

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

Page 1 of 2

**DOCKET NO.:** 2008-0077-AIR-E **TCEQ ID:** RN100217405 **CASE NO.:** 35208**RESPONDENT NAME:** Honeywell International Inc.

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Honeywell International Orange Plant, 3927 Farm-to-Market 1006, Orange, Jefferson County</p> <p><b>TYPE OF OPERATION:</b> Plastics material manufacturing</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on June 16, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Roshondra Lowe, Enforcement Division, Enforcement Team 5, MC R-10, (713) 676-3500  Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Craig Robnik, Plant Manager, Honeywell International Inc., P.O. Box 640, Orange, Texas 77631  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> November 2 through 6, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> January 2, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>Failure to prevent unauthorized emissions of 1,078 pounds of Ethylene during an emissions event which began on September 21, 2007, at Emission Point Emergency Vent to Stack (EPN HS-1230) and lasted for two minutes (Incident No. 97808). Since the emissions event was avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Federal Operating Permit No. O-01533, General Terms and Conditions and Special Condition 13A, Air Permit P-1829, Special Condition 3 and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$2,025</p> <p><b>Total Deferred:</b> \$405  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$1,620</p> <p><b>Site Compliance History Classification</b>  <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that on October 16, 2007, the Respondent updated the catalyst preparation procedures to handle uncertain batches of the catalyst by closing and isolating the valve from P-57 pump to T-51 spray tower with a yellow lock to prevent the pumping of catalyst to the T-51 spray tower. Additionally, on December 23, 2007, a sign was placed at the point of bleed and catalyst dump valves to remind operators to close the valves prior to starting Isopropyl Alcohol flow.</p>

Additional ID No(s): OC0001V



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

DATES	Assigned	7-Jan-2008	Screening	10-Jan-2008	EPA Due	6-Oct-2008
	PCW	5-Feb-2008				

## RESPONDENT/FACILITY INFORMATION

Respondent	Honeywell International Inc.		
Reg. Ent. Ref. No.	RN100217405		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

## CASE INFORMATION

Enf./Case ID No.	35208	No. of Violations	1	
Docket No.	2008-0077-AIR-E	Order Type	1660	
Media Program(s)	Air	Enf. Coordinator	Daniel Siringi	
Multi-Media		EC's Team	Enforcement Team 5	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

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

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

Penalty enhanced due to three dissimilar NOV's, including one self-reported effluent violation, in the past five years.

**Culpability**   Enhancement **Subtotal 4**

Notes

The Respondent does not meet the culpability criteria.

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

Before NOV      NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
N/A	<input type="text"/>	(mark with x)

Notes

The Respondent completed all the corrective actions on December 23, 2007.

Total EB Amounts	<input type="text" value="\$45"/>
Approx. Cost of Compliance	<input type="text" value="\$3,500"/>

Enhancement\* **Subtotal 6**   
\*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 10-Jan-2008

Docket No. 2008-0077-AIR-E

PCW

Respondent Honeywell International Inc.

Policy Revision 2 (September 2002)

Case ID No. 35208

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100217405

Media [Statute] Air

Enf. Coordinator Daniel Siringi

### 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)	0	0%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (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)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 6%

>> 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 enhanced due to three dissimilar NOVs, including one self-reported effluent violation, in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 6%

<b>Screening Date</b> 10-Jan-2008	<b>Docket No.</b> 2008-0077-AIR-E	<b>PCW</b>
<b>Respondent</b> Honeywell International Inc.	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 35208	<small>PCW Revision November 6, 2007</small>	
<b>Reg. Ent. Reference No.</b> RN100217405		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> Daniel Siringi		
<b>Violation Number</b>	1	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Federal Operating Permit No. O-01533, General Terms and Conditions and Special Condition 13A, Air Permit P-1829, Special Condition 3 and Tex. Health & Safety Code § 382.085(b)	
<b>Violation Description</b>	Failed to prevent unauthorized emissions of 1,078 pounds of Ethylene during an emissions event which began on September 21, 2007, at Emission Point Emergency Vent to Stack (EPN HS-1230) and lasted for two minutes (Incident No. 97808). Since the emissions event was avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.	
<b>Base Penalty</b>		\$10,000

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

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

**>> Programmatic Matrix**

	9/21/2007	12/23/2007	Moderate	Minor	
3500	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b> <input type="text" value="0%"/>

**Matrix Notes**

Human health or the environment has been exposed 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**

**Violation Events**

Number of Violation Events <input type="text" value="1"/>	Number of violation days <input type="text" value="1"/>
---	---

<small>mark only one with an x</small>	daily	<input type="checkbox"/>		<b>Violation Base Penalty</b> <input type="text" value="\$2,500"/>
	monthly	<input type="checkbox"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		

One quarterly event is recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$45"/>	Violation Final Penalty Total <input type="text" value="\$2,025"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$2,025"/>	

## Economic Benefit Worksheet

**Respondent** Honeywell International Inc.  
**Case ID No.** 35208  
**Reg. Ent. Reference No.** RN100217405  
**Media** Air  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$3,500	21-Sep-2007	23-Dec-2007	0.3	\$45	n/a	\$45

Notes for DELAYED costs

Estimated cost of updating the catalyst preparation procedures to handle uncertain batches of the catalyst by closing and isolating the valve from P-57 pump to T-51 spray tower with a yellow lock to prevent the pumping of catalyst to the T-51 spray tower and placing a sign at the point of bleed and catalyst dump valves to remind operators to close the valves prior to starting Isopropyl Alcohol flow. Date required is the date of the emissions event and final date is the date the Respondent completed all corrective actions.

**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

\$3,500

**TOTAL**

\$45

# Compliance History

Customer/Respondent/Owner-Operator: CN600129159 Honeywell International Inc. Classification: AVERAGE Rating: 2.01  
 Regulated Entity: RN100217405 HONEYWELL INTERNATIONAL ORANGE Classification: HIGH Site Rating: 0.09

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	OC0001V
	AIR OPERATING PERMITS	PERMIT	1533
	WASTEWATER	PERMIT	WQ0000670000
	WASTEWATER	PERMIT	TPDES0007897
	WASTEWATER	PERMIT	TX0007897
	AIR NEW SOURCE PERMITS	PERMIT	1829
	AIR NEW SOURCE PERMITS	PERMIT	1477
	AIR NEW SOURCE PERMITS	PERMIT	1727
	AIR NEW SOURCE PERMITS	PERMIT	1736
	AIR NEW SOURCE PERMITS	PERMIT	6090
	AIR NEW SOURCE PERMITS	PERMIT	9224
	AIR NEW SOURCE PERMITS	PERMIT	14490
	AIR NEW SOURCE PERMITS	PERMIT	45475
	AIR NEW SOURCE PERMITS	PERMIT	45994
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	OC0001V
	AIR NEW SOURCE PERMITS	AFS NUM	4836100017
	AIR NEW SOURCE PERMITS	REGISTRATION	76825
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30009
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008080004

Location: 3927 FM 1006, ORANGE, TX, 77630 Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: January 08, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 08, 2003 to January 08, 2008

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

Name: Daniel Siringi Phone: (409) 899-8799

### 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?
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
  - 1 01/21/2003 (161054)
  - 2 02/24/2003 (161013)
  - 3 02/26/2003 (24751)
  - 4 03/24/2003 (161016)
  - 5 04/11/2003 (28826)

6 04/24/2003 (161021)  
7 05/23/2003 (161025)  
8 06/24/2003 (161029)

9 07/22/2003 (161033)  
10 08/25/2003 (296555)  
11 09/23/2003 (296557)  
12 10/23/2003 (296559)  
13 11/24/2003 (296560)  
14 11/24/2003 (296562)  
15 12/12/2003 (255703)  
16 12/29/2003 (296561)  
17 02/24/2004 (296543)  
18 03/19/2004 (262770)  
19 03/22/2004 (296546)  
20 04/23/2004 (296547)  
21 05/13/2004 (270776)  
22 05/19/2004 (296549)  
23 06/07/2004 (271204)  
24 06/22/2004 (296551)  
25 06/22/2004 (296553)  
26 08/06/2004 (281771)  
27 08/16/2004 (282441)  
28 08/24/2004 (352635)  
29 08/24/2004 (352636)  
30 10/25/2004 (352637)  
31 11/23/2004 (352638)  
32 12/16/2004 (352639)  
33 01/24/2005 (382073)  
34 02/23/2005 (382071)  
35 03/21/2005 (382072)  
36 04/22/2005 (430101)  
37 05/12/2005 (374503)  
38 05/24/2005 (430102)  
39 06/15/2005 (378627)  
40 06/21/2005 (430103)  
41 06/30/2005 (380980)  
42 07/20/2005 (430104)  
43 08/02/2005 (399028)  
44 08/23/2005 (441040)  
45 08/23/2005 (441041)  
46 10/26/2005 (468803)  
47 11/04/2005 (431917)  
48 11/22/2005 (468804)  
49 12/27/2005 (468805)  
50 01/25/2006 (440409)  
51 01/27/2006 (468806)  
52 02/14/2006 (450179)  
53 02/22/2006 (468801)  
54 02/22/2006 (451005)  
55 03/22/2006 (468802)  
56 03/31/2006 (459417)  
57 04/24/2006 (498458)  
58 05/01/2006 (460058)  
59 05/17/2006 (498459)  
60 06/16/2006 (498460)  
61 07/14/2006 (498461)  
62 08/14/2006 (520461)  
63 08/14/2006 (520462)  
64 10/18/2006 (520463)  
65 11/14/2006 (517802)





# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
HONEYWELL INTERNATIONAL  
INC.  
RN100217405**

§  
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**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2008-0077-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 Honeywell International Inc. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a plastics material manufacturing plant at 3927 Farm-to-Market Road 1006 in Orange, 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 January 7, 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 Two Thousand Twenty-Five Dollars (\$2,025) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Six Hundred Twenty Dollars (\$1,620) of the administrative penalty and Four Hundred Five Dollars (\$405) 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 on October 16, 2007, the Respondent updated the catalyst preparation procedures to handle uncertain batches of the catalyst by closing and isolating the valve from P-57 pump to T-51 spray tower with a yellow lock to prevent the pumping of catalyst to the T-51 spray tower. Additionally, on December 23, 2007, a sign was placed at the point of bleed and catalyst dump valves to remind operators to close the valves prior to starting Isopropyl Alcohol flow.
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 failed to prevent unauthorized emissions of 1,078 pounds of Ethylene during an emissions event which began on September 21, 2007, at Emission Point Emergency Vent to Stack (EPN HS-1230) and lasted for two minutes (Incident No. 97808), in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Federal Operating Permit No. O-01533, General Terms and Conditions and Special Condition 13A, Air Permit P-1829, Special Condition 3 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 2 through 6, 2007. Since the emissions event was avoidable, the Respondent failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

## **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: Honeywell International Inc., Docket No. 2008-0077-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

  
\_\_\_\_\_  
For the Executive Director

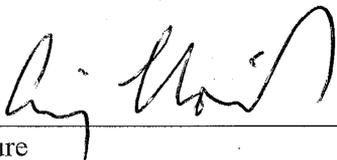
\_\_\_\_\_  
Date 6/18/08

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

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

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

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

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date 4/1/08

Craig Robnik  
Name (Printed or typed)  
Authorized Representative of  
Honeywell International 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.

