

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2008-0102-MLM-E TCEQ ID: RN100220581 CASE NO.: 35217**

**RESPONDENT NAME: Rhodia Inc.**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input checked="" type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Rhodia Houston Plant, 8615 Manchester Street, Houston, Harris County</p> <p><b>TYPE OF OPERATION:</b> Chemical manufacturing plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2009-1329-IWD-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on June 16, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Thomas Greimel, Enforcement Division, Enforcement Team 6, MC MC128; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. Floyd Dickerson, Environmental Manager, Rhodia Inc., 8 Cedar Brook Drive, Cranbury, New Jersey 08512  Mr. Al Semaan, Plant Manager, Rhodia Inc., 8615 Manchester Street, Houston, Texas 77012  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> November 14, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> December 13, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WASTE</b></p> <p>1) Failure to maintain permitted emissions limits for the industrial furnace (Notice of Registration Waste Management Unit No. 2, IHW Permit Unit No. 7) at the Plant. Specifically, stack test results conducted on February 28, 2007 and March 2, 2007, and on August 14, 2007 showed emission rates of 1.07E-04 grams per second ("g/sec") and 1.05E-04 g/sec, respectively. These results indicate the maximum allowable emission rate ("MAER") of 8.4E-06 g/sec for arsenic was exceeded for the period from February 28, 2007 to August 24, 2007 which is the date the feed of hazardous waste to the furnace was discontinued [30 TEX. ADMIN. CODE §§ 305.125(1) and 335.221(a)(6), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 266.102(e)(4), IHW Permit No. 50095, Provision No. V.I.3.c. and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failure to cease burning hazardous waste when changes in the combustion properties or feed rates of hazardous waste or changes in the industrial furnace design and/or operating conditions deviate from specified limits. Specifically, burning of hazardous waste did not cease until August 24, 2007 even though stack tests conducted on February 28, 2007 and March 2, 2007 and on August 14, 2007 indicated the MAER for arsenic was being exceeded [30 TEX. ADMIN. CODE §§</p>	<p><b>Total Assessed:</b> \$14,000</p> <p><b>Total Deferred:</b> \$2,800  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$11,200</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. Discovered that a pollution control device was not operating properly on March 6, 2007 and temporarily shut down the incineration process to correct the problem.</p> <p>b. Submitted a letter transmitting a written report to the TCEQ on May 31, 2007 documenting the exceedance of the permitted emission limit for arsenic on February 28, 2007 and March 2, 2007. The letter stated the Respondent's belief that the results were not accurate and proposed a re-test in August 2007.</p> <p>c. Orally reported to the TCEQ on September 4, 2007 and submitted a written report to the TCEQ on September 20, 2007 documenting the exceedance of the permitted emission limit for arsenic which occurred on August 24, 2007. As a result, the Respondent ceased burning of hazardous waste.</p> <p>d. Formed an investigation team on August 22, 2007 to identify the cause of the exceedances and relevant equipment was inspected, cleaned and adjusted to improve performance.</p> <p>e. A third test burn was conducted on September 14, 2007, and the test results, submitted to TCEQ on November 29, 2007, confirm compliance with the applicable emission limit.</p>

<p>305.125(1) and 335.221(a)(6), 40 CFR § 266.102(e)(7), IHW Permit No. 50095, Provision No. V.I.3.f. and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>3) Failure to report a noncompliance orally within 24 hours and provide a written submission within five days of the time the Permittee becomes aware of the noncompliance. Specifically, the Respondent became aware of an exceedance of the MAER for arsenic on May 15, 2007, however, no oral report was received and a written report was not received by the Commission until May 31, 2007. Additionally, the Respondent became aware of an exceedance of the MAER for arsenic on August 24, 2007, however, an oral report was not received until September 4, 2007 and a written report was not received until September 20, 2007 [30 TEX. ADMIN. CODE §§ 305.125(1) and (9) and 335.6 and IHW Permit No. 50095, Provision No. V.II.B.4.]</p>		
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Additional ID No(s): 31019





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

<b>DATES</b>	Assigned	17-Dec-2007	Screening	19-Dec-2007	EPA Due	
	PCW	19-Dec-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Rhodia Inc.
Reg. Ent. Ref. No.	RN100220581
Facility/Site Region	12-Houston
Major/Minor Source	Major

<b>CASE INFORMATION</b>				
Enf./Case ID No.	35217	No. of Violations	2	
Docket No.	2008-0102-MLM-E	Order Type	1660	
Media Program(s)	Industrial and Hazardous Waste	Enf. Coordinator	Thomas Greimel	
Multi-Media		EC's Team	Enforcement Team 6	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$10,000</b>
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>		
<b>Compliance History</b>	65% Enhancement	<b>Subtotal 2, 3, &amp; 7</b>
Notes	Enhancement for 13 previous NOV's without same or similar violations and two enforcement orders containing a denial of liability and reduction for one NOI.	
<b>Culpability</b>	No	0% Enhancement
Notes	The Respondent does not meet the culpability criteria.	
<b>Good Faith Effort to Comply</b>	25% Reduction	<b>Subtotal 5</b>
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)
Notes	The Respondent came into compliance on September 20, 2007.	
	0% Enhancement*	<b>Subtotal 6</b>
Total EB Amounts	\$35	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,800	
<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$14,000</b>
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0%	<b>Adjustment</b>
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>		
Notes		
	<b>Final Penalty Amount</b>	<b>\$14,000</b>
<b>STATUTORY LIMIT ADJUSTMENT</b>		<b>Final Assessed Penalty</b>
		<b>\$14,000</b>
<b>DEFERRAL</b>	20%	<b>Adjustment</b>
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>		
Notes	Deferral offered for expedited settlement.	
<b>PAYABLE PENALTY</b>		<b>\$11,200</b>

**Screening Date** 19-Dec-2007

**Docket No.** 2008-0102-MLM-E

**PCW**

**Respondent** Rhodia Inc.

Policy Revision 2 (September 2002)

**Case ID No.** 35217

PCW Revision November 6, 2007

**Reg. Ent. Reference No.** RN100220581

**Media [Statute]** Industrial and Hazardous Waste

**Enf. Coordinator** Thomas Greimel

**Compliance History Worksheet**

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	13	26%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 65%

>> **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**

Enhancement for 13 previous NOVs without same or similar violations and two enforcement orders containing a denial of liability and reduction for one NOI.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 65%

<b>Screening Date</b>	19-Dec-2007	<b>Docket No.</b>	2008-0102-MLM-E	<b>PCW</b>
<b>Respondent</b>	Rhodia Inc.	Policy Revision 2 (September 2002)		
<b>Case ID No.</b>	35217	PCW Revision November 6, 2007		
<b>Reg. Ent. Reference No.</b>	RN100220581			
<b>Media [Statute]</b>	Industrial and Hazardous Waste			
<b>Enf. Coordinator</b>	Thomas Greimel			
<b>Violation Number</b>	1			

**Rule Cite(s)**  
 30 Tex. Admin. Code §§ 305.125(1) and 335.221(a)(6); 40 Code of Federal Regulations ("CFR") § 266.102(a)(4) and (a)(7); IHW Permit No. 50095, Provision Nos. V.1.3.c. and V.1.3.f. and Tex. Health & Safety Code § 382.085(b)

**Violation Description**  
 Failed to maintain permitted emissions limits for the industrial furnace (Notice of Registration Waste Management Unit No. 2, IHW Permit Unit No. 7) at the Plant. Specifically, stack test results conducted on February 28, 2007 and March 2, 2007, and on August 14, 2007 showed emission rates of 1.07E-04 g/sec and 1.05E-04 g/sec, respectively. These results indicate the maximum allowable emission rate (MAER) of 8.4E-06 g/sec for arsenic was exceeded for the period from February 28, 2007 to August 24, 2007 which is the date the feed of hazardous waste to the furnace was discontinued. Failed to cease burning hazardous waste when changes in the combustion properties or feed rates of hazardous waste or changes in the industrial furnace design and/or operating conditions deviate from specified limits. Specifically, burning of hazardous waste did not cease until August 24, 2007 even though stack tests conducted on February 28, 2007 and March 2, 2007 and on August 14, 2007 indicated the MAER for arsenic was being exceeded.

**Base Penalty**

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

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

**>> Programmatic Matrix**

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

**Matrix Notes**  
 The environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

mark only one with an x

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

**Violation Base Penalty**

Two quarterly events are recommended from the February 28, 2007 stack test date to the August 24, 2007 date of compliance.

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

Estimated EB Amount  Violation Final Penalty Total

**This violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

**Respondent:** Rhodia Inc.  
**Case ID No.:** 35217  
**Reg. Ent. Reference No.:** RN100220581  
**Media:** Industrial and Hazardous Waste  
**Violation No.:** 1

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

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

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				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)	\$2,500	15-May-2007	24-Aug-2007	0.3	\$35	n/a	\$35

Notes for DELAYED costs

Estimated cost for additional oversight and management practices designed to ensure proper maintenance practices are followed. Date Required is the date the Respondent became aware of the MAER exceedance. The Final Date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$35

<b>Screening Date:</b> 19-Dec-2007	<b>Docket No.:</b> 2008-0102-MLM-E	<b>PCW</b>												
<b>Respondent:</b> Rhodia Inc.		<i>Policy Revision 2 (September 2002)</i>												
<b>Case ID No.:</b> 35217		<i>PCW Revision November 6, 2007</i>												
<b>Reg. Ent. Reference No.:</b> RN100220581														
<b>Media [Statute]:</b> Industrial and Hazardous Waste														
<b>Enf. Coordinator:</b> Thomas Greimel														
<b>Violation Number:</b> 2														
<b>Rule Cite(s):</b>	30 Tex. Admin. Code §§ 305.125(1) and (9) and 335.6 and IHW Permit No. 50095, Provision No. V.II.B.4.													
<b>Violation Description:</b>	Failed to report a noncompliance orally within 24 hours and provide a written submission within five days of the time the Permittee becomes aware of the noncompliance. Specifically, the Respondent became aware of an exceedance of the MAER for arsenic on May 15, 2007, however, no oral report was received and a written report was not received by the Commission until May 31, 2007. Additionally, the Respondent became aware of an exceedance of the MAER for arsenic on August 24, 2007, however, an oral report was not received until September 4, 2007 and a written report was not received until September 20, 2007.													
	<b>Base Penalty</b>	\$10,000												
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>														
OR	Harm													
	Release	Major    Moderate    Minor												
	Actual	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>												
	Potential	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>												
		Percent <input type="text" value="0%"/>												
<b>&gt;&gt; Programmatic Matrix</b>														
	Falsification	Major    Moderate    Minor												
	<input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>												
		Percent <input type="text" value="25%"/>												
<b>Matrix Notes</b>	100% of the rule requirement was not met.													
	<b>Adjustment</b>	\$7,500												
		\$2,500												
<b>Violation Events</b>														
	Number of Violation Events <input type="text" value="2"/>	<input type="text" value="2"/> Number of violation days												
<i>mark only one with an x</i>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="checkbox"/></td></tr> <tr><td>monthly</td><td><input type="checkbox"/></td></tr> <tr><td>quarterly</td><td><input type="checkbox"/></td></tr> <tr><td>semiannual</td><td><input type="checkbox"/></td></tr> <tr><td>annual</td><td><input type="checkbox"/></td></tr> <tr><td>single event</td><td><input checked="" type="checkbox"/></td></tr> </table>	daily	<input type="checkbox"/>	monthly	<input type="checkbox"/>	quarterly	<input type="checkbox"/>	semiannual	<input type="checkbox"/>	annual	<input type="checkbox"/>	single event	<input checked="" type="checkbox"/>	<b>Violation Base Penalty</b> <input type="text" value="\$5,000"/>
daily	<input type="checkbox"/>													
monthly	<input type="checkbox"/>													
quarterly	<input type="checkbox"/>													
semiannual	<input type="checkbox"/>													
annual	<input type="checkbox"/>													
single event	<input checked="" type="checkbox"/>													
	Two single events are recommended for the two MAER exceedances based on documentation of the violations during the November 14, 2007 investigation.													
<b>Economic Benefit (EB) for this violation</b>														
	<b>Estimated EB Amount</b> <input type="text" value="\$1"/>	<b>Statutory Limit Test</b>												
		<b>Violation Final Penalty Total</b> <input type="text" value="\$7,000"/>												
	<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$7,000"/>													

### Economic Benefit Worksheet

**Respondent:** Rhodia Inc.  
**Case ID No.:** 35217  
**Reg. Ent. Reference No.:** RN100220581  
**Media:** Industrial and Hazardous Waste  
**Violation No.:** 2

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

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

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Other (as needed)	\$150	15-May-2007	31-May-2007	0.0	\$0	n/a	\$0
Other (as needed)	\$150	24-Aug-2007	20-Sep-2007	0.1	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to provide verbal and written notification regarding the MAER exceedances. Dates Required are the dates the Respondent became aware of the MAER exceedances. Final Dates are the dates of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

42

\$1

## Compliance History

Customer/Respondent/Owner-Operator:	CN600126330 Rhodia Inc.	Classification: AVERAGE	Rating: 1.46																																																																											
Regulated Entity:	RN100220581 RHODIA HOUSTON PLANT	Classification: AVERAGE	Site Rating: 4.64																																																																											
ID Number(s):	<table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 50%;">AIR OPERATING PERMITS</td><td style="width: 25%;">ACCOUNT NUMBER</td><td style="width: 25%;">HG06970</td></tr> <tr><td>AIR OPERATING PERMITS</td><td>PERMIT</td><td>1609</td></tr> <tr><td>WASTEWATER</td><td>PERMIT</td><td>WQ0000542000</td></tr> <tr><td>WASTEWATER</td><td>PERMIT</td><td>TPDES0007072</td></tr> <tr><td>WASTEWATER</td><td>PERMIT</td><td>TX0007072</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>10622</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>13219</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>19282</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>46657</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>ACCOUNT NUMBER</td><td>HG06970</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>4802</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>AFS NUM</td><td>4820100037</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>56566</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>PERMIT</td><td>56485</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>EPA ID</td><td>PSDTX1081</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>80725</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>REGISTRATION</td><td>81025</td></tr> <tr><td>AIR NEW SOURCE PERMITS</td><td>EPA ID</td><td>P1081</td></tr> <tr><td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td><td>EPA ID</td><td>TXD008099079</td></tr> <tr><td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td><td>SOLID WASTE REGISTRATION # (SWR)</td><td>31019</td></tr> <tr><td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td><td>SOLID WASTE REGISTRATION # (SWR)</td><td>30507</td></tr> <tr><td>INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS</td><td>PERMIT</td><td>50095</td></tr> <tr><td>INDUSTRIAL AND HAZARDOUS WASTE STORAGE</td><td>PERMIT</td><td>50095</td></tr> <tr><td>INDUSTRIAL AND HAZARDOUS WASTE STORAGE</td><td>PERMIT</td><td>50095</td></tr> <tr><td>INDUSTRIAL AND HAZARDOUS WASTE STORAGE</td><td>PERMIT</td><td>50095</td></tr> </table>			AIR OPERATING PERMITS	ACCOUNT NUMBER	HG06970	AIR OPERATING PERMITS	PERMIT	1609	WASTEWATER	PERMIT	WQ0000542000	WASTEWATER	PERMIT	TPDES0007072	WASTEWATER	PERMIT	TX0007072	AIR NEW SOURCE PERMITS	PERMIT	10622	AIR NEW SOURCE PERMITS	PERMIT	13219	AIR NEW SOURCE PERMITS	PERMIT	19282	AIR NEW SOURCE PERMITS	PERMIT	46657	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG06970	AIR NEW SOURCE PERMITS	PERMIT	4802	AIR NEW SOURCE PERMITS	AFS NUM	4820100037	AIR NEW SOURCE PERMITS	PERMIT	56566	AIR NEW SOURCE PERMITS	PERMIT	56485	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1081	AIR NEW SOURCE PERMITS	REGISTRATION	80725	AIR NEW SOURCE PERMITS	REGISTRATION	81025	AIR NEW SOURCE PERMITS	EPA ID	P1081	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008099079	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31019	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30507	INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50095	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50095	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50095	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50095
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Location:	8615 MANCHESTER ST, HOUSTON, TX, 77012	Rating Date: September 01 07	Repeat Violator: NO																																																																											
TCEQ Region:	REGION 12 - HOUSTON																																																																													
Date Compliance History Prepared:	January 10, 2008																																																																													
Agency Decision Requiring Compliance History:	Enforcement																																																																													
Compliance Period:	January 10, 2003 to January 10, 2008																																																																													
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History																																																																														
Name:	Thomas Greimel	Phone:	(512) 239-6690																																																																											

### Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 05/09/2003	ADMINORDER 2002-0750-AIR-E
Classification: Moderate	
Citation: 5C THC Chapter 382, SubChapter A 382.085(a) 5C THC Chapter 382, SubChapter A 382.085(b)	
Description: Failure to prohibit unauthorized emissions.	
Classification: Moderate	
Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(3)	

30 TAC Chapter 101, SubChapter A 101.6(b)(4)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to have the time or duration on the final records for upsets.  
Classification: Minor

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

Description: Failure to have the opacity records from the CEMS at the #8 unit.  
Classification: Moderate

Citation: 40 CFR Part 60, Subpart Kb 60.113b(c)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to create and submit an operating plan to the U.S. EPA and TCEQ for the vapor combustor and industrial furnace control devices used to control emissions from storage tanks B1 and B2.  
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Part 63, Subpart G 63.143(f)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to determine a range for the monitored temperature parameter, that indicates proper operation of the vapor combustor.  
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Part 63, Subpart G 63.147(d)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to keep a record of the daily average value for the temperature parameter that is monitored continuously for the vapor combustor for each operating day.  
Classification: Moderate

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

Rqmt Prov: SC4A PERMIT

Description: Failure to conduct the Reich Test daily to check the CEMS calibration.  
Effective Date: 11/11/2004 ADMINORDER 2004-0376-IHW-E  
Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)(6)  
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(1)

Rqmt Prov: Table V.I.2. PERMIT  
V.I.2.(d) PERMIT

Description: Failure to adhere to the permitted feed rate for the boiler and industrial furnace ("BIF") of 420 bags and/or buckets of gloves, clothing, and solid residues contaminated with hazardous waste per month.

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. (CEEDS Inv. Track. No.)

1	01/13/2003	(160173)
2	02/20/2003	(160132)
3	02/20/2003	(9041)
4	03/18/2003	(160135)
5	04/16/2003	(29597)
6	04/17/2003	(160140)
7	05/02/2003	(34185)
8	05/19/2003	(160144)
9	06/24/2003	(160148)
10	07/23/2003	(160152)
11	08/04/2003	(119957)
12	08/21/2003	(296218)
13	08/22/2003	(146476)
14	08/26/2003	(150869)
15	09/18/2003	(296220)
16	10/13/2003	(249347)
17	10/16/2003	(296222)
18	11/18/2003	(296223)
19	12/09/2003	(254070)
20	12/19/2003	(296224)
21	01/15/2004	(296225)
22	02/23/2004	(296208)

23	03/23/2004	(296210)
24	04/21/2004	(296211)
25	05/17/2004	(296213)
26	06/21/2004	(296215)
27	07/07/2004	(352480)
28	07/08/2004	(275090)
29	07/21/2004	(281319)
30	08/30/2004	(352481)
31	09/20/2004	(352482)
32	10/20/2004	(352483)
33	11/16/2004	(352484)
34	11/16/2004	(352485)
35	12/13/2004	(382001)
36	02/08/2005	(381999)
37	03/18/2005	(346915)
38	03/18/2005	(374508)
39	03/21/2005	(382000)
40	04/18/2005	(430058)
41	05/05/2005	(350927)
42	05/10/2005	(430059)
43	06/14/2005	(430060)
44	07/15/2005	(430061)
45	08/16/2005	(440975)
46	08/24/2005	(398096)
47	09/14/2005	(440976)
48	10/10/2005	(468678)
49	10/26/2005	(431733)
50	11/28/2005	(468679)
51	12/27/2005	(468680)
52	01/17/2006	(468681)
53	02/13/2006	(468676)
54	03/20/2006	(498376)
55	04/11/2006	(468677)
56	05/22/2006	(498377)
57	06/13/2006	(498378)
58	06/16/2006	(480107)
59	06/16/2006	(466806)
60	07/17/2006	(498379)
61	08/18/2006	(520387)
62	08/30/2006	(457592)
63	09/12/2006	(520388)
64	10/17/2006	(575653)
65	11/21/2006	(575654)
66	11/21/2006	(575656)
67	12/21/2006	(575655)
68	02/26/2007	(575647)
69	03/27/2007	(575648)
70	04/18/2007	(575649)
71	04/23/2007	(554349)
72	04/28/2007	(554784)
73	05/22/2007	(575650)
74	05/31/2007	(575652)
75	06/14/2007	(575651)
76	06/18/2007	(543573)
77	08/20/2007	(607586)
78	09/26/2007	(607587)
79	11/15/2007	(600496)
80	12/13/2007	(597131)
81	12/20/2007	(600277)

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

Date:	02/21/2003	(9041)		
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.7(a) 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(H)			
Rqmt Prov:	PA TCEQ Air Permit No. 4802, GC 9			
Description:	Failure to maintain all pollution emission capture equipment and abatement equipment in good working order and operated properly during normal facility			

operations.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: PA TCEQ Air Permit No. 4802, SC 3  
Description: Failure to keep fugitive emissions of Sulfur Trioxide from Oleum production equipment from exceeding 0.1 lb/day.

Self Report? NO Classification: Moderate  
Citation: 5C THC Chapter 382, SubChapter A 382.085(a)  
Description: Failure to prevent the emission of any air contaminant or the performance of any activity that causes or contributes to, or that will cause or contribute to, air pollution.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: PA TCEQ Air Permit No. 6126, SC 4  
Description: Failure to vent Sulfur Dioxide that is generated due to pressure control or maintenance work to Regen No. 2.  
Date: 01/31/2004 (296208)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter  
Date: 05/31/2004 (296215)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter  
Date: 10/31/2004 (352484)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter  
Date: 07/31/2005 (440975)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter  
Date: 08/24/2005 (398096)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Part 61, Subpart V 61.247(b)  
Rqmt Prov: PERMIT TCEQ WM Permit No. HW-50095-001 SecX.B.1  
Description: Failed to submit the semiannual report under the 40 CFR § 61.247(b)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Part 61, Subpart V 61.245(b)(1)  
40 CFR Part 61, Subpart V 61.245(b)(4)(ii)  
Rqmt Prov: PERMIT TCEQ WMP permit No. HW-50095-001 Sec X.B.1  
Description: Failed calibrate their Toxic Vapor Analyzer with 10,000 parts per million methane gas under 40 CFR Part 61, Subpart V.  
Date: 08/31/2005 (440976)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter  
Date: 09/30/2005 (468678)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter  
Date: 06/30/2006 (498379)

Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter  
Date: 08/30/2006 (457592)

Self Report? YES Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

**Rqmt Prov:** PERMIT NSR Permit 4802 Special Condition 9J  
**Description:** Failure to maintain authorized hydrocarbon monitoring.  
**Date:** 08/31/2006 (520388)  
**Self Report?** YES **Classification:** Moderate  
**Citation:** 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
**Description:** Failure to meet the limit for one or more permit parameter  
**Date:** 06/19/2007 (543573)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
**Rqmt Prov:** OP FOP O-01609 SC 12  
 PERMIT NSR Permit 4802 SC 1  
**Description:** Failed to maintain emissions from the Vapor Combuster below the MAERT of  
 NSR permit 4802.  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
**Rqmt Prov:** OP FOP O-01609 GC  
**Description:** Failure to report a deviation on semi-annual Deviation Report.  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 106, SubChapter T 106.454(3)(B)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
**Rqmt Prov:** OP FOP O-01609 SC 13  
**Description:** Failure to maintain lid on parts cleaner closed.  
**Date:** 12/20/2007 (600277)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 335, SubChapter A 335.8(b)  
**Rqmt Prov:** PERMIT II.C.1.d.  
**Description:** Failure to notify of the closure of two surface impoundments (NOR 009 and NOR  
 012) and demonstrate in writing that closure was completed appropriately.  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 335, SubChapter F 335.152(a)(4)  
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT E 264.75  
**Rqmt Prov:** PERMIT II.B.7.  
**Description:** Failure to prepare and submit the biennial report by March 1, 2006.  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 335, SubChapter F 335.152(a)(4)  
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT E 264.73(b)(9)  
**Rqmt Prov:** PERMIT II.B.9.  
**Description:** Failure to annually certify a waste minimization statement by January 25 for the  
 previous calendar year.

F. Environmental audits.

Notice of Intent Date: 02/15/2006 (461055)  
 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  
RHODIA INC.  
RN100220581

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2008-0102-MLM-E

I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Rhodia Inc. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE chs. 361 and 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at 8615 Manchester Street in Houston, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE ch. 382.003(12) and involves or involved the management of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 18, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fourteen Thousand Dollars (\$14,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eleven Thousand Two Hundred Dollars (\$11,200) of the administrative

- penalty and Two Thousand Eight Hundred Dollars (\$2,800) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
  8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
  9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
    - a. Discovered that a pollution control device was not operating properly on March 6, 2007 and temporarily shut down the incineration process to correct the problem.
    - b. Submitted a letter transmitting a written report to the TCEQ on May 31, 2007 documenting the exceedance of the permitted emission limit for arsenic on February 28, 2007 and March 2, 2007. The letter stated the Respondent's belief that the results were not accurate and proposed a re-test in August 2007.
    - c. Orally reported to the TCEQ on September 4, 2007 and submitted a written report to the TCEQ on September 20, 2007 documenting the exceedance of the permitted emission limit for arsenic which occurred on August 24, 2007. As a result, Respondent ceased burning of hazardous waste.
    - d. Formed an investigation team on August 22, 2007 to identify the cause of the exceedances and relevant equipment was inspected, cleaned and adjusted to improve performance.
    - e. A third test burn was conducted on September 14, 2007, and the test results, submitted to TCEQ on November 29, 2007, confirm compliance with the applicable emission limit.
  10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
  11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
  12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

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

1. Failed to maintain permitted emissions limits for the industrial furnace (Notice of Registration Waste Management Unit No. 2, IHW Permit Unit No. 7) at the Plant, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 335.221(a)(6), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 266.102(e)(4), IHW Permit No. 50095, Provision No. V.I.3.c. and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 14, 2007. Specifically, stack test results conducted on February 28, 2007 and March 2, 2007, and on August 14, 2007 showed emission rates of 1.07E-04 grams per second ("g/sec") and 1.05E-04 g/sec, respectively. These results indicate the maximum allowable emission rate ("MAER") of 8.4E-06 g/sec for arsenic was exceeded for the period from February 28, 2007 to August 24, 2007 which is the date the feed of hazardous waste to the furnace was discontinued.
2. Failed to cease burning hazardous waste when changes in the combustion properties or feed rates of hazardous waste or changes in the industrial furnace design or operating conditions deviate from specified limits, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 335.221(a)(6), 40 CFR § 266.102(e)(7), IHW Permit No. 50095, Provision No. V.I.3.f. and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 14, 2007. Specifically, burning of hazardous waste did not cease until August 24, 2007 even though stack tests conducted on February 28, 2007 through March 2, 2007 and on August 14, 2007 indicated the MAER for arsenic was being exceeded.
3. Failed to report a noncompliance orally within 24 hours and provide a written submission within five days of the time the Permittee becomes aware of the noncompliance, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (9) and 335.6 and IHW Permit No. 50095, Provision No. V.II.B.4., as documented during an investigation conducted on November 14, 2007. Specifically, the Respondent became aware of an exceedance of the MAER for arsenic on May 15, 2007, however, no oral report was received and a written report was not received by the Commission until May 31, 2007. Additionally, the Respondent became aware of an exceedance of the MAER for arsenic on August 24, 2007, however, an oral report was not received until September 4, 2007 and a written report was not received until September 20, 2007.

## III. DENIALS

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

## IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Rhodia Inc., Docket No. 2008-0102-MLM-E" to:

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

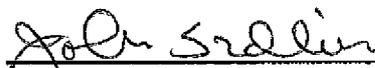
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Rhodia Inc.  
DOCKET NO. 2008-0102-MLM-E  
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## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

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

\_\_\_\_\_  
Date 10/3/2009

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

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

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

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

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

AL SEMAAN  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Rhodia Inc.

Plant Manager  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

