x. 17

# EXECUTIVE SUMMARY - ENFORCEMENT MATTER



**DOCKET NO.: 2007-1981-AIR-E TCEQ ID: RN100225945 CASE NO.: 35080**

**RESPONDENT NAME: THE DOW CHEMICAL COMPANY**

| ORDER TYPE: | | |
|---|---|---|
| _1660 AGREED ORDER | X 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:** 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 two additional pending enforcement actions regarding this facility location, 2008-0843-AIR-E and 2007-0923-AIR-E.

**INTERESTED PARTIES:** No complaints have been received. 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 December 8, 2008. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Mr. Jim Sallans, Litigation Division, MC 175, (512) 239-2053
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019
**SEP Coordinator:** Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223
**TCEQ Enforcement Coordinator:** Ms. Kimberly Morales, Air Enforcement Section, MC R-12, (713) 422-8938
**TCEQ Regional Contact:** Mr. Joel Anderson, Houston Regional Office, MC R-12, (713) 767-3750
**Respondent:** Ms. Julie Woodard, The Dow Chemical Company, 2301 N Brazosport Blvd., Freeport, Texas 77541-3203
**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:**<br>__ Complaint<br>__ Routine<br>X Enforcement Follow-up<br>__ Records Review<br><br>**Date of Complaint Relating to this Case:** None<br><br>**Dates of Investigation Relating to this Case:** June 19, 2007, September 12, 2007, and November 1, 2007<br><br>**Dates of NOE's Relating to this Case:** November 21 and 23, 2007<br><br>**Background Facts:** This case was referred to the Litigation Division in March 2008. Respondent agreed to resolve the matter with an Agreed Order. All corrective actions have been completed.<br><br>**Current Compliance Status:** No outstanding Technical Requirements.<br><br>**AIR:**<br>1. Failed to prevent unauthorized emissions on May 4, 2007. Since the 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 §§ 101.20(3) and 116.715(a); Flexible Permit No. 20432 and PSD-TX-994, Special Condition III-1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].<br><br>2. Failed to prevent unauthorized emissions on August 8, 2007. Since the 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 Permit No. 834, Special Condition 1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].<br><br>3. Failed to prevent unauthorized emissions on September 19, 2007. Since the 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 Permit No. 6932, Special Condition 1; and TEX. HEALTH & SAFETY CODE § 382.085(b)]. | **Total Assessed:** $30,000<br><br>**Total Deferred:** $15,000<br>__ Expedited Order<br>__ Financial Inability to Pay<br>X SEP Conditional Offset<br><br>**Total Paid to General Revenue:** $15,000<br><br>The Respondent has paid $15,000 of the administrative penalty. The remainder of the administrative penalty shall be conditionally offset by the completion of a Supplemental Environmental Project (SEP).<br><br>**Site Compliance History Classification**<br>__ High X Average __ Poor<br><br>**Person Compliance History Classification**<br>__ High X Average __ Poor<br><br>**Major Source:** X Yes __ No<br><br>**Applicable Penalty Policy:** September 2002<br><br>**Findings Criteria:**<br>The violation involves an emission or discharge of contaminants to the environment or other actions meeting the following requirements:<br><br>1. People have been exposed to pollutants which exceed levels that are protective.<br><br>2. Environmental receptors have been exposed to pollutants which exceed levels that are protective. | **Corrective Action(s) Taken:**<br>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:<br><br>1. With regard to the May 4, 2007 emissions event (Incident No. 90728):<br><br>a. By September 30, 2007, installed an extraction flow control to vent 150 pounds per square inch gauge steam to the atmosphere and maintain sufficient steam flow from ST-30 Propylene Refrigeration Steam Turbine; and<br><br>b. By December 31, 2007, improved procedures for the front end recovery startup plan to improve startup interface between the highly integrated systems and to ensure sufficient heat is adequately applied to the T-41 Depropanizer System prior to sending bottoms material on forward to the T-160 Debutanizer Tower.<br><br>2. With regard to the August 8, 2007, emissions event (Incident No. 95587), revised the procedures for inspection of the Letdown Valve Actuator on November 6, 2007, to include instructions to replace any yellow actuator cord (which fractured and caused the valve position indictor to fail) with an upgraded grey actuator cord.<br><br>3. With regard to the September 19, 2007, emissions event (Incident No. 97695), revised the procedures for clearing D-103 Drum for maintenance on October 9, 2007, to include instructions to ensure that the propylene level is less than 10%, or the drum should not be cleared. |

Attachment A
Docket Number: 2007-1981-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

| | |
|---|---|
| Respondent: | The Dow Chemical Company |
| Penalty Amount: | Thirty Thousand Dollars ($30,000) |
| SEP Offset Amount: | Fifteen Thousand Dollars ($15,000) |
| Type of SEP: | Pre-approved |
| Third-Party Recipient: | Houston-Galveston Area Emission Reduction Credit Organization ("AERCO") *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 Offset 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

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to Houston-Galveston AERCO for the *Clean Cities/Clean Vehicles Program* in Brazoria County as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, SEP funds will be used to aid local school districts and area transit agencies, and may be used to reach local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP funds will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. SEP funds will be used for the costs of retrofitting or replacing older diesel buses with alternative fueled or clean fuel diesel buses. The older "high emission" buses will be permanently retired and sold only for scrap. This project will be administered in accordance with federal, state, and local environmental laws and regulations.

The Respondent certifies that it has 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

Passengers, drivers, and students in the area where school buses idle during transportation are subject to harmful diesel exhaust emission every school day. Apart from containing the ozone precursors nitrogen oxides ("NOx") and hydrocarbons ("HC"), diesel exhaust is known to cause or exacerbate a number of respiratory diseases, including asthma. Due to the more stringent emissions standards introduced by the Environmental Projection Agency (EPA), model 2007 and newer buses are also cleaner in terms of particulate matter (PM) emissions than model year 2004 buses. New NOx and HC standards phased in between 2007

and 2010 will result in new school bus engines being 72% cleaner for HC and 90% cleaner for NOx than a bus produced to meet the 2004 federal standards for these pollutants.

This SEP will provide a discernible environmental benefit by retiring high-emission buses from service, purchasing newer, clean fuel technology buses, and replacing newer buses with fuel treatment technology that reduces PM and HC.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset 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 Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

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

## 3. Records and Reporting

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

Litigation Division
Attention: SEP Coordinator, MC 175
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 Offset 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 Offset Amount.

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

Texas Commission on Environmental Quality

Office of Legal Services
Attention: SEP Coordinator, MC 175
P.O. Box 13088
Austin, Texas 78711-3088

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 a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

# Penalty Calculation Worksheet (PCW)

*Policy Revision 2 (September 2002)* — *PCW Revision November 6, 2007*

TCEQ

**DATES**

| | | | | | |
|---|---|---|---|---|---|
| Assigned | 3-Dec-2007 | | | | |
| PCW | 17-Jul-2008 | Screening | 10-Dec-2007 | EPA Due | 17-Aug-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. | 35080 | No. of Violations | 3 |
| Docket No. | 2007-1981-AIR-E | Order Type | Findings |
| Media Program(s) | Air | Enf. Coordinator | Kimberly Morales |
| Multi-Media | | EC's Team | Enforcement Team 5 |
| Admin. Penalty $ Limit Minimum | $0 | Maximum | $10,000 |

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** — *Subtotal 1* $15,000

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

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

**Compliance History** — 384% Enhancement — *Subtotals 2, 3, & 7* $57,600

Notes: Penalty enhancement due to 48 NOVs issued for same or similar violations, 51 NOVs issued for non-similar violations (which includes 13 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 55 notice of audit letters and 19 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** — 10% Reduction — *Subtotal 5* $1,500

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

Notes: The Respondent completed corrective actions on December 31, 2007.

| | |
|---|---|
| Total EB Amounts | $191 |
| Approx. Cost of Compliance | $7,500 |

0% Enhancement* — **Capped at the Total EB $ Amount* — *Subtotal 6* $0

**SUM OF SUBTOTALS 1-7** — *Final Subtotal* $71,100

**OTHER FACTORS AS JUSTICE MAY REQUIRE** — 0% — *Adjustment* $0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

*Final Penalty Amount* $71,100

**STATUTORY LIMIT ADJUSTMENT** — *Final Assessed Penalty* $30,000

**DEFERRAL** — 0% Reduction — *Adjustment* $0

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

Notes: No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** $30,000

**Screening Date** 10-Dec-2007 **Docket No.** 2007-1981-AIR-E **PCW**

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

**Case ID No.** 35080 *PCW Revision November 6, 2007*

**Reg. Ent. Reference No.** RN100225945

**Media [Statute]** Air

**Enf. Coordinator** Kimberly Morales

# Compliance History Worksheet

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

| Component | Number of... | *Enter Number Here* | Adjust. |
|---|---|---|---|
| NOVs | Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*) | 48 | 240% |
| | 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*) | 55 | -55% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*) | 19 | -38% |

| | | *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)*** 384%

>> **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 48 NOVs issued for same or similar violations, 51 NOVs issued for non-similar violations (which includes 13 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 55 notice of audit letters and 19 disclosures of violations submitted.

***Total Adjustment Percentage (Subtotals 2, 3, & 7)*** 384%

**Screening Date** 10-Dec-2007 **Docket No.** 2007-1981-AIR-E **PCW**

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

**Case ID No.** 35080 *PCW Revision November 6, 2007*

**Reg. Ent. Reference No.** RN100225945

**Media [Statute]** Air

**Enf. Coordinator** Kimberly Morales

**Violation Number** 1

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

**Violation Description** Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 16,520 pounds ("lbs") of carbon monoxide ("CO"), 2,287 lbs of nitrogen oxides ("NOx"), 11,960 lbs of the highly reactive ("HR") volatile organic compounds ("VOCs") ethylene and propylene, 2,183 lbs of the hazardous air pollutants ("HAPs") benzene, 1,3-butadiene, hexane, and toluene, and 5,188 lbs of other VOCs were released from the Elevated Flare, emission point number ("EPN") OC6F1, and the Ground Flare, EPN OC6F1000, in the Light Hydrocarbon - 8 Block OC-601 Unit during an emissions event (Incident No. 90728) that occurred on May 4, 2007 and lasted eight 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** 100%

## >>Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---|---|---|---|
| | | | |

**Percent** 0%

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria non-attainment area has been exposed to pollutants (8.26 tons of CO, 1.14 tons of NOx, 5.98 tons of HRVOCs, 1.09 tons of HAPs, and 2.59 tons of VOCs) which exceed levels protective of human health or environmental receptors as a result of the violation.

**Adjustment** $0

$10,000

## Violation Events

Number of Violation Events 1 — 1 Number of violation days

*mark only one with an x*

| | |
|---|---|
| daily | x |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | |

**Violation Base Penalty** $10,000

One daily event is recommended.

## Economic Benefit (EB) for this violation

**Estimated EB Amount** $165

## Statutory Limit Test

**Violation Final Penalty Total** $47,400

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

# Economic Benefit Worksheet

**Respondent** The Dow Chemical Company
**Case ID No.** 35080
**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 | | | | 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) | $5,000 | 4-May-2007 | 31-Dec-2007 | 0.7 | $165 | n/a | $165 |

Notes for DELAYED costs: Estimated cost to implement measures to ensure sufficient power is supplied from the ST-30 Propylene Refrigeration Steam Turbine and sufficient heat supplied to the T-41 Depropanizer System. Date required is the date of the release. 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: $5,000

TOTAL: $165

**Screening Date** 10-Dec-2007 **Docket No.** 2007-1981-AIR-E **PCW**

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

**Case ID No.** 35080 *PCW Revision November 6, 2007*

**Reg. Ent. Reference No.** RN100225945

**Media [Statute]** Air

**Enf. Coordinator** Kimberly Morales

**Violation Number** 2

**Rule Cite(s)** 30 Tex. Admin. Code § 116.115(c), New Source Review 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 1,500 lbs of the HRVOC ethylene were released through Special Safety Valve ("SSV")-201, SSV-203, SSV-204, and SSV-206 in the Polyethylene 4 Unit during an emissions event (Incident No. 95587) that occurred on August 8, 2007 and lasted one minute. These emissions were 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

| Release | Harm: Major | Moderate | Minor |
|---|---|---|---|
| Actual | | | x |
| Potential | | | |

OR

**Percent** 25%

## >>Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---|---|---|---|
| | | | |

**Percent** 0%

Matrix Notes: Human health or the environment in the Houston-Galveston-Brazoria non-attainment area has been exposed to an insignificant amount of pollutants (0.75 tons of HRVOCs) which do not exceed levels protective of human health or environmental receptors 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** $25

## Statutory Limit Test

**Violation Final Penalty Total** $11,850

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

# Economic Benefit Worksheet

**Respondent** The Dow Chemical Company
**Case ID No.** 35080
**Reg. Ent. Reference No.** RN100225945
**Media** Air
**Violation No.** 2

| 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) | $2,000 | 8-Aug-2007 | 6-Nov-2007 | 0.2 | $25 | n/a | $25 |
| Notes for DELAYED costs | Estimated cost to implement measures designed to prevent failure of the valve position indicator. Date required is the date of the release. 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: $2,000

TOTAL: $25

**Screening Date** 10-Dec-2007 **Docket No.** 2007-1981-AIR-E **PCW**

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

**Case ID No.** 35080 *PCW Revision November 6, 2007*

**Reg. Ent. Reference No.** RN100225945

**Media [Statute]** Air

**Enf. Coordinator** Kimberly Morales

**Violation Number** 3

**Rule Cite(s)** 30 Tex. Admin. Code § 116.115(c), New Source Review Permit No. 6932, Special Condition 1 and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 267 lbs of the HRVOC propylene were released through the High Pressure Flare (FS24), EPN A40F4, in the Freeport Marine Terminal Operations during an emissions event (Incident No. 97695) that occurred on September 19, 2007 and lasted 20 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

| OR | Release | Harm: Major | Moderate | Minor |
|---|---|---|---|---|
| | Actual | | | x |
| | Potential | | | |

**Percent** 25%

## >>Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---|---|---|---|
| | | | |

**Percent** 0%

**Matrix Notes** Human health or the environment in the Houston-Galveston-Brazoria non-attainment area has been exposed to an insignificant amount of pollutants (.13 tons of HRVOCs) which do not exceed levels protective of human health or environmental receptors 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** $1

## Statutory Limit Test

**Violation Final Penalty Total** $11,850

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

# Economic Benefit Worksheet

**Respondent** The Dow Chemical Company
**Case ID No.** 35080
**Reg. Ent. Reference No.** RN100225945
**Media** Air
**Violation No.** 3

| 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) | $500 | 19-Sep-2007 | 9-Oct-2007 | 0.1 | $1 | n/a | $1 |

Notes for DELAYED costs: Estimated cost to revise procedures to include verifying the drum level is less than 10% before clearing. Date required is the date of the release. 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: $1

# 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 |
| AIR OPERATING PERMITS | PERMIT | 2206 |
| AIR OPERATING PERMITS | PERMIT | 2207 |
| AIR OPERATING PERMITS | PERMIT | 2208 |
| AIR OPERATING PERMITS | PERMIT | 2209 |
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| AIR OPERATING PERMITS | PERMIT | 2212 |
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| AIR OPERATING PERMITS | PERMIT | 2215 |
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| AIR OPERATING PERMITS | PERMIT | 2220 |
| AIR OPERATING PERMITS | PERMIT | 2221 |
| AIR OPERATING PERMITS | PERMIT | 2311 |
| AIR OPERATING PERMITS | PERMIT | 2313 |
| AIR OPERATING PERMITS | PERMIT | 2697 |
| AIR OPERATING PERMITS | PERMIT | N041 |
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| PUBLIC WATER SYSTEM/SUPPLY | REGISTRATION | 0200232 |
| PUBLIC WATER SYSTEM/SUPPLY | REGISTRATION | 0200027 |
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| WASTEWATER | PERMIT | TPDES0006483 |
| WASTEWATER | PERMIT | TX0006483 |
| WASTEWATER | PERMIT | TPDES0006484 |
| WASTEWATER | PERMIT | TX0059447000 |
| UNDERGROUND INJECTION CONTROL | PERMIT | WDW059 |
| UNDERGROUND INJECTION CONTROL | PERMIT | WDW071 |
| UNDERGROUND INJECTION CONTROL | PERMIT | WDW076 |
| UNDERGROUND INJECTION CONTROL | PERMIT | WDW081 |
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| INDUSTRIAL AND HAZARDOUS WASTE GENERATION | SOLID WASTE REGISTRATION # (SWR) | 30106 |
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| INDUSTRIAL AND HAZARDOUS WASTE STORAGE | PERMIT | 50161 |
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| AIR NEW SOURCE PERMITS | REGISTRATION | 72132 |
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| AIR NEW SOURCE PERMITS | PERMIT | 42923 |
| AIR NEW SOURCE PERMITS | PERMIT | 43382 |
| AIR NEW SOURCE PERMITS | PERMIT | 43381 |
| AIR NEW SOURCE PERMITS | PERMIT | 43417 |
| AIR NEW SOURCE PERMITS | PERMIT | 43416 |
| AIR NEW SOURCE PERMITS | PERMIT | 43698 |
| AIR NEW SOURCE PERMITS | PERMIT | 42443 |
| AIR NEW SOURCE PERMITS | PERMIT | 43813 |
| AIR NEW SOURCE PERMITS | PERMIT | 43859 |
| AIR NEW SOURCE PERMITS | PERMIT | 43959 |
| AIR NEW SOURCE PERMITS | PERMIT | 43960 |
| AIR NEW SOURCE PERMITS | PERMIT | 44002 |
| AIR NEW SOURCE PERMITS | PERMIT | 44001 |
| AIR NEW SOURCE PERMITS | PERMIT | 44036 |
| AIR NEW SOURCE PERMITS | PERMIT | 44056 |
| AIR NEW SOURCE PERMITS | PERMIT | 44110 |
| AIR NEW SOURCE PERMITS | PERMIT | [illegible] |
| AIR NEW SOURCE PERMITS | PERMIT | 44464 |
| AIR NEW SOURCE PERMITS | PERMIT | 44465 |
| AIR NEW SOURCE PERMITS | PERMIT | 44608 |
| AIR NEW SOURCE PERMITS | PERMIT | 44622 |
| AIR NEW SOURCE PERMITS | PERMIT | 44718 |
| AIR NEW SOURCE PERMITS | PERMIT | 44719 |
| AIR NEW SOURCE PERMITS | PERMIT | 44833 |
| AIR NEW SOURCE PERMITS | PERMIT | 44834 |
| AIR NEW SOURCE PERMITS | PERMIT | 45097 |
| AIR NEW SOURCE PERMITS | PERMIT | 45152 |
| AIR NEW SOURCE PERMITS | PERMIT | 45449 |
| AIR NEW SOURCE PERMITS | PERMIT | 46009 |
| AIR NEW SOURCE PERMITS | PERMIT | 46174 |
| AIR NEW SOURCE PERMITS | PERMIT | 46173 |
| AIR NEW SOURCE PERMITS | PERMIT | 46306 |
| AIR NEW SOURCE PERMITS | PERMIT | 46378 |
| AIR NEW SOURCE PERMITS | PERMIT | 46429 |
| AIR NEW SOURCE PERMITS | PERMIT | 46428 |
| AIR NEW SOURCE PERMITS | PERMIT | 46431 |
| AIR NEW SOURCE PERMITS | PERMIT | 46481 |
| AIR NEW SOURCE PERMITS | PERMIT | 46568 |
| AIR NEW SOURCE PERMITS | PERMIT | 46658 |
| AIR NEW SOURCE PERMITS | PERMIT | 46682 |
| AIR NEW SOURCE PERMITS | PERMIT | 46767 |
| AIR NEW SOURCE PERMITS | PERMIT | 46798 |
| AIR NEW SOURCE PERMITS | PERMIT | 46911 |
| AIR NEW SOURCE PERMITS | PERMIT | 46987 |
| AIR NEW SOURCE PERMITS | PERMIT | 47095 |
| AIR NEW SOURCE PERMITS | PERMIT | 47092 |
| AIR NEW SOURCE PERMITS | PERMIT | 47203 |
| AIR NEW SOURCE PERMITS | PERMIT | 47114 |
| AIR NEW SOURCE PERMITS | PERMIT | 47374 |
| AIR NEW SOURCE PERMITS | PERMIT | 47347 |
| AIR NEW SOURCE PERMITS | PERMIT | 47352 |
| AIR NEW SOURCE PERMITS | PERMIT | 47564 |
| AIR NEW SOURCE PERMITS | PERMIT | 47970 |
| AIR NEW SOURCE PERMITS | PERMIT | 48027 |
| AIR NEW SOURCE PERMITS | PERMIT | 48343 |
| AIR NEW SOURCE PERMITS | PERMIT | 48337 |
| AIR NEW SOURCE PERMITS | PERMIT | 48414 |
| AIR NEW SOURCE PERMITS | PERMIT | 48567 |
| AIR NEW SOURCE PERMITS | PERMIT | 48715 |
| AIR NEW SOURCE PERMITS | PERMIT | 48478 |
| AIR NEW SOURCE PERMITS | PERMIT | 48479 |
| AIR NEW SOURCE PERMITS | PERMIT | 48813 |
| AIR NEW SOURCE PERMITS | PERMIT | 49187 |
| AIR NEW SOURCE PERMITS | PERMIT | 49235 |

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| AIR NEW SOURCE PERMITS | PERMIT | 49253 |
| AIR NEW SOURCE PERMITS | PERMIT | 47314 |
| AIR NEW SOURCE PERMITS | PERMIT | 49685 |
| AIR NEW SOURCE PERMITS | PERMIT | 37957 |
| AIR NEW SOURCE PERMITS | PERMIT | 9871 |
| AIR NEW SOURCE PERMITS | PERMIT | 9938 |
| AIR NEW SOURCE PERMITS | PERMIT | 9973 |
| AIR NEW SOURCE PERMITS | PERMIT | 3301 |
| AIR NEW SOURCE PERMITS | PERMIT | 3320 |
| AIR NEW SOURCE PERMITS | PERMIT | 834 |
| AIR NEW SOURCE PERMITS | PERMIT | 13682 |
| AIR NEW SOURCE PERMITS | PERMIT | 313 |
| AIR NEW SOURCE PERMITS | PERMIT | 646 |
| AIR NEW SOURCE PERMITS | PERMIT | 1407 |
| AIR NEW SOURCE PERMITS | PERMIT | 1430 |
| AIR NEW SOURCE PERMITS | PERMIT | 1496 |
| AIR NEW SOURCE PERMITS | PERMIT | 1496B |
| AIR NEW SOURCE PERMITS | PERMIT | 1496C |
| AIR NEW SOURCE PERMITS | PERMIT | 2008 |
| AIR NEW SOURCE PERMITS | PERMIT | 2804 |
| AIR NEW SOURCE PERMITS | PERMIT | 49715 |
| AIR NEW SOURCE PERMITS | PERMIT | 85494 |
| AIR NEW SOURCE PERMITS | PERMIT | 49965 |
| AIR NEW SOURCE PERMITS | PERMIT | 50298 |
| AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | BL0082R |
| AIR NEW SOURCE PERMITS | PERMIT | 941 |
| AIR NEW SOURCE PERMITS | PERMIT | 2417 |
| AIR NEW SOURCE PERMITS | PERMIT | 3941 |
| AIR NEW SOURCE PERMITS | PERMIT | 3947 |
| 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 |

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|---|---|---|
| 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 | 83304 |
| 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 Repeal Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: November 28, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 28, 2002 to November 28, 2007

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

Name: Trina Griece Phone: (210) 403-4000

## 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? Yes
3. If Yes, who is the current owner? The Dow Chemical Company
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.

1 Effective Date: 02/17/2003 ADMINORDER 2002-0689-IHW-E 1660

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.

2 Effective Date: 11/11/2004 ADMINORDER 2003-0947-AIR-E 1660

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

Classification: Moderate

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

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

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)

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.

4 Effective Date: 04/14/2006 ADMINORDER 2005-0716-AIR-E 1660

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)
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.

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

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.

6 Effective Date: 06/31/2007 ADMINORDER 2006-2229-AIR-E Findings

Classification: Moderate

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

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 12/09/2002 (14830)
2 12/17/2002 (15107)
3 12/19/2002 (18859)
4 12/23/2002 (159623)
5 01/03/2003 (15110)
6 01/27/2003 (21017)
7 01/27/2003 (21168)

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|---|---|---|
| 8 | 01/31/2003 | (159627) |
| 9 | 02/03/2003 | (286198) |
| 10 | 02/03/2003 | (285652) |
| 11 | 02/12/2003 | (22520) |
| 12 | 02/28/2003 | (26378) |
| 13 | 02/28/2003 | (159586) |
| 14 | 03/04/2003 | (26394) |
| 15 | 03/06/2003 | (26396) |
| 16 | 03/07/2003 | (21400) |
| 17 | 03/20/2003 | (23813) |
| 18 | 03/21/2003 | (159590) |
| 19 | 04/14/2003 | (27517) |
| 20 | 04/28/2003 | (159595) |
| 21 | 05/19/2003 | (159599) |
| 22 | 05/19/2003 | (28851) |
| 23 | 05/27/2003 | (29063) |
| 24 | 05/28/2003 | (31177) |
| 25 | 05/28/2003 | (31159) |
| 26 | 05/30/2003 | (60877) |
| 27 | 06/23/2003 | (35416) |
| 28 | 06/24/2003 | (60303) |
| 29 | 06/26/2003 | (60783) |
| 30 | 06/30/2003 | (35785) |
| 31 | 07/02/2003 | (35418) |
| 32 | 07/23/2003 | (296010) |
| 33 | 07/26/2003 | (61449) |
| 34 | 07/30/2003 | (133869) |
| 35 | 07/31/2003 | (33803) |
| 36 | 08/04/2003 | (36623) |
| 37 | 08/07/2003 | (61967) |
| 38 | 08/08/2003 | (159603) |
| 39 | 08/14/2003 | (150122) |
| 40 | 08/15/2003 | (140682) |
| 41 | 08/19/2003 | (150391) |
| 42 | 08/21/2003 | (151151) |
| 43 | 08/22/2003 | (150711) |
| 44 | 08/25/2003 | (151529) |
| 45 | 08/26/2003 | (296012) |
| 46 | 08/29/2003 | (152748) |
| 47 | 08/29/2003 | (151240) |
| 48 | 08/30/2003 | (152221) |
| 49 | 08/30/2003 | (149187) |
| 50 | 09/04/2003 | (247717) |
| 51 | 09/17/2003 | (248098) |
| 52 | 10/01/2003 | (250440) |
| 53 | 10/01/2003 | (296014) |
| 54 | 10/01/2003 | (250457) |
| 55 | 10/23/2003 | (296016) |
| 56 | 10/31/2003 | (253956) |
| 57 | 11/12/2003 | (254614) |
| 58 | 11/24/2003 | (296017) |
| 59 | 11/26/2003 | (250021) |
| 60 | 11/30/2003 | (126059) |
| 61 | 11/30/2003 | (249732) |
| 62 | 12/15/2003 | (254080) |
| 63 | 12/24/2003 | (296018) |
| 64 | 01/09/2004 | (254701) |
| 65 | 01/09/2004 | (253974) |
| 66 | 01/09/2004 | (254710) |
| 67 | 01/21/2004 | (296019) |
| 68 | 02/03/2004 | (257672) |
| 69 | 02/05/2004 | (258950) |
| 70 | 02/05/2004 | (260440) |
| 71 | 02/06/2004 | (251940) |
| 72 | 02/11/2004 | (260442) |
| 73 | 02/11/2004 | (260085) |
| 74 | 02/11/2004 | (260441) |
| 75 | 02/23/2004 | (260927) |
| 76 | 02/26/2004 | (296001) |
| 77 | 03/10/2004 | (261603) |
| 78 | 03/10/2004 | (264415) |
| 79 | 03/15/2004 | (262011) |
| 80 | 03/15/2004 | (261999) |
| 81 | 03/15/2004 | (261987) |
| 82 | 03/22/2004 | (263436) |

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| 83 | 03/22/2004 | (296004) |
| 84 | 03/29/2004 | (264628) |
| 85 | 03/30/2004 | (264622) |
| 86 | 04/12/2004 | (264619) |
| 87 | 04/13/2004 | (265611) |
| 88 | 04/19/2004 | (296006) |
| 89 | 04/23/2004 | (265028) |
| 90 | 04/23/2004 | (258324) |
| 91 | 04/29/2004 | (255279) |
| 92 | 04/30/2004 | (255002) |
| 93 | 04/30/2004 | (254073) |
| 94 | 05/12/2004 | (257994) |
| 95 | 05/14/2004 | (248280) |
| 96 | 05/14/2004 | (263118) |
| 97 | 05/17/2004 | (253533) |
| 98 | 05/24/2004 | (31438) |
| 99 | 05/26/2004 | (352355) |
| 100 | 05/26/2004 | (258253) |
| 101 | 06/01/2004 | (254581) |
| 102 | 06/02/2004 | (272991) |
| 103 | 06/03/2004 | (258305) |
| 104 | 06/16/2004 | (247738) |
| 105 | 06/28/2004 | (352356) |
| 106 | 06/30/2004 | (266880) |
| 107 | 06/30/2004 | (267508) |
| 108 | 06/30/2004 | (267938) |
| 109 | 07/06/2004 | (258308) |
| 110 | 07/07/2004 | (258307) |
| 111 | 07/20/2004 | (278387) |
| 112 | 07/26/2004 | (352357) |
| 113 | 07/28/2004 | (276490) |
| 114 | 07/28/2004 | (282417) |
| 115 | 07/28/2004 | (282469) |
| 116 | 08/16/2004 | (281509) |
| 117 | 08/17/2004 | (284165) |
| 118 | 08/17/2004 | (273076) |
| 119 | 08/17/2004 | (284292) |
| 120 | 08/18/2004 | (277856) |
| 121 | 08/24/2004 | (352358) |
| 122 | 08/27/2004 | (267540) |
| 123 | 08/27/2004 | (266751) |
| 124 | 08/27/2004 | (279078) |
| 125 | 08/29/2004 | (265955) |
| 126 | 08/31/2004 | (272564) |
| 127 | 08/31/2004 | (273678) |
| 128 | 08/31/2004 | (273416) |
| 129 | 08/31/2004 | (273127) |
| 130 | 08/31/2004 | (273881) |
| 131 | 08/31/2004 | (272729) |
| 132 | 08/31/2004 | (272789) |
| 133 | 08/31/2004 | (272814) |
| 134 | 08/31/2004 | (274129) |
| 135 | 09/01/2004 | (267453) |
| 136 | 09/01/2004 | (277902) |
| 137 | 09/07/2004 | (291280) |
| 138 | 09/07/2004 | (333240) |
| 139 | 09/23/2004 | (352359) |
| 140 | 10/22/2004 | (352360) |
| 141 | 10/31/2004 | (276897) |
| 142 | 10/31/2004 | (276789) |
| 143 | 10/31/2004 | (289698) |
| 144 | 11/01/2004 | (285137) |
| 145 | 11/01/2004 | (284370) |
| 146 | 11/01/2004 | (285135) |
| 147 | 11/01/2004 | (286768) |
| 148 | 11/04/2004 | (338243) |
| 149 | 11/05/2004 | (334318) |
| 150 | 11/05/2004 | (334295) |
| 151 | 11/22/2004 | (335797) |
| 152 | 11/24/2004 | (352361) |
| 153 | 12/06/2004 | (284914) |
| 154 | 12/10/2004 | (114224) |
| 155 | 12/13/2004 | (339850) |
| 156 | 12/13/2004 | (336762) |
| 157 | 12/13/2004 | (334315) |

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| 158 | 12/16/2004 | (285097) |
| 159 | 12/16/2004 | (286819) |
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E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

1 Date: 11/30/2002 (159623)

Self Report? YES Classificatio 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

2 Date: 12/31/2002 (159627)

Self Report? YES Classificatio 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

3 Date: 12/31/2002 (15110)
Self Report? NO Classificatio 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.

4 Date: 03/05/2003 (26396)
Self Report? NO Classificatio Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(3)
Description: Failure to have at least a B-surface water operator.

5 Date: 03/05/2003 (26394)
Self Report? NO Classificatio Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(3)
Description: Failure to have proper grade of licensed operator.

6 Date: 04/30/2003 (159599)
Self Report? YES Classificatio 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

7 Date: 05/24/2003 (29063)
Self Report? NO Classificatio Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(D)
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).

8 Date: 05/30/2003 (60877)
Self Report? NO Classificatio Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
Description: Notification updates under TAC 335.6 are required.

9 Date: 06/30/2003 (296010)
Self Report? YES Classificatio 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

10 Date: 07/25/2003 (133869)
Self Report? NO Classificatio 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.

11 Date: 08/07/2003 (61967)
Self Report? NO Classificatio 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.

12 Date: 08/29/2003 (151240)
Self Report? NO Classificatio 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.

13 Date: 08/30/2003 (152221)
Self Report? NO Classificatio Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)
Description: Failure to control VOC emissions during an emissons event.

14 Date: 08/31/2003 (296014)
Self Report? YES Classificatio 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

15 Date: 09/30/2003 (296016)
Self Report? YES Classificatio 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

16 Date: 11/30/2003 (249732)

Description: Failure to maintain minimum BTU requirement in gas stream to Flare A26VELR02.
Self Report? NO Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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.

17 Date: 06/30/2004 (352357)
Self Report? YES Classificatio 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

18 Date: 07/12/2004 (258308)
Self Report? NO Classificatio 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 Classificatio 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.

19 Date: 07/12/2004 (258307)
Self Report? NO Classificatio 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 Classificatio 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 Classificatio 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 Classificatio Moderate

Self Report? NO Classificatio 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.

20 Date: 11/30/2003 (249734)

Self Report? NO Classificatio 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.

21 Date: 12/02/2003 (250021)

Self Report? NO Classificatio 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.

22 Date: 01/12/2004 (253974)

Self Report? NO Classificatio 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 Classificatio 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 B66FU1, B70FU1 and B70F801).

23 Date: 02/06/2004 (251940)

Self Report? NO Classificatio 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.

24 Date: 03/29/2004 (264622)

Self Report? NO Classificatio 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.

25 Date: 03/31/2004 (296006)

Self Report? YES Classificatio 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

26 Date: 04/29/2004 (255279)

Self Report? NO Classificatio 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.

27 Date: 04/30/2004 (254073)

Self Report? NO Classificatio 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.

28 Date: 06/01/2004 (254581)

Self Report? NO Classificatio Moderate

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

Description: Avoidable emissions event.

29 Date: 06/03/2004 (258305)

Self Report? NO Classificatio 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

inspection on 11/14/2003 and 1/3/2004.

Self Report? NO Classificatio 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.

30 Date: 11/22/2004 (335797)

Self Report? NO Classificatio 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 Classificatio 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

31 Date: 12/16/2004 (289573)

Self Report? NO Classificatio 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 Classificatio 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

32 Date: 12/22/2004 (289567)

Self Report? NO Classificatio 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.

33 Date: 12/28/2004 (334606)

Self Report? NO Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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

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 Classificatio 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 Classificatio Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.144(1)(E)
Description: Failure to maintain records of daily flare observations.
Self Report? NO Classificatio 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 Classificatio 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 Classificatio 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)
[illegible]
PERMIT 8567, Special Condition 8(H)
OP O-02215
Description: Failure to re-monitor fugitive components within 15 days.

34 Date: 08/27/2004 (267540)
Self Report? NO Classificatio 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.

35 Date: 08/27/2004 (266751)
Self Report? NO Classificatio 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.

36 Date: 08/29/2004 (265955)
Self Report? NO Classificatio 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.

37 Date: 11/05/2004 (338243)
Self Report? NO Classificatio 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 Classificatio 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 Classificatio 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

Self Report? NO Classificatio 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 Classificatio Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)

Rqml 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.

38 Date: 03/23/2005 (347781)

Self Report? NO Classificatio 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)

Rqml Prov: PERMIT NSR Permit No. 37884, SC 8E

Description: Failed to seal open-ended lines.

Self Report? NO Classificatio Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)

Description: Failed to perform quarterly fugitive monitoring.

Self Report? NO Classificatio Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)

Description: Failed to attempt to repair leaks.

Self Report? NO Classificatio Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(2)

Description: Failed to attempt to repair leaks.

Self Report? NO Classificatio Minor

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

Rqml Prov: OP Title V Permit No. O-02313, SC 14

Description: Failed to meet risk management plan requirements.

Self Report? NO Classificatio 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)

Rqml Prov: PERMIT NSR Permit No. 37884, SC 6A

Description: Failed to maintain a minimum Btu for a flare.

Self Report? NO Classificatio Moderate

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

Rqml Prov: PERMIT NSR Permit No. 37884, SC 1

Description: Failed to meet maximum allowable emission rates.

Self Report? NO Classificatio 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 Classificatio Moderate

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

Rqml Prov: PERMIT NSR Permit No. 37884, SC 1

Description: Failed to meet maximum allowable emission rates.

39 Date: 03/31/2005 (575527)

Self Report? YES Classificatio 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

40 Date: 05/04/2005 (338714)

Self Report? NO Classificatio Moderate

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

Rqml 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 Classificatio Moderate

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

Rqml 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 Classificatio Moderate

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

Rqml 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

Description: Flowmeters on vent stream to TOX not operational.
Self Report? NO Classificatio 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 Classificatio 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 Classificatio 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

41 Date: 12/28/2004 (256034)
Self Report? NO Classificatio 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.

42 Date: 12/31/2004 (338842)
Self Report? NO Classificatio Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
Description: Dow failed to report accurately. Avoidable emissions event during Incident 43280.
Self Report? NO Classificatio 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.

43 Date: 12/31/2004 (381959)
Self Report? YES Classificatio 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

44 Date: 01/14/2005 (338682)
Self Report? NO Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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.

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 Classificatio 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 Classificatio 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 Classificatio 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.

45 Date: 06/29/2005 (378760)
Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to maintain compliance with the permitted effluent limits.

46 Date: 07/08/2005 (376056)
Self Report? NO Classificatio 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.

47 Date: 07/22/2005 (397876)
Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.62
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11
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(d)
Description: Complete hazardous waste determination is required.
Self Report? NO Classificatio Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
Description: NOR update required.
Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)
40 CFR Chapter 268, SubChapter I, PT 268, SubPT E 268.50(b)
Description: CSA, LDR, one year storage limit exceeded.
Self Report? NO Classificatio 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 Classificatio 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.

48 Date: 08/08/2005 (396518)
Self Report? NO Classificatio 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.

49 Date: 08/15/2005 (393373)
Self Report? NO Classificatio 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.

50 Date: 08/15/2005 (398936)
Self Report? NO Classificatio 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.

the vapor balancing method from the truck to the tank.

Self Report? NO Classificatio 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 Classificatio 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 Classificatio Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.05181(a)
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.

51 Date: 05/24/2005 (380324)

Self Report? NO Classificatio 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 Classificatio 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

Self Report? NO Classificatio 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.

52 Date: 06/17/2005 (376522)

Self Report? NO Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio Moderate

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

Self Report? YES Classificatio 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

53 Date: 10/31/2005 (575545)
Self Report? YES Classificatio 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

54 Date: 01/17/2006 (593182)
Self Report? NO Classificatio 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

55 Date: 03/02/2006 (431805)
Self Report? NO Classificatio 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 Classificatio 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)
Rqml Prov: PERMIT # 3320, General Provision 7 E
Description: Failure to maintain a plug on an open ended line.

56 Date: 03/27/2006 (374721)
Self Report? NO Classificatio 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)
Rqml Prov: PERMIT TCEQ Air Permit 22072 - SC 4
Description: During Dow Inc. No. 80470 Dow sent emissions to an unlit flare.
Self Report? NO Classificatio Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqml 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 Classificatio 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)
Rqml 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 Classificatio Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqml Prov: PERMIT Flexible Air Permit 20432 SC III-1
Description: During Dow Incident 94567 ( Inv 374721) a valve was inadvertently opened.
Self Report? NO Classificatio Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqml Prov: PERMIT Flexible Air Permit 20432 SC III-1
Description: Incident 51360 at Dow was an avoidable emissions event.
Self Report? NO Classificatio Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqml Prov: PERMIT Flexible Air Permit 20432 SC III-1
Description: Dow had an avoidable emissions event during Incident 94909.
Self Report? NO Classificatio Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqml Prov: PERMIT Permit 48813 - SC 1
Description: During Incidents 84700, 84701, and 93405 Dow had avoidable emissions events
Self Report? NO Classificatio Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Rqml Prov: PERMIT 48813 Special Condition 1
Description: During Recordable Incident 95308, Dow had an avoidable emissions event.
Self Report? NO Classificatio Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

57 Date: 08/22/2005 (404732)

Self Report? NO Classificatio 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 Classificatio 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

58 Date: 08/26/2005 (403273)

Self Report? NO Classificatio 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 Classificatio 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 Classificatio Minor

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

Description: Deviations omitted from 3 semiannual deviation reports

Self Report? NO Classificatio Minor

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

59 Date: 08/31/2005 (403238)

Self Report? NO Classificatio 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 Classificatio Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.354(2)
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 Classificatio 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 Classificatio 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 Classificatio Minor

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

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

60 Date: 09/30/2005 (575543)

TAC " 115.354 and 115.781(b). Ten unmarked valves in HRVOC service were subsequently numbered in the field with monitoring program identification numbers

67 Date: 04/18/2006 (433179)

Self Report? NO Classificatio 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).

67 Date: 04/20/2006 (459137)

Self Report? NO Classificatio 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).

68 Date: 04/26/2006 (433177)

Self Report? NO Classificatio 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 Classificatio 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.

64 Date: 06/22/2006 (458889)

Self Report? NO Classificatio 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 Classificatio 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 Classificatio 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 IA and 16

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

Self Report? NO Classificatio 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 Classificatio 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 Classificatio Minor

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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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

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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 IA
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 Classificatio 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.

65 Date: 07/14/2006 (457318)
Self Report? NO Classificatio 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 Classificatio 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.

66 Date: 07/18/2006 (462746)
Self Report? NO Classificatio 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.

67 Date: 07/18/2006 (462746)
Self Report? NO Classificatio Moderate

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 Classificatio 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 Classificatio 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 Classificatio Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)
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 Classificatio Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)
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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(c)
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 Classificatio 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: 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 Classificatio 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 tall 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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.

68 Date: 08/18/2006 (465699)
Self Report? NO Classificatio Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

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).

60 Date: 07/21/2006 (457258)

Self Report? NO Classificatio 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 Classificatio 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 Classificatio 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 613SV3).

70 Date: 08/11/2006 (457284)

Self Report? NO Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)
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 Classificatio Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)
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.

71 Date: 08/23/2006 (457302)

Self Report? NO Classificatio 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 Classificatio 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.

72 Date: 08/23/2006 (484737)

Self Report? NO Classificatio 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 Classificatio 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.

73 Date: 08/28/2006 (497117)

Self Report? NO Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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

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.

74 Date: 08/19/2006 (480155)
Self Report? NO Classificatio 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 Classificatio 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 Classificatio 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.

75 Date: 06/22/2006 (484727)
Self Report? NO Classificatio Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(2)
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.

76 Date: 08/23/2006 (457315)
Self Report? NO Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio Minor

during Incident No. 79942.

-17 Date: 12/13/2006 (512466)

Self Report? NO Classificatio 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 Classificatio 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).

-18 Date: 12/18/2006 (512614)

Self Report? NO Classificatio 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 Classificatio 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 Classificatio Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.262
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.

-19 Date: 01/18/2007 (512465)

Self Report? NO Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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)

days.

80 Date: 08/31/2006 (457309)

Self Report? NO Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 20432, 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 Classificatio 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 Classificatio 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.

81 Date: 10/12/2006 (515660)

Self Report? NO Classificatio 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.

82 Date: 10/25/2006 (509774)

Self Report? NO Classificatio 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.

83 Date: 11/30/2006 (519472)

Self Report? NO Classificatio 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

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 Classificatio Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)
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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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

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.

85 Date: 02/16/2007 (532501)

Self Report? NO Classificatio 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 Classificatio 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 Classificatio 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 Classificatio Minor

Citation: 30 TAC Chapter 115, SubChapter B 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 Classificatio 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 Classificatio Minor

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

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

Self Report? NO Classificatio 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).

86 Date: 02/28/2007 (542323)

Self Report? NO Classificatio 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.

87 Date: 03/27/2007 (542214)

Self Report? NO Classificatio 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.

88 Date: 03/31/2007 (553947)

Self Report? NO Classificatio Moderate

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.

90 Date: 04/13/2007 (543310)
Self Report? NO Classificatio 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).

91 Date: 04/27/2007 (532788)
Self Report? NO Classificatio 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 Classificatio 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 Classificatio 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.

91 Date: 06/30/2007 (575538)
Self Report? YES Classificatio 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

92 Date: 07/11/2007 (532793)
Self Report? NO Classificatio 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.

93 Date: 07/27/2007 (563635)
Self Report? NO Classificatio 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.

94 Date: 08/06/2007 (568640)
Self Report? NO Classificatio 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.

95 Date: 08/14/2007 (568679)
Self Report? NO Classificatio 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

allowables of 1.98 lbs/hr from each hopper vent.

Self Report? NO Classificatio 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 Classificatio 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 Classificatio 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 Classificatio Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, Part 60, Subpart 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 Classificatio Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(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-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 Classificatio 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 Classificatio Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)
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 Classificatio 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 Classificatio Minor

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

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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio Minor

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

reporting period.

97 Date: 08/31/2007 (512665)

Self Report? NO Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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: failure to maintain minimum Liquid / Gas (L/G) ratio for the Huntsman's ammonia scrubber 36 times during July 16, 2005 through January 15, 2006.

98 Date: 08/31/2007 (543556)

Self Report? NO Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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: 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio Minor

Citation: 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 Classificatio 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

9.9 Date: 10/23/2007 (566959)

Self Report? NO Classificatio 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 Classificatio 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.

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

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

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

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

5 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.

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

7 Notice of Intent Date: 04/20/2005 (380855)
No DOV Associated

8 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

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

10 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.

11 Notice of Intent Date: 10/31/2005 (597298)
Disclosure Date: 05/01/2006

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D
30 TAC Chapter 115, SubChapter H
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF
Rqmt Prov: PERMIT NSR 20432
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 on EIQ.

12 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

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)
No DOV Associated

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 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.

27 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.

28 Notice of Intent Date: 02/27/2006 (459089)
Disclosure Date: 08/24/2006

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 5339
Description: Failure to monitor 146 Valves and 499 Connectors in the B15 Trichloroethanes Unit.

Viol. Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A
Description: Failure to include components which missed monitoring in emissions inventory calculations.

29 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 5340
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

30 Notice of Intent Date: 03/29/2006 (464509)
No DOV Associated

31 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.

32 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.

33 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.

34 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

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

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

Notice of Intent Date: 10/25/2007 (600864)
No DOV Associated

Notice of Intent Date: 10/25/2007 (600866)
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, TCEQ ID NO. RN100225945** | §<br>§<br>§<br>§<br>§ | **BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** |

**AGREED ORDER**
**DOCKET NO. 2007-1981-AIR-E**

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 presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

## FINDINGS OF FACT

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. During an investigation on June 19, 2007, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions. Specifically, the following unauthorized emissions were released from the Elevated Flare, emission point number ("EPN") OC6F1, and the Ground Flare, EPN OC6F1000, in the Light Hydrocarbon - 8 Block OC-601 Unit during an emissions event (Incident No. 90728) that occurred on May 4, 2007 and lasted eight hours:

   a. 16,520 pounds ("lbs") of carbon monoxide ("CO");

   b. 2,287 lbs of nitrogen oxides ("NOx");

   c. 11,960 lbs of the highly reactive ("HR") volatile organic compounds ("VOCs") ethylene and propylene;

   d. 2,183 lbs of the hazardous air pollutants ("HAPs") benzene, 1-3,butadiene, hexane, and toluene; and

   e. 5,188 lbs of other VOCs.

4. During an investigation on September 12, 2007, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 1,500 lbs of the HRVOC ethylene were released through Special Safety Valve ("SSV")-201, SSV-203, SSV-204, and SSV-206 in the Polyethylene 4 Unit during an emissions event (Incident No. 95587) that occurred on August 8, 2007 and lasted one minute.

5. During an investigation on November 1, 2007, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions. Specifically, unauthorized emissions of 267 lbs of the HRVOC propylene were released through the High Pressure Flare (FS24), EPN A40F4, in the Freeport Marine Terminal Operations during an emissions event (Incident No. 97695) that occurred on September 19, 2007 and lasted 20 hours.

6. The Respondent received notices of the violations on November 26 and 28, 2007.

7. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:

   a. With regard to the May 4, 2007 emissions event (Incident No. 90728):

      i. By September 30, 2007, installed an extraction flow control to vent 150 pounds per square inch gauge steam to the atmosphere and maintain sufficient steam flow from ST-30 Propylene Refrigeration Steam Turbine; and

ii. By December 31, 2007, improved procedures for the front end recovery startup plan to improve startup interface between the highly integrated systems and to ensure sufficient heat is adequately applied to the T-41 Depropanizer System prior to sending bottoms material on forward to the T-160 Debutanizer Tower.

b. With regard to the August 8, 2007 emissions event (Incident No. 95587), revised the procedures for inspection of the Letdown Valve Actuator on November 6, 2007 to include instructions to replace any yellow actuator cord (which fractured and caused the valve position indictor to fail) with an upgraded grey actuator cord.

c. With regard to the September 19, 2007 emissions event (Incident No. 97695), revised the procedures for clearing D-103 Drum for maintenance on October 9, 2007 to include instructions to ensure that the propylene level is less than 10%, or the drum should not be cleared.

## CONCLUSIONS OF LAW

1. As evidenced by Findings of Fact Nos. 1 and 2, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.

2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a); Flexible Permit No. 20432 and PSD-TX-994, Special Condition III-1; and TEX. HEALTH & SAFETY CODE § 382.085(b). Since these emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c); New Source Review Permit No. 834, Special Condition 1; and TEX. HEALTH & SAFETY CODE § 382.085(b). 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.

4. As evidenced by Findings of Fact No. 5, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c); New Source Review Permit No. 6932, Special Condition 1; and TEX. HEALTH & SAFETY CODE § 382.085(b). Since these emissions were avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

6. An administrative penalty in the amount of thirty thousand dollars ($30,000.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid fifteen thousand dollars ($15,000.00) of the administrative penalty. Fifteen thousand dollars ($15,000.00) shall be conditionally offset by Respondent's completion of a Supplemental Environmental Project ("SEP").

## ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of thirty thousand dollars ($30,000.00) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. The Respondent has paid fifteen thousand dollars ($15,000.00) of the administrative penalty and fifteen thousand dollars ($15,000.00) shall be conditionally offset by Respondent's completion of a Supplemental Environmental Project ("SEP").

2. Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 6, Conclusion of Law, fifteen thousand dollars ($15,000.00) of the assessed administrative penalty shall be offset with the condition that Respondent implement the SEP defined in Attachment A, incorporated herein by reference. 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. Administrative penalty payments for any portion of the administrative penalty not offset by a Supplemental Environmental Project or for any portion of the Supplemental Environmental Project deemed by the Executive Director as not complete shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: The Dow Chemical Company; Docket No. 2007-1981-AIR-E; Enforcement ID No. 35080" 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

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. 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.

6. 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.

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

8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

# SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

11/25/2008
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of The Dow Chemical Company. I am authorized to agree to the attached Agreed Order on behalf of The Dow Chemical Company, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, The Dow Chemical Company waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

9-26-08
Date

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

RESPONSIBLE CARE LEADER
Title

Attachment A
Docket Number: 2007-1981-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

| | |
|---|---|
| Respondent: | The Dow Chemical Company |
| Penalty Amount: | Thirty Thousand Dollars ($30,000) |
| SEP Offset Amount: | Fifteen Thousand Dollars ($15,000) |
| Type of SEP: | Pre-approved |
| Third-Party Recipient: | Houston-Galveston Area Emission Reduction Credit Organization ("AERCO") *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 Offset 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

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Houston-Galveston AERCO** for the *Clean Cities/Clean Vehicles Program* in Brazoria County as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, SEP funds will be used to aid local school districts and area transit agencies, and may be used to reach local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP funds will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. SEP funds will be used for the costs of retrofitting or replacing older diesel buses with alternative fueled or clean fuel diesel buses. The older "high emission" buses will be permanently retired and sold only for scrap. This project will be administered in accordance with federal, state, and local environmental laws and regulations.

The Respondent certifies that it has 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

Passengers, drivers, and students in the area where school buses idle during transportation are subject to harmful diesel exhaust emission every school day. Apart from containing the ozone precursors nitrogen oxides ("NOx") and hydrocarbons ("HC"), diesel exhaust is known to cause or exacerbate a number of respiratory diseases, including asthma. Due to the more stringent emissions standards introduced by the Environmental Projection Agency (EPA), model 2007 and newer buses are also cleaner in terms of particulate matter (PM) emissions than model year 2004 buses. New NOx and HC standards phased in between 2007

and 2010 will result in new school bus engines being 72% cleaner for HC and 90% cleaner for NOx than a bus produced to meet the 2004 federal standards for these pollutants.

This SEP will provide a discernible environmental benefit by retiring high-emission buses from service, purchasing newer, clean fuel technology buses, and replacing newer buses with fuel treatment technology that reduces PM and HC.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset 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 Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

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

**3. Records and Reporting**

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

Litigation Division
Attention: SEP Coordinator, MC 175
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 Offset 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 Offset Amount.

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

Texas Commission on Environmental Quality

Office of Legal Services
Attention: SEP Coordinator, MC 175
P.O. Box 13088
Austin, Texas 78711-3088

## 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 a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.