

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2008-1182-AIR-E **TCEQ ID:** RN100223205 **CASE NO.:** 36233
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: Petrochemical plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2008-0156-AIR-E.</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 January 12, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Roshondra Lowe, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3553; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Douglas Drnevich, Area Manager, Rohm and Haas Texas Incorporated, 1900 Tidal Road, Deer Park, Texas 77536 Mr. Larry E. Schmid, Plant Manager, 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: February 4 and 5, 2008</p> <p>Date of NOV/NOE Relating to this Case: June 24, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failure to operate within nitrogen oxide ("NOx") emission hourly limits. Specifically, NOx emission limits from thermal oxidizer, HT-3 were exceeded by a total of 25.13 pounds on September 21 and November 16, 2006 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit Nos. 8838 and N61, Special Condition No. 1, and Federal Operating Permit No. O-02236, Special Condition No. 13].</p>	<p>Total Assessed: \$9,575</p> <p>Total Deferred: \$1,915 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$7,660</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>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, submit an administratively complete permit amendment application for the emissions from EPN HT-3;</p> <p>b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests, or by any other deadline specified in writing; and</p> <p>c. Within 240 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with the existing or amended permit limits for EPN HT-3. The certification shall include detailed supporting documentation including receipts, monitoring records, training records, and/or other records to demonstrate compliance.</p>

Additional ID No(s): HG0632T



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

DATES	Assigned	1-Jul-2008	Screening	17-Jul-2008	EPA Due	
	PCW	23-Jul-2008				

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.	36233	No. of Violations	1
Docket No.	2008-1182-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Roshondra Lowe
		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
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	283.0% Enhancement	Subtotals 2, 3, & 7	\$7,075
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Notes: Penalty enhanced due to 22 NOVs for same or similar violations, 11 NOVs for unrelated issues, 14 unrelated effluent discharge violations, five 1660-sytle Agreed Orders with denial of liability, and one Court Order. Penalty reduction due to five Notices of Audits and one disclosure submitted.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$100
 Approx. Cost of Compliance \$4,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$9,575
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes		Final Penalty Amount	\$9,575
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$9,575
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,915
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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	\$7,660
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Screening Date 17-Jul-2008

Docket No. 2008-1182-AIR-E

PCW

Respondent Rohm and Haas Texas Incorporated

Policy Revision 2 (September 2002)

Case ID No. 36233

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100223205

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

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>)	22	110%
	Other written NOVs	25	50%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	5	100%
	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>)	1	30%
	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>)	5	-5%
	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>)	1	-2%
<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) 283%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Penalty enhanced due to 22 NOVs for same or similar violations, 11 NOVs for unrelated issues, 14 unrelated effluent discharge violations, five 1660-sytle Agreed Orders with denial of liability, and one Court Order. Penalty reduction due to five Notices of Audits and one disclosure submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 283%

Screening Date 17-Jul-2008 Docket No. 2008-1182-AIR-E PCW

Respondent Rohm and Haas Texas Incorporated Policy Revision 2 (September 2002)
 Case ID No. 36233 PCW Revision June 12, 2008
 Reg. Ent. Reference No. RN100223205

Media [Statute] Air
 Enf. Coordinator Roshondra Lowe

Violation Number
 Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Air Permit Nos. 8838 and N61, Special Condition No. 1, and Federal Operating Permit No. O-02236, Special Condition No. 13

Violation Description Failed to operate within nitrogen oxide ("NOx") emission hourly limits. Specifically, NOx emission limits from thermal oxidizer HT-3 were exceeded by a total of 25.13 pounds on September 21 and November 16, 2006.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent <input type="text" value="25%"/>
	Major	Moderate	Minor	
	Actual <input type="text"/>	<input type="text"/>	X	
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 Human health or the environment in the Houston-Galveston-Brazoria nonattainment area 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 this 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	X
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended.

Good Faith Efforts to Comply 0.0% Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

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 Rohm and Haas Texas Incorporated
Case ID No. 36233
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				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$4,000	21-Sep-2008	23-Mar-2009	0.50	\$100	n/a	\$100

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that the permitted NOx emission limits are not exceeded. Date required based on first date of unauthorized emissions. Final date based on projected date corrective actions are expected to be 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

\$4,000

TOTAL

\$100

Compliance History

Customer/Respondent/Owner-Operator:	CN600131395	Rohm and Haas Texas Incorporated	Classification: AVERAGE	Rating: 10.16
Regulated Entity:	RN100223205	ROHM AND HAAS TEXAS DEER PARK PLANT	Classification: AVERAGE	Site Rating: 4.65

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	32069
	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	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	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	79126
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	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
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

Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: July 09, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 09, 2003 to July 09, 2008

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

Name: Roshondra Lowe Phone: (713) 767-3553

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: 10/10/2003

ADMINORDER 2002-0871-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart NNN 60.665(l)

Rqmt Prov: SC 2C PERMIT

Description: Failure to submit the semi annual reports for the distillation column in the BMA unit for 1996-2000 and the first semi annual report for 2001.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart VV 60.487(a)

Rqmt Prov: SC 2B SP VV PERMIT

Description: Failure to submit the semi annual reports for fugitive monitoring of the BMA unit for 1996-2000 and the first semi annual report for 2001.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
40 CFR Part 63, Subpart H 63.181(c)

Description: Failure to maintain records of weekly visual inspections of the agitators.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.105(b)

Description: Failure to properly prepare a description of maintenance procedures for the management of wastewater generated from the emptying and purging of the MMA column.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.241
Description: Failure to install a Stage II vapor recovery system.

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 (buytl 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.

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	07/13/2003	(35393)
2	07/13/2003	(37899)
3	07/21/2003	(295674)

4	07/21/2003	(295665)
5	08/07/2003	(9883)
6	08/12/2003	(9872)
7	08/23/2003	(112801)
8	08/25/2003	(9892)
9	08/25/2003	(295667)
10	08/27/2003	(152220)
11	09/22/2003	(295669)
12	10/01/2003	(248901)
13	10/21/2003	(295671)
14	10/21/2003	(295673)
15	11/17/2003	(295672)
16	11/18/2003	(253653)
17	01/30/2004	(259388)
18	01/30/2004	(259393)
19	01/30/2004	(258824)
20	03/09/2004	(260143)
21	03/19/2004	(295656)
22	03/31/2004	(295654)
23	04/22/2004	(295657)
24	05/25/2004	(295660)
25	05/27/2004	(250191)
26	06/16/2004	(295662)
27	06/18/2004	(274191)
28	06/25/2004	(250192)
29	07/15/2004	(272466)
30	07/15/2004	(272468)
31	07/15/2004	(272394)
32	07/21/2004	(352218)
33	07/23/2004	(249701)
34	07/23/2004	(250189)
35	07/30/2004	(271912)
36	07/30/2004	(271899)
37	08/11/2004	(288434)
38	08/13/2004	(249700)
39	08/23/2004	(352219)
40	08/31/2004	(292541)
41	08/31/2004	(291114)
42	09/20/2004	(352220)
43	09/30/2004	(287515)
44	09/30/2004	(288333)
45	10/05/2004	(334482)
46	10/22/2004	(291603)
47	10/26/2004	(352221)
48	10/26/2004	(352223)
49	10/26/2004	(292548)
50	11/11/2004	(287014)
51	11/11/2004	(289842)
52	11/14/2004	(274431)
53	11/14/2004	(274450)
54	11/14/2004	(274440)
55	11/19/2004	(341406)
56	11/29/2004	(352222)
57	12/09/2004	(341434)
58	12/16/2004	(283988)
59	12/16/2004	(283962)
60	12/16/2004	(287555)
61	12/17/2004	(334284)
62	12/17/2004	(334282)
63	12/17/2004	(334283)
64	12/27/2004	(284899)
65	12/27/2004	(284888)
66	12/28/2004	(288285)
67	12/30/2004	(338299)
68	01/03/2005	(288453)
69	01/04/2005	(285144)
70	01/05/2005	(338809)
71	01/12/2005	(346448)
72	01/21/2005	(381891)
73	02/23/2005	(381889)

74	03/08/2005	(350487)
75	03/21/2005	(381890)
76	03/31/2005	(374351)
77	04/06/2005	(374353)
78	04/06/2005	(374352)
79	04/22/2005	(378240)
80	04/22/2005	(575399)
81	05/19/2005	(392626)
82	05/23/2005	(575401)
83	06/13/2005	(575403)
84	07/25/2005	(575406)
85	07/25/2005	(399258)
86	07/25/2005	(400493)
87	07/27/2005	(400167)
88	07/28/2005	(400627)
89	08/05/2005	(397806)
90	08/15/2005	(397447)
91	08/18/2005	(404307)
92	08/19/2005	(575409)
93	08/23/2005	(401938)
94	08/23/2005	(404914)
95	08/25/2005	(405924)
96	08/29/2005	(418394)
97	08/30/2005	(418292)
98	09/23/2005	(575411)
99	10/24/2005	(575413)
100	10/24/2005	(575417)
101	11/04/2005	(435818)
102	12/29/2005	(434384)
103	01/09/2006	(440229)
104	01/24/2006	(575419)
105	02/02/2006	(575415)
106	02/21/2006	(455168)
107	02/23/2006	(455895)
108	02/25/2006	(456937)
109	02/26/2006	(575395)
110	02/27/2006	(456637)
111	02/28/2006	(457142)
112	02/28/2006	(451371)
113	02/28/2006	(457254)
114	03/21/2006	(575397)
115	03/23/2006	(454725)
116	03/24/2006	(457097)
117	03/28/2006	(457110)
118	03/28/2006	(452624)
119	04/24/2006	(575400)
120	04/28/2006	(457469)
121	05/01/2006	(460108)
122	05/04/2006	(457447)
123	05/09/2006	(461424)
124	05/09/2006	(460949)
125	05/11/2006	(460513)
126	05/11/2006	(463554)
127	05/11/2006	(460471)
128	05/11/2006	(460733)
129	05/11/2006	(458324)
130	05/11/2006	(460912)
131	05/11/2006	(460844)
132	05/11/2006	(460393)
133	05/22/2006	(575402)
134	05/25/2006	(374855)
135	05/25/2006	(374902)
136	05/26/2006	(459923)
137	05/31/2006	(457270)
138	06/22/2006	(575404)
139	07/24/2006	(575407)
140	07/25/2006	(457457)
141	07/25/2006	(457453)
142	07/25/2006	(406106)
143	07/26/2006	(486614)

144	07/27/2006	(462714)
145	08/11/2006	(462093)
146	08/14/2006	(464411)
147	08/22/2006	(575410)
148	08/24/2006	(488546)
149	08/30/2006	(489426)
150	08/31/2006	(449984)
151	09/25/2006	(575412)
152	09/29/2006	(513039)
153	10/03/2006	(513582)
154	10/03/2006	(513239)
155	10/13/2006	(515313)
156	10/23/2006	(575414)
157	10/23/2006	(575418)
158	10/23/2006	(512670)
159	11/22/2006	(575416)
160	11/29/2006	(532188)
161	12/01/2006	(517786)
162	01/05/2007	(514335)
163	01/22/2007	(575420)
164	01/31/2007	(536331)
165	02/08/2007	(512671)
166	02/26/2007	(575396)
167	02/28/2007	(540141)
168	03/21/2007	(575398)
169	04/09/2007	(543775)
170	05/21/2007	(518229)
171	06/22/2007	(575405)
172	06/29/2007	(559790)
173	07/03/2007	(558379)
174	07/09/2007	(563232)
175	07/23/2007	(575408)
176	07/24/2007	(564927)
177	07/24/2007	(564923)
178	07/26/2007	(566593)
179	07/30/2007	(564812)
180	08/06/2007	(568518)
181	08/06/2007	(568496)
182	08/07/2007	(568014)
183	08/13/2007	(571023)
184	08/20/2007	(607561)
185	08/28/2007	(571222)
186	08/28/2007	(571662)
187	08/29/2007	(573463)
188	08/29/2007	(573797)
189	09/07/2007	(573866)
190	10/11/2007	(567756)
191	10/19/2007	(594212)
192	10/19/2007	(594214)
193	10/23/2007	(593473)
194	11/19/2007	(599953)
195	11/19/2007	(595510)
196	11/19/2007	(599927)
197	11/27/2007	(571470)
198	11/27/2007	(571463)
199	11/27/2007	(571447)
200	11/27/2007	(571485)
201	11/28/2007	(596222)
202	12/04/2007	(571415)
203	12/04/2007	(571481)
204	12/07/2007	(595796)
205	12/12/2007	(571376)
206	12/12/2007	(571401)
207	12/12/2007	(571396)
208	01/09/2008	(612267)
209	01/14/2008	(613690)
210	01/16/2008	(595596)
211	01/17/2008	(600340)
212	01/17/2008	(600021)
213	01/17/2008	(600038)

214 01/17/2008 (600303)
 215 01/17/2008 (599986)
 216 03/02/2008 (617039)
 217 03/04/2008 (595594)
 218 03/04/2008 (612397)
 219 03/06/2008 (613866)
 220 03/07/2008 (614051)
 221 04/07/2008 (611781)
 222 04/17/2008 (636345)
 223 05/17/2008 (657125)
 224 05/29/2008 (671340)
 225 06/17/2008 (683432)
 226 06/24/2008 (670743)
 227 07/01/2008 (682296)

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

Date: 08/07/2003 (9883)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(d)(5)
 Description: Failure to include reason for delay of repair for the leaking fugitive monitoring component.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)
 Description: Failure to conduct fugitive monitoring of 65 pumps during March 22, 2002.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)
 Description: Failure to conduct fugitive monitoring of 5 agitators during March 2002.

Date: 08/31/2003 (295669)
 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: 09/30/2003 (295671)
 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: 11/30/2003 (295673)
 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: 12/31/2003 (295674)
 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: 01/31/2004 (295654)
 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: 04/30/2004 (295660)
 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 (295662)
 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: 07/23/2004 (249701)
 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

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 Rqmt Prov: PA 48921 SC No. 6E
 Description: Failure to install a cap, blind flange, or plug on open ended lines or valves.
 Date: 07/23/2004 (250189)

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)
 Rqmt Prov: PA TCEQ Air Permit No. 48922 SC No. 8
 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)
 Rqmt Prov: PA 723 & PSD-TX-828 SC No. 9B
 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)

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)

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)

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)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: PERMIT No. 8838, GC #8
 Description: Failure to identify the function of process controllers.
 Date: 11/30/2004 (352223)

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)

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)
 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)
 Rqmt Prov: PERMIT 723 Special Condition 1
 Description: Failure to prevent unauthorized emissions.
 Date: 12/31/2004 (381891)

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)

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)
 Rqmt Prov: PA Permit No. 8838, GC #8
 Description: The emissions event initial notification was not submitted in a timely manner.
 Date: 03/31/2005 (575399)

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)

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)
 Rqmt Prov: PA Permit No. 8838, GC No. 8
 Description: The emissions event initial notification was not submitted in a timely manner.
 Date: 04/06/2005 (374352)

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)
 Rqmt Prov: PA Permit No. 8838
 Description: The emissions event initial notification was not submitted in a timely manner.
 Date: 04/30/2005 (575401)

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)
 Rqmt Prov: PERMIT V.A.1.
 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)
 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)
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)
Rqmt Prov: PERMIT No. 723/PSD-TX-828-M1
Description: Failure to close the block valve to the first stage vacuum jet condenser discharge.

Date: 08/29/2005 (418394)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
Description: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)
Failure to test within 150 days of start-up.

Date: 08/30/2005 (418292)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PA NSR Permit No. 43803 Special Condition 1
Description: Failure to comply with Special Condition No. 1 of NSR permit no. 83803.

Date: 11/04/2005 (435818)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: PA 17392 SC No. 4
OP O-02235 SC no. 8
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)
Rqmt Prov: OP O-02235 SC 8
PA TCEQ Permit No. 17392 SC 8
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)
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)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: PA SC no. 8 of NSR permit no. 29010
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)
Rqmt Prov: PA SC no. 1 of NSR permit no. 29010
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)
Rqmt Prov: PA NSR permit no. 29010
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)
Rqmt Prov: PA NSR permit no. 29010

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)

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT No. 8838

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

Date: 08/14/2006 (464411)

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)

Rqmt Prov: OP Operating Permit No. O-02232

PA TCEQ Air Permit No. 48921 SC 6E

Description: Failure to plug an open-ended line.

Date: 08/16/2006 (462093)

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)

Rqmt Prov: PERMIT No. 8838, Special Condition 1

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)

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)

Rqmt Prov: OP O-01583

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)

Rqmt Prov: PA SC no. 1 of Air Permit No. 751

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)

Rqmt Prov: OP O-01583

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)

Rqmt Prov: OP O-01583
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)

Rqmt Prov: PA SC No. 8 of TCEQ Air Permit No. 1257A
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)

Rqmt Prov: 5C THC Chapter 382, SubChapter D 382.085(b)
OP O-01583
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)

Rqmt Prov: OP O-01583
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)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP O-02236, SC No. 3(A)(iii)(1)
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)

Rqmt Prov: OP FOP O-02236, SC 13
PA NSR Permit No. 8838, SC 1
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)

Rqmt Prov: OP FOP O-02236, SC 13
PA NSR Permit No. 8838, SC 1
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)

Rqmt Prov: OP FOP O-02236, SC 13
PA NSR Permit No. 8838, SC 24 A & B
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)

Rqmt Prov: OP FOP O-02236, SC 13
PA NSR Permit No. 8838, SC 24A
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)
Rqmt Prov: PA NSR Permit No. 8838, SC 1
OP O-02236 SC 13

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)
Rqmt Prov: PA NSR Permi No. 8838, SC 4H
OP O02236 SC No. 13

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)
Rqmt Prov: OP FOP O-02236, SC 13
PA NSR Permit No. 8838 SC 4E

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)
Rqmt Prov: PERMIT TCEQ Permit # 1257 A

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)
Rqmt Prov: PERMIT 8838/Special Condition 1

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)

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)
Rqmt Prov: PERMIT Permit No. 8838/Special Condition No. 1

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

Description: Failed to prevent unauthorized emissions

Date: 08/29/2007 (573797)

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)
Rqmt Prov: OP General Terms and Conditions

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)
Rqmt Prov: OP General Terms and Conditions
Description: Failure to submit the permit compliance certification within 30 days of the end of the reporting period.

Date: 01/16/2008 (595596)

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

Date: 03/04/2008 (615105)

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT H 60.84(b)

Description: 5C THSC Chapter 382 382.085(b)
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)

Rqmt Prov: OP OP O-01583, Special Condition 8
PA PA 751, Special Condition 11

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)

Rqmt Prov: OP OP O-01583, Special Condition 8
PA PA 1257A, Special Condition 3

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)

Rqmt Prov: OP OP O-01583, Special Condition 8
PA PA 751, Special Condition 11D

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)

Rqmt Prov: OP OP O 0-1583, Special Condition 8
PA PA 1257A, Special Condition 4I

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)

Rqmt Prov: OP OP O-01583, Special Condition 8
PA PA 1257A, Special Condition 3

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)

Rqmt Prov: PERMIT 8838/Special Condition 1

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)

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)

Rqmt Prov: OP OP O-02236, Special Condition 13
PA PA 8838 and N61, SC 1

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)

Rqmt Prov: OP OP O-02236, Special Condition 13
PA PA Permit 8838 and N61, SC 1

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)

Rqmt Prov: OP OP O-02236, Special Condition 13
PA P 8838 and N61, SC 25A and 25B

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)

Rqmt Prov: OP OP O-02236, Special Condition 13
PA PA 8838 and N61, SC 16

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)

Rqmt Prov: PA PA Permit 8838 and N61, SC 26

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)

Rqmt Prov: OP OP O-02236, Special Condition 13
PA PA Permit 8838 and N61, SC 5E

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)

Rqmt Prov: OP OP O-02236, Special Condition 13
PA PA Permit 8838 and N61, SC 5F

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)		
Rqmt Prov:	OP OP O-02236 Special Condition 13 PA PA Permit 8838 and N61, SC 5E		
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.		

F. Environmental audits.

Notice of Intent Date:	01/15/2004	(263315)
No DOV Associated		
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		

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
ROHM AND HAAS TEXAS
INCORPORATED
RN100223205**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-1182-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 petrochemical 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 29, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nine Thousand Five Hundred Seventy-Five Dollars (\$9,575) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand Six Hundred Sixty Dollars (\$7,660) of

the administrative penalty and One Thousand Nine Hundred Fifteen Dollars (\$1,915) 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 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.
10. 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.
11. 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 operate within nitrogen oxide ("NOx") emission hourly limits, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit Nos. 8838 and N61, Special Condition No. 1, and Federal Operating Permit No. O-02236, Special Condition No. 13, as documented during an investigation conducted on February 4 and 5, 2008. Specifically, NOx emission limits from thermal oxidizer, HT-3 were exceeded by a total of 25.13 pounds on September 21 and November 16, 2006.

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. 2008-1182-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. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, submit an administratively complete permit admendment application for the emissions from EPN HT-3, in accordance with 30 TEX. ADMIN. CODE § 116.110(a) to:

Air Permits Division, MC 162
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests, or by any other deadline specified in writing; and
 - c. Within 240 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with the existing or amended permit limits for EPN HT-3. The certification shall include detailed supporting documentation including receipts, monitoring records, training records, and/or other records to demonstrate compliance, and be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

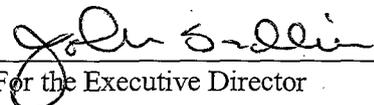
Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

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 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.
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

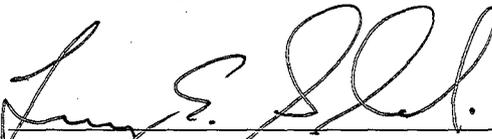
12/29/2008
Date

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

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

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

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



Signature

10/27/2008
Date

LARRY E. SCHMID.

Name (Printed or typed)
Authorized Representative of
Rohm and Haas Texas Incorporated

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.

