Chemical Company**
Payable Penalty Amount:	**Thirty-Five Thousand Five Hundred Sixty Dollars ($35,560)**
SEP Amount:	**Seventeen Thousand Seven Hundred Eighty Dollars ($17,780)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program**
Location of SEP:	**Brazoria 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 Brazoria 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.