

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2008-0303-AIR-E **TCEQ ID:** RN100216373 **CASE NO.:** 35392
RESPONDENT NAME: Arkema Inc.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Arkema Beaumont Plant, 2810 Gulf States Road, Beaumont, Jefferson County</p> <p>TYPE OF OPERATION: Industrial organic chemicals plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 7, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. J. Craig Fleming, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-5806; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Wendal R. Turley, Plant Manager, Arkema Inc., P. O. Box 1427, Beaumont, Texas 77704 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: December 20, 2007</p> <p>Date of NOV/NOE Relating to this Case: February 6, 2008 (NOE)</p> <p>Background Facts: This was a routine records review.</p> <p>AIR</p> <p>Exceeded the permitted hourly rate of 3,527.58 pounds per hour for sulfur dioxide. Since this emissions event was avoidable, an affirmative defense as defined by 30 TEX. ADMIN. CODE § 101.222 may not be claimed for the emissions. [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit No. 865A/PSD-TX-1016, Special Condition 2, and Federal Operating Permit No. O-01636, Special Condition 13].</p>	<p>Total Assessed: \$5,100</p> <p>Total Deferred: \$1,020 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$4,080</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that by February 18, 2008, the Respondent retrained the production operators on the proper response to site alarms and monitor indications, which was the cause of the November 17, 2007 emissions event.</p>

Additional ID No(s): Air Account Number JE0074L



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

TCEQ
DATES

Assigned	11-Feb-2008				
PCW	13-Feb-2008	Screening	12-Feb-2008	EPA Due	7-Nov-2008

RESPONDENT/FACILITY INFORMATION

Respondent	Arkema Inc.		
Reg. Ent. Ref. No.	RN100216373		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	35392	No. of Violations	1	
Docket No.	2008-0303-AIR-E	Order Type	1660	
Media Program(s)	Air	Enf. Coordinator	J. Craig Fleming	
Multi-Media		EC's Team	Enforcement Team 3	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**
ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

An enhancement is recommended for having five NOV's that are same/similar, five NOV's that are non-similar, three agreed orders containing a denial of liability, one agreed order without a denial of liability, two letters of intended audit, and two disclosures of violations.

Culpability Enhancement **Subtotal 4**

Notes

The Respondent does not meet the culpability criteria.

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

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

Notes

The Respondent came into compliance on February 18, 2008.

Other Adjustments Enhancement* **Subtotal 6**

Total EB Amounts	\$4
Approx. Cost of Compliance	\$300

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**
OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount
STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**
DEFERRAL Reduction **Adjustment**

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 12-Feb-2008

Docket No. 2008-0303-AIR-E

PCW

Respondent Arkema Inc.

Policy Revision 2 (September 2002)

Case ID No. 35392

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN100216373

Media [Statute] Air

Enf. Coordinator J. Craig Fleming

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)	5	25%
	Other written NOVs	5	10%
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	1	25%
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)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	2	-4%
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) 114%

>> 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

An enhancement is recommended for having five NOVs that are same/similar, five NOVs that are non-similar, three agreed orders containing a denial of liability, one agreed order without a denial of liability, two letters of intended audit, and two disclosures of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 114%

<p>Screening Date 12-Feb-2008</p> <p>Respondent Arkema Inc.</p> <p>Case ID No. 35392</p> <p>Reg. Ent. Reference No. RN100216373</p> <p>Media [Statute] Air</p> <p>Enf. Coordinator J. Craig Fleming</p> <p>Violation Number <input type="text" value="1"/></p> <p>Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Air Permit No. 865A/PSD-TX-1016, Special Condition 2, and Federal Operating Permit No. O-01636, Special Condition 13</p> <p>Violation Description Exceeded the permitted hourly rate of 3,527.58 lbs/hr for sulfur dioxide ("SO2"). Specifically, 4,934.87 lbs of SO2 was released during one hour of the emissions event, resulting in 1,409.29 lbs of unauthorized SO2 being emitted into the atmosphere from the flare during an emissions event that occurred on November 17, 2007, and lasting one hour and fifty-three minutes. Since this emissions event was avoidable, an affirmative defense as defined by 30 Tex. Admin. Code § 101.222 may not be claimed for the emissions.</p>	<p>Docket No. 2008-0303-AIR-E</p> <p style="text-align: right;">PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision January 29, 2008</i></p>																
Base Penalty <input type="text" value="\$10,000"/>																	
>> Environmental, Property and Human Health Matrix																	
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="4" style="text-align: center;">Harm</td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td style="text-align: center;">x</td> </tr> <tr> <td style="text-align: center;">Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table> <p style="text-align: right;">Percent <input type="text" value="25%"/></p>	Harm				Release	Major	Moderate	Minor	Actual	<input type="text"/>	<input type="text"/>	x	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
Harm																	
Release	Major	Moderate	Minor														
Actual	<input type="text"/>	<input type="text"/>	x														
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>														
>> Programmatic Matrix																	
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table> <p style="text-align: right;">Percent <input type="text" value="0%"/></p>	Falsification	Major	Moderate	Minor	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>								
Falsification	Major	Moderate	Minor														
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>														
Matrix Notes	Emissions above the permitted limit have exposed human health or the environment to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.																
Adjustment <input type="text" value="\$7,500"/>																	
<input type="text" value="\$2,500"/>																	
Violation Events																	
Number of Violation Events <input type="text" value="1"/>	<input type="text" value="1"/> Number of violation days																
<i>mark only one with an x</i>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">monthly</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;">x</td></tr> <tr><td style="text-align: center;">semiannual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">annual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">single event</td><td><input type="text"/></td></tr> </table> <p style="text-align: right;">Violation Base Penalty <input type="text" value="\$2,500"/></p>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	x	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>				
daily	<input type="text"/>																
monthly	<input type="text"/>																
quarterly	x																
semiannual	<input type="text"/>																
annual	<input type="text"/>																
single event	<input type="text"/>																
One quarterly event is recommended.																	
Economic Benefit (EB) for this violation																	
Estimated EB Amount <input type="text" value="\$4"/>	Statutory Limit Test																
Violation Final Penalty Total <input type="text" value="\$5,100"/>																	
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$5,100"/>																	

Economic Benefit Worksheet

Respondent Arkema Inc.
Case ID No. 35392
Reg. Ent. Reference No. RN100216373
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$300	17-Nov-2007	18-Feb-2008	0.3	\$4	n/a	\$4
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The approximate cost to develop and implement improved operating procedures and train operators on the proper response to site alarms and monitor indications. The Date Required was the date when the violation occurred. The Final Date is the date of compliance.

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

NA

Approx. Cost of Compliance

\$300

TOTAL

\$4

Compliance History

Customer/Respondent/Owner-Operator: CN600124044 Arkema Inc. Classification: AVERAGE Rating: 1.45
 Regulated Entity: RN100216373 ARKEMA BEAUMONT PLANT Classification: AVERAGE Site Rating: 3.02

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0074L
	AIR OPERATING PERMITS	PERMIT	1636
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD074180019
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30663
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50222
	WASTEWATER	PERMIT	WQ0001872000
	WASTEWATER	PERMIT	TPDES0052825
	WASTEWATER	PERMIT	TX0052825
	AIR NEW SOURCE PERMITS	PERMIT	23222
	AIR NEW SOURCE PERMITS	PERMIT	23999
	AIR NEW SOURCE PERMITS	PERMIT	28512
	AIR NEW SOURCE PERMITS	PERMIT	33720
	AIR NEW SOURCE PERMITS	PERMIT	34412
	AIR NEW SOURCE PERMITS	PERMIT	39717
	AIR NEW SOURCE PERMITS	PERMIT	43853
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0074L
	AIR NEW SOURCE PERMITS	PERMIT	22740
	AIR NEW SOURCE PERMITS	PERMIT	865A
	AIR NEW SOURCE PERMITS	AFS NUM	4824500053
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1016
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1016M1
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	50222
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30663
	IHW CORRECTIVE ACTION	PERMIT	50222

Location: 2810 GULF STATES RD, BEAUMONT, TX, 77704 Rating Date: September 01 07 Repeat Violator: N

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: February 12, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 12, 2003 to February 12, 2008

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

Name: J. Craig Fleming Phone: (512) 239-5806

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: 08/22/2003 ADMINORDER 2002-0878-AIR-E
- Classification: Moderate
- Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
 30 TAC Chapter 116, SubChapter B 116.115(c)
- 5C THC Chapter 382, SubChapter A 382.085(b)
- Rqmt Prov: SC10(C) PERMIT

SC3 PERMIT

Description: Failure to meet the visible emissions requirement for a process gas flare.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 115, SubChapter D 115.354(2)(C)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)

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

Rqmt Prov: SC15(F) PERMIT

Description: Failure to monitor 723 valves during the third quarter of 2001.

Classification: Moderate

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

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

Rqmt Prov: MAERT PERMIT

Description: Failure to comply with an emission limit.

Effective Date: 10/24/2005

ADMINORDER 2005-0356-AIR-E

Classification: Moderate

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

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

Rqmt Prov: 865A Special Condition 2 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

Effective Date: 08/20/2006

ADMINORDER 2004-1702-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)

30 TAC Chapter 101, SubChapter F 101.201(b)

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

Description: Failure to properly notify the regional office of a reportable emissions event, which occurred on January 15-16, 2003 (TCEQ Incident No. 14327), August 1, 2003 and January 28, 2004.

Classification: Moderate

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

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

Rqmt Prov: 865A/PSD-TX-1016 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

Effective Date: 11/18/2006

ADMINORDER 2006-0614-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

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

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

Rqmt Prov: 865A/PSD-TX-1016 PERMIT

Description: Failure to comply with emissions limits of Sulfur Dioxide from the flare as specified by the MAERT in Permit 865A/PSD-TX-1016.

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 02/19/2003 (183923)

2 03/21/2003 (183926)

3 04/14/2003 (25383)

4	05/21/2003	(183935)
5	06/16/2003	(183931)
6	06/23/2003	(183939)
7	07/08/2003	(22611)
8	07/21/2003	(306308)
9	07/28/2003	(112775)
10	08/22/2003	(306310)
11	09/12/2003	(280788)
12	09/22/2003	(306312)
13	10/08/2003	(250471)
14	10/08/2003	(250477)
15	10/20/2003	(306314)
16	10/31/2003	(251906)
17	10/31/2003	(252351)
18	11/24/2003	(306315)
19	12/08/2003	(252169)
20	12/12/2003	(253221)
21	12/22/2003	(306316)
22	01/21/2004	(306319)
23	02/22/2004	(306298)
24	03/03/2004	(263752)
25	03/27/2004	(306300)
26	05/18/2004	(272471)
27	05/24/2004	(306303)
28	06/09/2004	(306301)
29	06/21/2004	(306305)
30	06/29/2004	(268266)
31	07/21/2004	(356463)
32	08/24/2004	(356464)
33	09/21/2004	(581323)
34	10/13/2004	(269714)
35	11/10/2004	(356465)
36	11/23/2004	(356466)
37	12/23/2004	(384278)
38	01/24/2005	(384279)
39	02/08/2005	(343833)
40	02/23/2005	(384277)
41	03/22/2005	(581308)
42	04/21/2005	(581311)
43	05/23/2005	(581313)
44	05/31/2005	(380399)
45	05/31/2005	(380714)
46	05/31/2005	(381218)
47	06/13/2005	(380490)
48	06/22/2005	(581316)
49	07/22/2005	(581318)
50	07/26/2005	(400550)
51	08/22/2005	(581321)
52	08/23/2005	(398841)
53	09/26/2005	(581324)
54	10/21/2005	(581326)
55	11/22/2005	(581328)
56	12/21/2005	(581330)
57	01/20/2006	(581332)
58	02/21/2006	(581306)
59	03/17/2006	(581309)
60	04/14/2006	(581312)
61	05/03/2006	(458356)
62	05/17/2006	(465668)
63	05/17/2006	(581314)
64	05/24/2006	(461682)
65	05/25/2006	(461194)
66	06/15/2006	(581317)

67	07/21/2006	(481913)
68	08/16/2006	(581322)
69	08/31/2006	(462909)
70	09/11/2006	(509523)
71	09/18/2006	(581325)
72	09/22/2006	(511812)
73	10/12/2006	(581327)
74	11/01/2006	(581319)
75	11/03/2006	(512485)
76	11/03/2006	(513326)
77	11/09/2006	(512057)
78	11/29/2006	(581329)
79	12/14/2006	(581331)
80	01/17/2007	(534227)
81	01/19/2007	(581333)
82	02/06/2007	(535382)
83	02/15/2007	(581307)
84	02/22/2007	(538455)
85	03/20/2007	(581310)
86	04/20/2007	(542670)
87	05/06/2007	(558173)
88	05/15/2007	(581315)
89	05/31/2007	(556659)
90	06/14/2007	(560622)
91	06/14/2007	(560100)
92	06/20/2007	(558144)
93	07/12/2007	(559942)
94	07/17/2007	(581320)
95	08/09/2007	(267734)
96	08/20/2007	(608113)
97	09/21/2007	(570573)
98	10/05/2007	(571382)
99	10/24/2007	(596018)
100	11/30/2007	(574100)
101	01/14/2008	(610773)
102	01/14/2008	(611785)
103	02/06/2008	(612714)

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

Date	04/14/2003	(25383)		
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 335, SubChapter A 335.4			
Description:	Failure to prevent an unauthorized discharge.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 335, SubChapter A 335.13(k)			
Description:	Failure to submit an exception report to TCEQ.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 335, SubChapter A 335.6(c)			
Description:	Failure to provide a written notification of the waste management unit, Equipment Wash Sump.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 335, SubChapter A 335.9(a)(1)(G)			
Description:	Failure to maintain a record of each Satellite Accumulation Area (SAA).			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 335, SubChapter F 335.152(a)(1)			
Description:	Failure to record an amount of training for each individual responsible for waste management.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 335, SubChapter F 335.152(a)(1)			
Description:	Failure of CSA/Tank Inspectors to sign their name on the inspection records.			
Date	04/30/2003	(183935)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			

Description: Failure to meet the limit for one or more permit parameter
 Date 06/29/2004 (268266)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT 865A, SC 2
 PERMIT PSD-TX-1016, SC 2
 Description: Failure to comply with the permitted Particulate Matter (PM) emission limit.
 Date 04/02/2006 (458356)
 Self Report? NO Classification Moderate
 Rqmt Prov: PERMIT PC 2g
 Description: Failure by Arkema, Inc. to prevent unauthorized discharges into or adjacent to
 the waters of the state.
 Date 09/12/2006 (509523)
 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 Permit 865A SC2
 Description: Failure to limit the PM emissions from the Sulfox Thermal Oxidizer (EPN:
 SULFOX-TO) during the stack test conducted on November 30 and December
 1, 2005.
 Date 11/10/2006 (512057)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)
 5C THC Chapter 382, SubChapter A 382.085(b)

 Rqmt Prov: OP 1636
 Description: Failure to submit CEMS downtime reports in a timely manner.
 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 1636
 PERMIT Permit 865A
 Description: Failure to maintain a CEMS downtime of less than 5% during the 12-month
 period of April 1, 2005, through March 31, 2006.
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)(2)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP 1636
 Description: Failure to submit excess emission reports for the last 3 quarters of 2005 and
 the first quarter of 2006.
 Date 01/18/2007 (534227)
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: PERMIT 865A and PSD-TX-1016
 OP O-01636
 Description: Failure to limit carbon monoxide (CO) emissions from the thermal oxidizer
 (EPN: SULFOX-TO) to the authorized limit found in Permit 865A/PSD-TX-
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 115, SubChapter B 115.114(a)(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 865A and PSD-TX-1016
 OP O-01636

Description:	Failure to inspect secondary seal on external floating roof tank every 6 months. B1 Moderate 2E		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT 865A and PSD-TX-1016 OP O-01636		
Description:	Failure to conduct second quarter H2S sampling 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 865A/PSD-TX-1016 OP O-01636		
Description:	Failure to provide acceptable annual fuel supplier certification of sulfur content for natural gas.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.146(2) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01636 OP O-01636, General Terms and Conditions		
Description:	Failure to submit the Annual Permit Compliance Certification for OP O-01636 within 30 days of the certification period.		
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 O-01636 OP O-01636, General Terms and Conditions		
Description:	Failure to submit the Semiannual Deviation Report within for OP O-01636 within 30 days of the certification period.		
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:	5C THC Chapter 382, SubChapter D 382.085(b) PERMIT 865A/PSD-TX-1016 OP O-01636		
Description:	Failure to limit the firing rate of the thermal oxidizer (EPN: SULFOX-TO) to the authorized limit found in Permit 865A/PSD-TX-1016. 30 TAC Chapter 122.143 (4) 5C THC Chapter 382.085(b)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 106, SubChapter T 106.454(3)(B)(ii) 30 TAC Chapter 115, SubChapter E 115.412(1)(A) 30 TAC Chapter 116, SubChapter B 116.110(a)(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP O-01636		
Description:	Failure to close the parts washer cover when parts were not being handled.		
Date	02/28/2007 (581310)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	06/21/2007 (558144)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		

Rqmt Prov: PERMIT 865A/PSD-TX-1016 Special Condition 2
OP FOP O-01636 General Terms and Conditions
OP FOP O-01636 Special Condition 13A

Description: Failure to limit the PM emissions from the Sulfox Thermal Oxidizer (EPN: SULFOX-TO) during the stack test conducted on August 16 through 17, 2006. EIC B(18) MOD 2(D)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: PERMIT 865A/PSD-TX1016, Special Condition 19F
OP FOP O-01636 General Terms and Conditions
OP FOP O-01636 Special Condition 13A

Description: Failure to submit copies of the final sampling report of the SULFOXTO for the test dates of August 16 and 17, 2007, to the TCEQ within 30 days after sampling was completed. EIC B(3) MOD2(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 FOP O-01636 General Terms and Conditions

Description: Failure to report two deviations in the semi-annual deviation report for the period of April 26, 2006, through October 25, 2006. EIC B(3) MOD 2(B)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP O-01636 General Terms and Conditions

Description: Failure to accurately certify an Annual Compliance Certification for the period of October 24, 2005, through October 25, 2006. EIC B(3) MOD 2(D)

Date 07/13/2007 (559942)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 865A/PSD-TX-1016
PERMIT O-01636

Description: Failure to limit Hydrogen Sulfide and Carbon Disulfide emissions from Tank 402 (EPN: T402) to the authorized limit found in Permit 865A/ PSD-TX-1016. On April 16, 2007, 483.00 pounds of Hydrogen Sulfide and 1,712.00 pounds of Carbon Disulfide were released from T-402.

F. Environmental audits.

Notice of Intent Date: 05/21/2003 (264413)
Disclosure Date: 07/31/2003

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B
Description: TRS rate did not appear on the MAER Table

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B
Description: TRS emissions from EPN were not included in the 01/02 PSD netting table

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B
Description: Inaccurate flare emission estimates represented in the 01/02 permit application

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B
Rqmt PERMIT 865A, PSD-TX-1016
Description: Exceeded the production rates for dimethyl sulfide and dimethyl disulfide

Notice of Intent Date: 12/29/2003 (263555)
Disclosure Date: 02/16/2004

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B
Description: Exceeded the permitted firing rate of the steam boiler.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B
Description: Exceeded maximum allowable emission rates as a result of exceeding the firing rate of the steam boiler.
Disclosure Date: 06/04/2004

Viol. Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D
Description: documentation of location of water lines was not readily available

Viol. Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D
Description: documentation that AWWA standards are being followed for disinfecting & microbiological sampling was not readily available

Viol. Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D
Description: documentation of compliance with backflow prevention standards not readily available

Viol. Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D
Description: documentation of minimum pressure of 35 psi & minimum distribution pressure of 20 psi (at any time) no readily available

Viol. Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D
Description: need updated documentation of requirements for Purchased Water Systems

Viol. Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D
Description: no microbiological, chemical, or disinfectant residual testing conducted

Viol. Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D
Description: documentation of financial assurance under SWDA or CAA not readily available

Viol. Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D
Description: facility has no current documentation of the capability of supplying the maximum daily demands of the distribution system

Viol. Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D
Description: current documentation that construction is in accordance with AWWA standards is not readily available

Viol. Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D
Description: current documentation that the lead solders are of the correct composition is not readily available

Viol. Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D
Description: documentation of the number of connections or minimum line sizes is needed

Viol. Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D
Description: documentation needed that required minimum pressures and maintenance methods are being used

Viol. Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D
Description: failure to have Class D licensed personnel

Viol. Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D
Description: failure to keep operating records

Viol. Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D
Description: disinfection is not currently performed

Viol. Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D
Description: a supply of calcium hypochlorite is not kept on hand

Viol. Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D
Description: plumbing ordinance not formally adopted

Viol. Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D
Description: dead end mains are not flushed monthly

Viol. Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D
Description: routine maintenance performed on distribution lines may not meet the requirements of this standard

Viol. Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D
Description: facility does not have drawings or specs on the water distribution system readily available

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D

Description: facility has not submitted documentation of ownership & management

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D

Description: formal procedure is needed for low distribution pressures, water outage, turbidity, etc.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter E

Description: fees need to be paid for services provided by TCEQ to public water systems

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
ARKEMA INC.
RN100216373**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2008-0303-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 Arkema Inc. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates an industrial organic chemicals plant at 2810 Gulf States Road in Beaumont, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 11, 2008.
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 Five Thousand One Hundred Dollars (\$5,100) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand Eighty Dollars (\$4,080) of the administrative penalty

and One Thousand Twenty Dollars (\$1,020) 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.

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 by February 18, 2008, the Respondent retrained the production operators on the proper response to site alarms and monitor indications, which was the cause of the November 17, 2007 emissions event.
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 exceeded the permitted hourly rate of 3,527.58 pounds per hour ("lbs/hr") for sulfur dioxide ("SO₂"), in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit No. 865A/PSD-TX-1016, Special Condition 2, and Federal Operating Permit No. O-01636, Special Condition 13, as documented during a record review conducted on December 20, 2007. Specifically, 4,934.87 lbs of SO₂ was released during one hour of the emissions event, resulting in 1,409.27 lbs of unauthorized SO₂ being emitted into the atmosphere from the flare during an emissions event that occurred on November 17, 2007, and lasting one hour and fifty-three minutes. Since this emissions event was avoidable, an affirmative defense as defined by 30 TEX. ADMIN. CODE § 101.222 may not be claimed for the emissions.

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: Arkema Inc., Docket No. 2008-0303-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon 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.
3. 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.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), 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

John Zoller

For the Executive Director

7/2/2008

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.

Wendal R. Turley

Signature

04-21-2008

Date

WENDAL R. TURLEY

Name (Printed or typed)
Authorized Representative of
Arkema Inc.

Plant Manager

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.

