

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-0891-AIR-E TCEQ ID: RN100223205 CASE NO.: 37762
RESPONDENT NAME: Rohm and Haas Texas Incorporated

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Rohm and Haas Texas Deer Park Plant, 1900 Tidal Road, Deer Park, Harris County</p> <p>TYPE OF OPERATION: Chemical manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2009-1116-AIR-B and 2008-0156-AIR-B.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 23, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Ms. Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Ms. Tamara Coppens, Responsible Care Leader, Rohm and Haas Texas Incorporated, 1900 Tidal Road, Deer Park, Texas 77536 Mr. Harry Engelhardt, Jr., Site Leader/President of Texas R&H, Rohm and Haas Texas Incorporated, 1900 Tidal Road, Deer Park, Texas 77536 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: April 2, 2009</p> <p>Date of NOV/NOE Relating to this Case: June 2, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failure to prevent unauthorized emissions. Specifically, 83.20 pounds ("lbs") of acetone and 44.60 lbs of hydrogen cyanide were released from the Recovered Acetone Line, when the Respondent failed to close a bleed valve prior to the re-introduction of chemicals after a maintenance repair, resulting in an emissions event which began on February 5, 2009, and lasted for five minutes (Incident No. 119813). Since the emissions event was avoidable by better operational practices, 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), Air Permit No. 723, Special Condition No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$10,000</p> <p>Total Deferred: \$2,000 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$4,000</p> <p>Total Paid to General Revenue: \$4,000</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that on March 26, 2009, the Respondent completed operator training which included the implementation of a leak test procedure to prevent the recurrence of emissions resulting from the same or similar causes as emissions event Incident No. 119813.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A.)</p>

Additional ID No(s): HG0632T

Attachment A
Docket Number: 2009-0891-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Rohm and Haas Texas Incorporated
Payable Penalty Amount:	Eight Thousand Dollars (\$8,000)
SEP Amount:	Four Thousand Dollars (\$4,000)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston Regional Monitoring Corporation - Houston Area Monitoring
Location of SEP:	Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

Performing Party shall use SEP Funds to operate, maintain, and potentially expand portions of the existing Houston Regional Monitoring Corporation Ambient Air Quality Monitoring Network in the Houston area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives. SEP funds may be used to operate a single monitoring site or multiple sites contingent upon the amount of SEP funds provided.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

Data from this monitoring may be used to evaluate the effectiveness of current emission control strategies, track ambient concentration trends for key pollutants of interest, evaluate episodic emission events, conduct source attribution studies, and assess potential community exposure to toxic air contaminants. Performing party notifies the TCEQ on a quarterly basis of all exceedences of the National Ambient Air Quality Standards ("NAAQS") that it measures at its monitoring stations. The TCEQ uses this information, along with information collected at its own monitors and monitors operated by the City of Houston, to evaluate Houston's progress toward achieving or remaining in attainment of the NAAQS.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Christopher B. Amandes, Esquire
Vinson & Elkins LLP
First City Tower
1001 Fannin Street, Suite 2500
Houston, TX 77002-6760

3. Records and Reporting

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

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned: 8-Jun-2009	Screening: 10-Jun-2009	EPA Due:
	PCW: 22-Jun-2009		

RESPONDENT/FACILITY INFORMATION			
Respondent:	Rohm and Haas Texas Incorporated		
Reg. Ent. Ref. No.:	RN100223205		
Facility/Site Region:	12-Houston	Major/Minor Source:	Major

CASE INFORMATION			
Enf./Case ID No.:	37762	No. of Violations:	1
Docket No.:	2009-0891-AIR-E	Order Type:	1660
Media Program(s):	Air	Government/Non-Profit:	No
Multi-Media:		Enf. Coordinator:	Nadia Hameed
		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** \$2,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 336.0% Enhancement **Subtotals 2, 3, & 7** \$8,400

Notes: Penalty enhancement due to six 1660 agreed orders, one state court order and one federal order with denial of liability, 24 same or similar NOV's, and 22 non-similar NOV's. Penalty reduction for six Notices of Audit and one Disclosure of Violation.

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$625

Economic Benefit 0.0% Enhancement* **Subtotal 6** \$0

Total EB Amounts \$7
 Approx. Cost of Compliance \$1,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$10,275

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$10,275

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$10,000

DEFERRAL 20.0% Reduction **Adjustment** -\$2,000

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

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY \$8,000

Screening Date 10-Jun-2009

Docket No. 2009-0891-AIR-E

PCW

Respondent Rohm and Haas Texas Incorporated

Policy Revision 2 (September 2002)

Case ID No. 37762

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100223205

Media [Statute] Air

Enf. Coordinator Nadia Hameed

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)	24	120%
	Other written NOVs	22	44%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	2	60%
	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)	6	-6%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%
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) 336%

>> 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 six 1660 agreed orders, one state court order and one federal order with denial of liability, 24 same or similar NOVs, and 22 non-similar NOVs. Penalty reduction for six Notices of Audit and one Disclosure of Violation.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 336%

Screening Date 10-Jun-2009	Docket No. 2009-0891-AIR-E	PCW															
Respondent Rohm and Haas Texas Incorporated	<small>Policy Revision 2 (September 2002)</small>																
Case ID No. 37762	<small>PCW Revision October 30, 2008</small>																
Reg. Ent. Reference No. RN100223205																	
Media [Statute] Air																	
Enf. Coordinator Nadia Hameed																	
Violation Number <input type="text" value="1"/>																	
Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), Air Permit No. 723, Special Condition No. 1 and Tex. Health & Safety Code § 382.085(b)																
Violation Description	Failed to prevent unauthorized emissions. Specifically, 83.20 pounds ("lbs") of acetone and 44.60 lbs of hydrogen cyanide were released from the Recovered Acetone Line, when the Respondent failed to close a bleed valve prior to the re-introduction of chemicals after a maintenance repair, resulting in an emissions event which began on February 5, 2009, and lasted for five minutes (Incident No. 119813). Since the emissions event was avoidable by better operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.																
	Base Penalty	<input type="text" value="\$10,000"/>															
>> Environmental, Property and Human Health Matrix																	
OR	Release	Harm															
		Major Moderate Minor															
	Actual	<input type="text"/> <input type="text"/> <input checked="" type="text" value="x"/>	Percent <input type="text" value="25%"/>														
	Potential	<input type="text"/> <input type="text"/> <input type="text"/>															
>> Programmatic Matrix																	
	Falsification	Major Moderate Minor															
	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>	Percent <input type="text" value="0%"/>														
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.																
	Adjustment	<input type="text" value="\$7,500"/>															
		<input type="text" value="\$2,500"/>															
Violation Events																	
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days														
		<input type="text" value="1"/>															
	mark only one with an x	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>weekly</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input checked="" type="text" value="x"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text"/></td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input checked="" type="text" value="x"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>	Violation Base Penalty <input type="text" value="\$2,500"/>
daily	<input type="text"/>																
weekly	<input type="text"/>																
monthly	<input type="text"/>																
quarterly	<input checked="" type="text" value="x"/>																
semiannual	<input type="text"/>																
annual	<input type="text"/>																
single event	<input type="text"/>																
	One quarterly event is recommended based upon the emissions event that occurred on February 5, 2009.																
Good Faith Efforts to Comply																	
	25.0% Reduction	<input type="text" value="\$625"/>															
	Before NOV NOV to EDRP/Settlement Offer																
	Extraordinary	<input type="text"/>	<input type="text"/>														
	Ordinary	<input checked="" type="text" value="x"/>	<input type="text"/>														
	N/A	(mark with x)															
Notes	The Respondent completed the corrective actions on March 26, 2009, prior to the June 2, 2009, NOE.																
	Violation Subtotal	<input type="text" value="\$1,875"/>															
Economic Benefit (EB) for this violation																	
	Estimated EB Amount	<input type="text" value="\$7"/>	Violation Final Penalty Total <input type="text" value="\$10,275"/>														
	This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$10,000"/>														

Economic Benefit Worksheet

Respondent Rohm and Haas Texas Incorporated
Case ID No. 37762
Reg. Ent. Reference No. RN100223205
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,000	5-Feb-2009	28-Mar-2009	0.13	\$7	n/a	\$7
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for operator training and implementation of a leak test procedure. The date required is based on the date of the emissions event. The final date is the date the corrective actions were completed.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$7

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600131395 Rohm and Haas Texas Incorporated	Classification: AVERAGE	Rating: 7.00
Regulated Entity:	RN100223205 ROHM AND HAAS TEXAS DEER PARK PLANT	Classification: AVERAGE	Site Rating: 7.00

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0632T
	AIR OPERATING PERMITS	PERMIT	1583
	AIR OPERATING PERMITS	PERMIT	2232
	AIR OPERATING PERMITS	PERMIT	2233
	AIR OPERATING PERMITS	PERMIT	2234
	AIR OPERATING PERMITS	PERMIT	2235
	AIR OPERATING PERMITS	PERMIT	2236
	AIR OPERATING PERMITS	PERMIT	2237
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0632T
	WASTEWATER	PERMIT	WQ0000458000
	WASTEWATER	PERMIT	TPDES0006084
	WASTEWATER	PERMIT	TX0006084
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50102
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW078
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD065096273
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30041
	AIR NEW SOURCE PERMITS	AFS NUM	4820100034
	AIR NEW SOURCE PERMITS	PERMIT	723
	AIR NEW SOURCE PERMITS	PERMIT	751
	AIR NEW SOURCE PERMITS	PERMIT	1257A
	AIR NEW SOURCE PERMITS	PERMIT	1957
	AIR NEW SOURCE PERMITS	PERMIT	2165
	AIR NEW SOURCE PERMITS	PERMIT	4276
	AIR NEW SOURCE PERMITS	PERMIT	5051
	AIR NEW SOURCE PERMITS	PERMIT	5703
	AIR NEW SOURCE PERMITS	PERMIT	5802
	AIR NEW SOURCE PERMITS	PERMIT	6233
	AIR NEW SOURCE PERMITS	PERMIT	6654
	AIR NEW SOURCE PERMITS	PERMIT	6894
	AIR NEW SOURCE PERMITS	PERMIT	7309
	AIR NEW SOURCE PERMITS	PERMIT	7637
	AIR NEW SOURCE PERMITS	PERMIT	7648
	AIR NEW SOURCE PERMITS	PERMIT	8838

AIR NEW SOURCE PERMITS	PERMIT	10715
AIR NEW SOURCE PERMITS	PERMIT	11779
AIR NEW SOURCE PERMITS	PERMIT	13804
AIR NEW SOURCE PERMITS	PERMIT	17392
AIR NEW SOURCE PERMITS	PERMIT	17442
AIR NEW SOURCE PERMITS	PERMIT	20901
AIR NEW SOURCE PERMITS	PERMIT	26728
AIR NEW SOURCE PERMITS	PERMIT	28728
AIR NEW SOURCE PERMITS	PERMIT	29010
AIR NEW SOURCE PERMITS	PERMIT	28913
AIR NEW SOURCE PERMITS	PERMIT	29705
AIR NEW SOURCE PERMITS	PERMIT	30727
AIR NEW SOURCE PERMITS	PERMIT	32671
AIR NEW SOURCE PERMITS	PERMIT	33817
AIR NEW SOURCE PERMITS	PERMIT	34654
AIR NEW SOURCE PERMITS	PERMIT	35142
AIR NEW SOURCE PERMITS	PERMIT	37086
AIR NEW SOURCE PERMITS	PERMIT	38913
AIR NEW SOURCE PERMITS	PERMIT	40134
AIR NEW SOURCE PERMITS	PERMIT	41356
AIR NEW SOURCE PERMITS	PERMIT	42170
AIR NEW SOURCE PERMITS	PERMIT	42737
AIR NEW SOURCE PERMITS	PERMIT	42914
AIR NEW SOURCE PERMITS	PERMIT	44595
AIR NEW SOURCE PERMITS	PERMIT	27131
AIR NEW SOURCE PERMITS	PERMIT	47480
AIR NEW SOURCE PERMITS	PERMIT	48921
AIR NEW SOURCE PERMITS	PERMIT	N61
AIR NEW SOURCE PERMITS	PERMIT	52270
AIR NEW SOURCE PERMITS	PERMIT	54886
AIR NEW SOURCE PERMITS	REGISTRATION	54970
AIR NEW SOURCE PERMITS	REGISTRATION	54971
AIR NEW SOURCE PERMITS	REGISTRATION	75383
AIR NEW SOURCE PERMITS	REGISTRATION	88106
AIR NEW SOURCE PERMITS	EPA ID	PSDTX828
AIR NEW SOURCE PERMITS	EPA ID	PSDTX828M1
AIR NEW SOURCE PERMITS	PERMIT	55988
AIR NEW SOURCE PERMITS	PERMIT	50454

AIR NEW SOURCE PERMITS	REGISTRATION	72461
AIR NEW SOURCE PERMITS	REGISTRATION	87523
AIR NEW SOURCE PERMITS	REGISTRATION	73729
AIR NEW SOURCE PERMITS	REGISTRATION	74506
AIR NEW SOURCE PERMITS	REGISTRATION	74756
AIR NEW SOURCE PERMITS	REGISTRATION	73848
AIR NEW SOURCE PERMITS	REGISTRATION	74713
AIR NEW SOURCE PERMITS	PERMIT	73913
AIR NEW SOURCE PERMITS	EPA ID	PSDTX987
AIR NEW SOURCE PERMITS	REGISTRATION	77253
AIR NEW SOURCE PERMITS	REGISTRATION	77241
AIR NEW SOURCE PERMITS	PERMIT	54056
AIR NEW SOURCE PERMITS	PERMIT	77200
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0632T
AIR NEW SOURCE PERMITS	REGISTRATION	80267
AIR NEW SOURCE PERMITS	REGISTRATION	81342
AIR NEW SOURCE PERMITS	REGISTRATION	81248
AIR NEW SOURCE PERMITS	PERMIT	82008
AIR NEW SOURCE PERMITS	REGISTRATION	82086
AIR NEW SOURCE PERMITS	REGISTRATION	83631
AIR NEW SOURCE PERMITS	REGISTRATION	88111
AIR NEW SOURCE PERMITS	REGISTRATION	87129
AIR NEW SOURCE PERMITS	REGISTRATION	85413
AIR NEW SOURCE PERMITS	REGISTRATION	85482
AIR NEW SOURCE PERMITS	REGISTRATION	83810
AIR NEW SOURCE PERMITS	REGISTRATION	84672
AIR NEW SOURCE PERMITS	REGISTRATION	83418
AIR NEW SOURCE PERMITS	REGISTRATION	82947
AIR NEW SOURCE PERMITS	REGISTRATION	82957
AIR NEW SOURCE PERMITS	REGISTRATION	87544
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011717
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30041
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50102
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50102

Location: 1900 TIDAL RD, DEER PARK, TX, 77536

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: June 08, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 08, 2004 to June 08, 2009

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

Name: Nadia Hameed Phone: 713-767-3629

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/operator of the site during the compliance period? No
- 3. If Yes, who is the current owner/operator? N/A
- 4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
- 5. When did the change(s) in owner or operator occur? N/A
- 6. Rating Date: 9/1/2008 Repeat Violator: NO

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: 01/08/2005

ADMINORDER 2004-0146-AIR-E

Classification: Moderate

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

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

Rqmt Prov: Permit 751, Special Condition 1 PERMIT

Description: Rohm and Haas is alleged to have failed to comply with the permitted emission rate of 5.65 pounds per hour (lb/hr) of carbon monoxide and 0.37 lb/hr of volatile organic compounds (VOCs) for EPN 35-HR-5.

Effective Date: 11/06/2005

ADMINORDER 2003-0610-MLM-E

Classification: Moderate

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

30 TAC Chapter 101, SubChapter A 101.20(2)

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

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

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 335, SubChapter E 335.112(a)(20)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1052(a)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1054(a)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1057(a)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1063(b)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1063(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)

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

Rqmt Prov: SC 2B, 7F, 7G, 8F, 8G PERMIT

SC 6A, 3C, 4F, 4G PERMIT

Description: A.8.c.(1)(G). Failure to monitor valves, pumps, connectors in MMA and BMA service at the HT/HT2 unit applicable to 40 CFR 60, Subpart VV and 40 CFR 63, Subpart H.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)

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: 8838 SC 4E PA

Description: A8.c.(1)(B). Failure to cap/plug open ended lines at the HT/HT2 Unit.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(20)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1050(c)

Description: Failure to tag 357 equipment components for fugitive emissions monitoring.

Classification: Minor

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

Description: Failure to update information on the Notice of Registration to accurately reflect current status.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(20)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1063(b)

Description: Failure to calibrate equipment used for fugitive monitoring prior to monitoring on the same day.

Classification: Moderate

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

30 TAC Chapter 101, SubChapter A 101.20(2)

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

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

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

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)

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

Rqmt Prov: Permit No. 29010 SC2B, 7F, 7G, 8F, 8G PERMIT

Permit No. 8838 SC 6A, 3C, 4F, 4G PERMIT

Description: Failure to monitor pumps, connectors, and valves in methyl methacrylate (MMA) and BMA (butyl methacrylate) service at the P-North process unit.

Classification: Moderate

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

Description: Failure to prohibit an emission event by good design, operation, or maintenance.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.205(d)(1)

30 TAC Chapter 117, SubChapter E 117.520(c)(1)

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

Description: Failed to have NOx control technology installed by November 15, 1999

Effective Date: 04/14/2006

ADMINORDER 2005-0152-AIR-E

Classification: Moderate

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

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

Rqmt Prov: 8838 General Condition PERMIT

Description: Failure to comply with the permitted emission limit of 0.25 pounds per hour of VOCs for emission point number HT-48 during a March 11, 2003 emissions event.

Classification: Moderate

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

Description: Failed to prevent an avoidable emissions event on December 26, 2003 which resulted in the unauthorized release of 2,132.66 pounds of VOCs from the B4 Reactor separator, which is not a permitted source of emissions.

Classification: Minor

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

Description: Failure to notify the TCEQ of the December 26, 2003 emissions event within 24 hours of discovery.

Effective Date: 06/26/2007

COURTORDER

Classification: Major

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

Description: Failure to prevent unauthorized emissions.

Effective Date: 05/22/2008

ADMINORDER 2007-1437-AIR-E

Classification: Moderate

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

Rqmt Prov: 8838/Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 8838/Special Condition No. 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: 8838 - Special Condition 1 PERMIT

Description: Failure to comply with the emission rates as set forth in Permit# 8838 Special Condition 1. Specifically, testing conducted on January 3, 2007 indicates that the A-Train Start Up Heater (EPN HT-1) exceeded permitted limits. Emission rates of 6.20 lbs per hour ("lbs/hr") for nitrogen oxides ("NOx") and 16.62 lbs/hr for carbon monoxide ("CO") were measured during the performance testing, with permit limits of 3.60 lbs/hr and 3.02 lbs/hr, respectively.

Classification: Moderate

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

Rqmt Prov: 8838 - Special Condition 1 PERMIT

Description: Failure to comply with the emission rates for Permit #8838 S.C.1. Specifically, testing conducted on January 4, 2007 indicates that the B-Train Start Up Heater (EPN HT-2) exceeded permitted limits. Emission rates of 7.08 lbs/hr for NOx and 9.67 lbs/hr for CO were measured during the performance testing, with permit limits of 3.60 lbs/hr and 3.02 lbs/hr, respectively.

Effective Date: 10/06/2008

ADMINORDER 2007-2041-AIR-E

Classification: Moderate

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

Rqmt Prov: No. 723, S.C. No. 1 PERMIT

Description: Failed to comply with the 0.27 pounds per hour ("lbs/hr") nitrogen oxides ("NOx") emission limit for emission point number ("EPN") N-12.

Classification: Moderate

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

5C THSC Chapter 382 382.085(b)
 Rqmt Prov: No. 723, S. C. No. 1 PERMIT
 Description: Failed to comply with the 0.27 lbs/hr NOx emission limit for EPN N-13.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: No. 723, S.C. No. 1 PERMIT
 Description: Failed to comply with the 1.19 lbs/hr NOx emission limit for EPN N-14.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: No. 723, S.C. No. 1 PERMIT
 Description: Failed to comply with the 0.47 lbs/hr NOx and 0.022 lbs/hr carbon monoxide ("CO") emission limits for EPN N-3.

Effective Date: 02/22/2009

ADMINORDER 2008-1182-AIR-E

Classification: Major
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: OP O-02236, SC 13 OP
 P 8838 and N61, SC 1 PA

Description: Failure to limit hourly NOx emission rate, Unit ID#HT-3. Repeat Category B violation.

See addendum for information regarding federal actions.

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	06/16/2004	(295662)
2	06/18/2004	(274191)
3	06/25/2004	(250192)
4	07/15/2004	(272394)
5	07/15/2004	(272466)
6	07/15/2004	(272468)
7	07/21/2004	(352218)
8	07/23/2004	(249701)
9	07/23/2004	(250189)
10	07/30/2004	(271899)
11	07/30/2004	(271912)
12	08/11/2004	(288434)
13	08/13/2004	(249700)
14	08/23/2004	(352219)
15	08/31/2004	(291114)
16	08/31/2004	(292541)
17	09/20/2004	(352220)
18	09/30/2004	(287515)
19	09/30/2004	(288333)
20	10/05/2004	(334482)
21	10/22/2004	(291603)
22	10/26/2004	(292548)
23	10/26/2004	(352221)
24	10/26/2004	(352223)
25	11/11/2004	(287014)
26	11/11/2004	(289842)
27	11/14/2004	(274431)
28	11/14/2004	(274440)

29	11/14/2004	(274450)
30	11/19/2004	(341406)
31	11/29/2004	(352222)
32	12/09/2004	(341434)
33	12/16/2004	(283962)
34	12/16/2004	(283988)
35	12/16/2004	(287555)
36	12/17/2004	(334282)
37	12/17/2004	(334283)
38	12/17/2004	(334284)
39	12/27/2004	(284888)
40	12/27/2004	(284899)
41	12/28/2004	(288285)
42	12/30/2004	(338299)
43	01/03/2005	(288453)
44	01/04/2005	(285144)
45	01/05/2005	(338809)
46	01/12/2005	(346448)
47	01/21/2005	(381891)
48	02/23/2005	(381889)
49	03/08/2005	(350487)
50	03/21/2005	(381890)
51	03/31/2005	(374351)
52	04/06/2005	(374352)
53	04/06/2005	(374353)
54	04/22/2005	(378240)
55	04/22/2005	(575399)
56	05/19/2005	(392626)
57	05/23/2005	(575401)
58	06/13/2005	(575403)
59	07/25/2005	(399258)
60	07/25/2005	(400493)
61	07/25/2005	(575406)
62	07/27/2005	(400167)
63	07/28/2005	(400627)
64	08/05/2005	(397806)
65	08/15/2005	(397447)
66	08/18/2005	(404307)
67	08/19/2005	(575409)
68	08/23/2005	(401938)
69	08/23/2005	(404914)
70	08/25/2005	(405924)
71	08/29/2005	(418394)
72	08/30/2005	(418292)
73	09/23/2005	(575411)
74	10/24/2005	(575413)
75	10/24/2005	(575417)
76	11/04/2005	(435818)
77	12/29/2005	(434384)
78	01/09/2006	(440229)
79	01/24/2006	(575419)
80	02/02/2006	(575415)
81	02/21/2006	(455168)
82	02/23/2006	(455895)
83	02/25/2006	(456937)
84	02/26/2006	(575395)
85	02/27/2006	(456637)
86	02/28/2006	(451371)
87	02/28/2006	(457142)

88	02/28/2006	(457254)
89	03/21/2006	(575397)
90	03/23/2006	(454725)
91	03/24/2006	(457097)
92	03/28/2006	(452624)
93	03/28/2006	(457110)
94	04/24/2006	(575400)
95	04/28/2006	(457469)
96	05/01/2006	(460108)
97	05/04/2006	(457447)
98	05/09/2006	(460949)
99	05/09/2006	(461424)
100	05/11/2006	(458324)
101	05/11/2006	(460393)
102	05/11/2006	(460471)
103	05/11/2006	(460513)
104	05/11/2006	(460733)
105	05/11/2006	(460844)
106	05/11/2006	(460912)
107	05/11/2006	(463554)
108	05/22/2006	(575402)
109	05/25/2006	(374855)
110	05/25/2006	(374902)
111	05/26/2006	(459923)
112	05/31/2006	(457270)
113	06/22/2006	(575404)
114	07/24/2006	(575407)
115	07/25/2006	(406106)
116	07/25/2006	(457453)
117	07/25/2006	(457457)
118	07/26/2006	(486614)
119	07/27/2006	(462714)
120	08/11/2006	(462093)
121	08/14/2006	(464411)
122	08/22/2006	(575410)
123	08/24/2006	(488546)
124	08/30/2006	(489426)
125	08/31/2006	(449984)
126	09/25/2006	(575412)
127	09/29/2006	(513039)
128	10/03/2006	(513239)
129	10/03/2006	(513582)
130	10/13/2006	(515313)
131	10/23/2006	(512670)
132	10/23/2006	(575414)
133	10/23/2006	(575418)
134	11/22/2006	(575416)
135	11/29/2006	(532188)
136	12/01/2006	(517786)
137	01/05/2007	(514335)
138	01/22/2007	(575420)
139	01/31/2007	(536331)
140	02/08/2007	(512671)
141	02/26/2007	(575396)
142	02/28/2007	(540141)
143	03/21/2007	(575398)
144	04/09/2007	(543775)
145	04/20/2007	(689980)
146	05/21/2007	(518229)

147	05/22/2007	(689982)
148	06/22/2007	(575405)
149	06/29/2007	(559790)
150	07/03/2007	(558379)
151	07/09/2007	(563232)
152	07/23/2007	(575408)
153	07/24/2007	(564923)
154	07/24/2007	(564927)
155	07/26/2007	(566593)
156	07/30/2007	(564812)
157	08/06/2007	(568496)
158	08/06/2007	(568518)
159	08/07/2007	(568014)
160	08/13/2007	(571023)
161	08/20/2007	(607561)
162	08/28/2007	(571222)
163	08/28/2007	(571662)
164	08/29/2007	(573463)
165	08/29/2007	(573797)
166	09/07/2007	(573866)
167	09/21/2007	(689987)
168	10/11/2007	(567756)
169	10/19/2007	(594212)
170	10/19/2007	(594214)
171	10/22/2007	(689988)
172	10/22/2007	(689990)
173	10/23/2007	(593473)
174	11/19/2007	(595510)
175	11/19/2007	(599927)
176	11/19/2007	(599953)
177	11/21/2007	(689989)
178	11/27/2007	(571447)
179	11/27/2007	(571463)
180	11/27/2007	(571470)
181	11/27/2007	(571485)
182	11/28/2007	(596222)
183	12/04/2007	(571415)
184	12/04/2007	(571481)
185	12/07/2007	(595796)
186	12/12/2007	(571376)
187	12/12/2007	(571396)
188	12/12/2007	(571401)
189	01/09/2008	(612267)
190	01/14/2008	(613690)
191	01/16/2008	(595596)
192	01/17/2008	(599986)
193	01/17/2008	(600021)
194	01/17/2008	(600038)
195	01/17/2008	(600303)
196	01/17/2008	(600340)
197	01/22/2008	(689991)
198	02/22/2008	(689978)
199	03/02/2008	(617039)
200	03/04/2008	(595594)
201	03/04/2008	(612397)
202	03/06/2008	(613866)
203	03/07/2008	(614051)
204	03/21/2008	(689979)
205	04/07/2008	(611781)

206 04/17/2008 (636345)
 207 04/21/2008 (689981)
 208 04/21/2008 (689986)
 209 05/17/2008 (657125)
 210 05/23/2008 (689983)
 211 05/29/2008 (671340)
 212 05/31/2008 (689985)
 213 06/17/2008 (683432)
 214 06/23/2008 (689984)
 215 06/24/2008 (670743)
 216 07/01/2008 (682296)
 217 07/25/2008 (686764)
 218 07/30/2008 (686765)
 219 08/01/2008 (685482)
 220 08/25/2008 (710765)
 221 09/24/2008 (710766)
 222 10/02/2008 (700423)
 223 10/27/2008 (706464)
 224 10/27/2008 (727504)
 225 11/24/2008 (727505)
 226 12/17/2008 (709548)
 227 12/22/2008 (727506)
 228 02/04/2009 (703319)
 229 02/10/2009 (703308)
 230 02/17/2009 (725731)
 231 04/03/2009 (723995)
 232 04/23/2009 (741123)
 233 05/15/2009 (741241)
 234 06/02/2009 (736016)

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

Date: 07/23/2004 (249701) CN600131395
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 48921 SC No. 6E PA
 Description: Failure to install a cap, blind flange, or plug on open ended lines or valves.

Date: 07/23/2004 (250189) CN600131395
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
 Description: Failure to record flare observations for N17 and N6 Flares during the annual
 compliance certification period of April 4, 2003 through April 3, 2004.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 TCEQ Air Permit No. 48922 SC No. 8 PA
 Description: Failure to maintain records of weekly sampling of safety vent stacks (EPN N-7 & N-8).

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 115, SubChapter D 115.354(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 723 & PSD-TX-828 SC No. 9B PA

Description: Failure to tag leaking fugitive monitoring components during the annual compliance certification period of April 4, 2003 through April 3, 2004.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(1)(C)
 Description: Failure to re-monitor leaking fugitive monitoring components after the repairs are completed.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
Description: Failure to conduct first attempt repair for the leaking fugitive monitoring components within five (5) calendar days.

Date: 08/13/2004 (249700) CN600131395

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)
Description: Failure to submit compliance certification report within 30 days after the end of the certification period.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
Description: Failure to record time when the flare observation was made for SW-1 flare during annual compliance certification period.

Date: 10/31/2004 (352222) CN600131395

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: 11/14/2004 (274431) CN600131395

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Exceeded VOC rule limit during an avoidable emissions event.

Date: 11/22/2004 (338299) CN600131395

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)
No. 8838, GC #8 PERMIT
Description: Failure to identify the function of process controllers.

Date: 11/30/2004 (352223) CN600131395

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: 12/16/2004 (283988) CN600131395

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to report the emissions event that occurred in the A/B Trains in a timely manner.

Date: 12/17/2004 (283962) CN600131395

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: Failure to report an emissions event in a timely manner.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
723 Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions.

Date: 12/31/2004 (381891) CN600131395

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: 03/31/2005 (374351) CN600131395

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)
Permit No. 8838, GC #8 PA

Description: The emissions event initial notification was not submitted in a timely manner.

Date: 03/31/2005 (575399) CN600131395

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: 04/06/2005 (374353) CN600131395

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)
Permit No. 8838, GC No. 8 PA

Description: The emissions event initial notification was not submitted in a timely manner.

Date: 04/06/2005 (374352) CN600131395

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)
Permit No. 8838 PA

Description: The emissions event initial notification was not submitted in a timely manner.

Date: 04/30/2005 (575401) CN600131395

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: 07/25/2005 (399258)

Self Report? NO Classification: Minor

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

Description: The facility failed to update its NOR with regard to waste streams and waste management units.

Date: 07/27/2005 (400167)

Self Report? NO Classification: Minor

Citation: 40 CFR Chapter 270, SubChapter I, PT 270, SubPT C 270.30(a)
V.A.1. PERMIT

Description: Permit Provision V. A. 1. -Authorized Units
The facility did not identify the boiler with a sign indicating it is Permit Unit No. 3. This is a violation of the recently issued permit.
The facility should erect the proper identification for this unit as required by the permit.

Date: 07/31/2005 (575409) CN600131395

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: 08/15/2005 (397447) CN600131395

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)
No. 723/PSD-TX-828-M1 PERMIT
Description: Failure to close the block valve to the first stage vacuum jet condenser discharge.

Date: 08/29/2005 (418394) CN600131395

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)
Description: Failure to test within 150 days of start-up.

Date: 08/30/2005 (418292) CN600131395

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
NSR Permit No. 43803 Special Condition 1 PA
Description: Failure to comply with Special Condition No. 1 of NSR permit no. 83803.

Date: 11/04/2005 (435818) CN600131395

Self Report? NO Classification: Minor
Citation: 17392 SC No. 4 PA
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
O-02235 SC no. 8 OP
Description: Failure to comply with the VOC emission limit for the tank no. 90480 for the year 2004 as per SC 4 of TCEQ permit no. 17392.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
O-02235 SC 8 OP
TCEQ Permit No. 17392 SC 8 PA
Description: Failure to comply with VOC emission limit for the tank no. 91007 for the year 2004 as per SC no. 8 of TCEQ permit no. 17392.

Date: 12/31/2005 (575419) CN600131395

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: 01/10/2006 (440229) CN600131395

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
SC no. 8 of NSR permit no. 29010 PA
Description: Failure to comply with permitted emission limit of 0.71 tons per year of VOC for the year 2004 for the tank no. 91029 as per Special Condition no. 1 of TCEQ permit no. 29010.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
SC no. 1 of NSR permit no. 29010 PA
Description: Failure to comply with the permitted emission limit of 6.2 tons per year of VOC for the year 2004 for the tank 96674 as per special condition no. 1 of TCEQ permit no. 29010.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
NSR permit no. 29010 PA
Description: Failure to comply with the permitted fill rate limit of 100 gallons per minute for the tank no. 91325 as stated in the permit application for the permit no. 29010.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
NSR permit no. 29010 PA

Description: Failure to comply with the permitted fill rate limit of 125 gallons per minute for the tank no. 91326 as stated in the permit application for the permit no. 29010.

Date: 07/26/2006 (486614) CN600131395

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
No. 8838 PERMIT

Description: Failure to prevent an operator error resulting in power loss at HT2 process unit.

Date: 08/14/2006 (464411) CN600131395

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Operating Permit No. O-02232 OP
TCEQ Air Permit No. 48921 SC 6E PA

Description: Failure to plug an open-ended line.

Date: 08/16/2006 (462093) CN600131395

Self Report? NO Classification: Moderate

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

Description: The 2005 deviation report did not include failure to monitor the Decanter water and the Cooling Tower water

Date: 08/30/2006 (489426)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
No. 8838, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)

Description: Failure to submit a final report of an emissions event no later than two weeks after the end of the event.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

Description: Failure to include in the final report, the authorized emission limits for the facilities involved in an emissions event.

Date: 08/31/2006 (449984) CN600131395

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT H 60.84(e)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01583 OP

Description: failure to comply with SO2 emission standard of 4 lbs per ton of acid produced 3-hour-roll-over emissions to the atmosphere for one of their sulfuric acid unit as per 40 CFR 60.84(e)

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)
SC no. 1 of Air Permit No. 751 PA

Description: failure to comply with CO emissions for the year 2004 as per special condition no. 1 of TCEQ permit no. 751.

Self Report? NO Classification: Minor

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01583 OP

Description: failure to monitor 12 HON valves between July 28, 2004 through May 31, 2005.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01583 OP

Description: failure to monitor a newly installed HON pump between July 28, 2004 through May 31, 2005.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 SC No. 8 of TCEQ Air Permit No. 1257A PA

Description: failure to maintain the temperature of wet crude methyl methacrylate to below 90 degrees F, which is transferred to tanks B-3-13 through B-3-17 as required by Special Condition no. 8 of TCEQ permit No. 1257A.
 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)
 O-01583 OP
 SC no. 1 of AIR Permit No. 1257A PA

Description: failure to comply with a VOC emissions limit for the tank B-3-8 as per special condition no. 1 of TCEQ permit 1257A.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)
 O-01583 OP

Description: failure to conduct AVO pump inspection for 23 pumps in the B4 unit from May 20, 2004 through August 1, 2004.

Date: 02/08/2007 (512671) CN600131395

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-02236, SC No. 3(A)(iii)(1) OP

Description: Failure to perform quarterly observation of visible emissions from a building emission source, enclosed facility, or other structure containing emission sources.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-02236, SC 13 OP
 NSR Permit No. 8838, SC 1 PA

Description: Failure to comply with Carbon Monoxide (CO) emission limit of NSR Permit No. 8838 for the HT-11 thermal incinerator.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-02236, SC 13 OP
 NSR Permit No. 8838, SC 1 PA

Description: Failure to comply with NOx emission limits of NSR permit 8838 for the thermal oxidizer.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-02236, SC 13 OP
 NSR Permit No. 8838, SC 24 A & B PA

Description: Failure to maintain minimum operating temperature for thermal oxidizer as required by the NSR Permit No. 8838 SC 24 A & B.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-02236, SC 13 OP
NSR Permit No. 8838, SC 24A PA

Description: Failure to maintain minimum oxygen level in the HT-3 thermal oxidizer.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
NSR Permit No. 8838, SC 1 PA
O-02236 SC 13 OP

Description: Failure to meet the minimum net heating value for the flares HT-4 and HT-10.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
NSR Pemi No. 8838, SC 4H PA
O02236 SC No. 13 OP

Description: Failure to repair five leaking fugitive components within 15 days after the leak is discovered.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-02236, SC 13 OP
NSR Permit No. 8838 SC 4E PA

Description: Failure to plug six open-ended lines in light liquid service.

Date: 02/28/2007 (540141)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
TCEQ Permit # 1257 A PERMIT

Description: Failed to comply with the permitted emission rate for acetone.

Date: 03/15/2007 (543775)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
8838/Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Failed to submit an initial notification as soon as practicable.

Date: 06/28/2007 (559790)

CN600131395

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Failed to comply with the emissions events reporting requirements.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Permit No. 8838/Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Date: 07/26/2007 (566593)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
8838/Special Condition No. 1 PERMIT
Description: Failed to prevent unauthorized emissions

Date: 08/29/2007 (573797) CN600131395
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THC Chapter 382, SubChapter A 382.085(b)
General Terms and Conditions OP
Description: Failure to submit the semiannual deviation report within 30 days of the end of the deviation reporting period.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter A 382.085(b)
General Terms and Conditions OP
Description: Failure to submit the permit compliance certification within 30 days of the end of the reporting period.

Date: 10/31/2007 (689989) CN600131395
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 01/16/2008 (595596) CN600131395
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
OP O-02235, SC 3A(iii) OP
Description: Failure to conduct annual observation of visible emissions from buildings, enclosed facilities or other structures.

Date: 03/04/2008 (615105) CN600131395
Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT H 60.84(b)
5C THSC Chapter 382 382.085(b)
Description: Failure to run Reich test more than three times a day.

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 THSC Chapter 382 382.085(b)
OP O-01583, Special Condition 8 OP
PA 751, Special Condition 11 PA
Description: Failure to operate gas analyzer inlet to Day's scrubber.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THSC Chapter 382 382.085(b)
OP O-01583, Special Condition 8 OP
PA 1257A, Special Condition 3 PA
Description: Failure to maintain flare pilot flame continuously.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(f)
5C THSC Chapter 382 382.085(b)
OP O-01583, Special Condition 8 OP
PA 751, Special Condition 11D PA
Description: Failure to maintain daily CEMS calibration report.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(a)
5C THSC Chapter 382 382.085(b)
OP O-1583, Special Condition 8 OP
PA 1257A, Special Condition 4I PA

Description: Failure to repair components during unit shutdown.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(1)
5C THSC Chapter 382 382.085(b)
OP O-01583, Special Condition 8 OP
PA 1257A, Special Condition 3 PA

Description: Failure to rest internal floating roof (IFR) on liquid surface.

Date: 03/04/2008 (612397)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
8838/Special Condition 1 PERMIT

Description: Rohm and Haas operators partially closed the air intake valves on the SVG to increase the vacuum at the sample hoods. This allowed water from the SVG seal loops to enter the SVG Fan and shut it down. This resulted in the loss of SVG flow to the Thermal Oxidizer (TO). The compounds from the process were released to the atmosphere.

Date: 06/24/2008 (610604)

CN600131395

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 THSC Chapter 382 382.085(b)
OP O-02236, Special Condition 13 OP
PA 8838 and N61, SC 1 PA

Description: Exceedence of CO hourly maximum emission rates, Unit ID# HT-3.

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 THSC Chapter 382 382.085(b)
OP O-02236, Special Condition 13 OP
PA Permit 8838 and N61, SC 1 PA

Description: Failure to limit NOx hourly maximum emission rates, Unit ID# HT-9, HT-11, HT-30, HT-49.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
OP O-02236, Special Condition 13 OP
P 8838 and N61, SC 25A and 25B PA

Description: Failure to maintain oxygen concentration level to HT-3 thermal oxidizer.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
OP O-02236, Special Condition 13 OP
PA 8838 and N61, SC 16 PA

Description: Failure to maintain the minimum heat input to HT-4 flare.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.213(d)(1)(A)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(f)
5C THSC Chapter 382 382.085(b)
PA Permit 8838 and N61, SC 26 PA

Description: Failure to operate carbon monoxide (CO), and oxygen (O2) CEMS continuously, (EPN# HT-3, HT-46)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.213(c)(1)
5C THSC Chapter 382 382.085(b)
Description: Failure to operate Nitrogen Oxide (NOx) continuous emission monitoring system (CEMS), for (EPN# HT-3, and HT-46.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.789(1)(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 63.174(a)
5C THSC Chapter 382 382.085(b)
OP O-02236, Special Condition 13 OP
PA Permit 8838 and N61, SC 5E PA
Description: Failure to monitor connectors in the HT, and HT-2 units.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter H 115.781(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 63.168(b)
5C THSC Chapter 382 382.085(b)
OP O-02236, Special Condition 13 OP
PA Permit 8838 and N61, SC 5F PA
Description: Failure to monitor valves in HRVOC service in the HT and HT-2 units.

Self Report? NO Classification: Minor
Citation: 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)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
OP O-02236 Special Condition 13 OP
PA Permit 8838 and N61, SC 5E PA
Description: Failure to seal or equip open-ended lines with a cap, blind flange, plug, or a second valve. Category C 10.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.145(1)(A)
30 TAC Chapter 122, SubChapter B 122.145(1)(C)
5C THSC Chapter 382 382.085(b)
Description: Failure to submit a deviation report covering January 21, 2007 through July 20, 2007 within 30 days of the end of the reporting period.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(iii)
5C THSC Chapter 382 382.085(b)
Description: Failure to fill out appropriate startup, shutdown, and malfunction plan (SSMP) form.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
Description: Failure to submit the PCC within 30 days of the end of the reporting period, Unit #HT.

Date: 07/30/2008 (686765) CN600131395

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
O-02233 General Terms and Conditions OP
Description: Failure to submit the first semi-annual deviation report within the 30 day time frame.

Date: 07/31/2008 (710765) CN600131395

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
Date: 11/30/2008 (727508) CN600131395
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 12/17/2008 (709548) CN600131395
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
8838 PERMIT
Description: Failure to operate the flare without a flame.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions PERMIT
Description: Failure to prevent unauthorized emissions.

Date: 02/04/2009 (703319) CN600131395
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-02235 New Source Review Requirements OP
Permit 17392 Special Condition 8E PA
Description: Failure to maintain a cap, blind flange, or plug on open ended lines or valves containing volatile organic compounds.

Date: 02/10/2009 (703308) CN600131395
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 15 OP
Special Condition 5 PA
Description: Failure to maintain flare pilot flame, Unit ID# Flare-ACET-7.

F. Environmental audits.

Notice of Intent Date: 06/14/2004 ((350744)
No DOV Associated

Notice of Intent Date: 09/15/2005 (434800)
No DOV Associated

Notice of Intent Date: 10/02/2007 (599285)

Disclosure Date: 12/12/2007
Viol. Classification: Minor
Citation: 40 CFR Chapter 263, SubChapter I, PT 263, SubPT C 264.15
Rqmt Prov: PERMIT 50102, Section V.I.7.e

Description: Failure to maintain records by properly recording three daily CO CEMS on the DIF unit System Audit
Checklists for 03/15/07, 05/16/07, and 06/30/07.

Viol. Classification: Minor
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15

Description: Failure to properly maintain Haz. Waste storage pad inspection sheets for corrective action taken, date

and time of correction, or the person correcting the exception for 04/25/06, 04/18/06, 07/03/07, 07/10/07, 07/24/07, 07/31/07.

Viol. Classification: Minor

Citation: 4C THSC Chapter 262, SubChapter A 262.001

Description: Failure to properly maintain waste manifest required information.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.112

Description: Failure to properly maintain chain of custody forms for waste water effluent for 01/16/06, 08/14/07, 08/28/07, and 10/03/07.

Notice of Intent Date: 03/13/2008 (640851)

No DOV Associated

Notice of Intent Date: 02/09/2009 (740157)

No DOV Associated

Notice of Intent Date: 04/23/2009 (746495)

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

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: ROHM & HAAS TEXAS INCORPORATED

Reg Entity Add: 1900 TIDAL RD.

Reg Entity No:

Reg Entity City: DEER PARK

RN100223205

Customer Name: ROHM AND HAAS TEXAS INCORPORATED

Customer No: CN600131395

EPA Case No: 06-1999-0944

Order Issue Date (yyyymmdd): 20060810

Case Result: Final Order With Penalty

Statute: CAA

Sect of Statute:

Classification: MODERATE

Program: NESHAPs

Citation: 40 CFR

Violation Type: Failure to conduct weekly inspections

Cite Sect: **Cite Part:**

Enforcement Action: Consent Decree/Court Order

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ROHM AND HAAS TEXAS
INCORPORATED
RN100223205

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-0891-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a chemical manufacturing plant at 1900 Tidal Road in Deer Park, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382:003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about June 7, 2009.
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 Ten Thousand Dollars (\$10,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand Dollars (\$4,000) of the administrative penalty and Two Thousand Dollars

(\$2,000) 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. Four Thousand Dollars (\$4,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on March 26, 2009, the Respondent completed operator training which included the implementation of a leak test procedure to prevent the recurrence of emissions resulting from the same or similar causes as emissions event Incident No. 119813.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 723, Special Condition No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 2, 2009. Specifically, 83.20 pounds ("lbs") of acetone and 44.60 lbs of hydrogen cyanide were released from the Recovered Acetone Line, when the Respondent failed to close a bleed valve prior to the re-introduction of chemicals after a maintenance repair, resulting in an emissions event which began on February 5, 2009, and lasted for five minutes (Incident No. 119813). Since the emissions event was avoidable by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Rohm and Haas Texas Incorporated, Docket No. 2009-0891-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Four Thousand Dollars (\$4,000) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The 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.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. 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.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

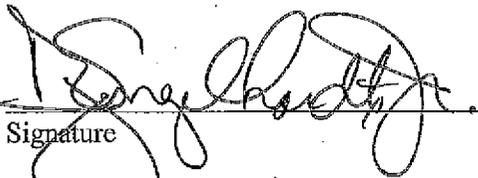
10/20/2009
Date

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

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

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

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


Signature

8/24/09
Date

Harry Engelhardt, Jr.
Name (Printed or typed)
Authorized Representative of
Rohm and Haas Texas Incorporated

Site leader of President of
Title
Texas R&H.

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

Attachment A
Docket Number: 2009-0891-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Rohm and Haas Texas Incorporated
Payable Penalty Amount:	Eight Thousand Dollars (\$8,000)
SEP Amount:	Four Thousand Dollars (\$4,000)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston Regional Monitoring Corporation - Houston Area Monitoring
Location of SEP:	Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

Performing Party shall use SEP Funds to operate, maintain, and potentially expand portions of the existing Houston Regional Monitoring Corporation Ambient Air Quality Monitoring Network in the Houston area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives. SEP funds may be used to operate a single monitoring site or multiple sites contingent upon the amount of SEP funds provided.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

Data from this monitoring may be used to evaluate the effectiveness of current emission control strategies, track ambient concentration trends for key pollutants of interest, evaluate episodic emission events, conduct source attribution studies, and assess potential community exposure to toxic air contaminants. Performing party notifies the TCEQ on a quarterly basis of all exceedences of the National Ambient Air Quality Standards ("NAAQS") that it measures at its monitoring stations. The TCEQ uses this information, along with information collected at its own monitors and monitors operated by the City of Houston, to evaluate Houston's progress toward achieving or remaining in attainment of the NAAQS.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Christopher B. Amandes, Esquire
Vinson & Elkins LLP
First City Tower
1001 Fannin Street, Suite 2500
Houston, TX 77002-6760

3. Records and Reporting

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

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

