

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2008-0822-AIR-E **TCEQ ID:** RN102736089 **CASE NO.:** 35856  
**RESPONDENT NAME:** Lucite International, Inc.

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Lucite Beaumont Site, 6350 North Twin City Highway, Nederland, Jefferson County</p> <p><b>TYPE OF OPERATION:</b> Industrial organic chemical manufacturing plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are two additional pending enforcement actions, Docket Numbers 2007-1876-AIR-E and 2008-1293-AIR-E, regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on December 22, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768  <b>TCEQ Enforcement Coordinator:</b> Mr. James Nolan, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6634; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Kevin B. Burgason, Site Manager, Lucite International, Inc., 6350 North Twin City Highway, Nederland, Texas 77627  Mr. Tony Wisenbaker, Area Manager, Lucite International, Inc., 6350 North Twin City Highway, Nederland, Texas 77627  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation/Record Review Relating to this Case:</b> February 27, 2008 and April 3, 2008</p> <p><b>Date of NOEs Relating to this Case:</b> April 23, 2008 and May 28, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation and record review.</p> <p><b>AIR</b></p> <p>1) Failure to maintain an emission rate below the allowable emission limits. Specifically, the foam box sealing membrane in the methyl methacrylate ("MMA") tank ruptured, resulting in the release of 8,889.38 pounds of MMA over an estimated period of 98 days. Since the emission event was avoidable, the demonstrations for affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and 116.115(c), New Source Review ("NSR") Permit No. 19003 Special Condition 3, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failure to monitor the Acetone Cyanohydrin Cooling Tower on a monthly basis for volatile organic compounds ("VOCs"). Specifically, the Respondent failed to monitor the Acetone Cyanohydrin Cooling Tower from April 30, 2006 through July 24, 2007 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Federal Operating Permit No. O-1437 Special Terms and Conditions 12, NSR Permit No. 19004 Special Condition 4, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$31,600</p> <p><b>Total Deferred:</b> \$6,320  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$12,640</p> <p><b>Total Paid to General Revenue:</b> \$12,640</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a) On May 9, 2007, the flow meter between the MMA tank and the MMA dock flare was repaired and calibrated to verify flow and correct operation of the closed vent system;</p> <p>b) On August 15, 2007, the foam box sealing membrane in the MMA tank was replaced;</p> <p>c) On August 30, 2007, a monitoring program for the Acetone Cyanohydrin Cooling Tower was initiated; and</p> <p>d) The Respondent has modified policies and procedures to ensure annual fugitive emissions monitoring and annual physical integrity monitoring of the foam box sealing membrane in the MMA tank.</p> <p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

Additional ID No(s): JE0425E

Attachment A  
Docket Number: 2008-0822-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Lucite International, Inc.  
**Payable Penalty Amount:** Twenty-Five Thousand Two Hundred Eighty Dollars (\$25,280)  
**SEP Amount:** Twelve Thousand Six Hundred Forty Dollars (\$12,640)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Jefferson County: Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles  
**Location of SEP:** Jefferson 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

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Third-Party Recipient will contribute to Jefferson County for its Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles. Specifically, the contribution will be used to purchase alternative fueled equipment such as propane or electric powered lawn mowers, propane powered light duty and heavy equipment, and alternative fueled vehicles and retire diesel and gasoline powered equipment and vehicles. Jefferson County will also convert current equipment and vehicles to alternative fueled equipment in order to lower emissions.

All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing air emissions generated by gasoline and diesel powered equipment and vehicles in the Beaumont/Port Arthur ozone non-attainment area.



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:

The Honorable Judge Ron Walker  
Jefferson County Judge  
1149 Pearl Street, 4<sup>th</sup> Floor  
Beaumont, Texas 77701

**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:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
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 June 12, 2008

<b>DATES</b>	Assigned	2-Jun-2008	Screening	4-Jun-2008	EPA Due	1-Mar-2009
	PCW	1-Jul-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Lucite International, Inc.
Reg. Ent. Ref. No.	RN102736089
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	35856	No. of Violations	2
Docket No.	2008-0822-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	James Nolan
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

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

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

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

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

Notes

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

Notes

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts	\$52
Approx. Cost of Compliance	\$2,300

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

Notes

**PAYABLE PENALTY**

**Screening Date** 4-Jun-2008

**Docket No.** 2008-0822-AIR-E

**PCW**

**Respondent** Lucite International, Inc.

Policy Revision 2 (September 2002)

**Case ID No.** 35856

PCW Revision June 12, 2008

**Reg. Ent. Reference No.** RN102736089

**Media [Statute]** Air

**Enf. Coordinator** James Nolan

**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)	3	15%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 83%

>> **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 three previous agreed orders, three previous similar NOVs, and four previous non-similar NOVs.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 83%

<b>Screening Date</b> 4-Jun-2008 <b>Respondent</b> Lucite International, Inc. <b>Case ID No.</b> 35856 <b>Reg. Ent. Reference No.</b> RN102736089 <b>Media [Statute]</b> Air <b>Enf. Coordinator</b> James Nolan <b>Violation Number</b> <input type="text" value="1"/> <b>Rule Cite(s)</b> 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and 116.115(c), New Source Review Permit No. 19003 Special Condition 3, and Tex. Health & Safety Code § 382.085(b) <b>Violation Description</b> Failed to maintain an emission rate below the allowable emission limits. Specifically, the foam box sealing membrane for the methyl methacrylate ("MMA") tank ruptured, resulting in the release of 8,889.38 pounds of MMA over a period of 98 days. Since the emission event was avoidable, the demonstrations for affirmative defense in 30 Tex. Admin. Code § 101.222 were not met.	<b>Docket No.</b> 2008-0822-AIR-E <b>PCW</b> <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision June 12, 2008</i>																			
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OR <table border="1" style="margin-left: 20px;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td>Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td>Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td style="text-align: center;">x</td> <td rowspan="2" style="vertical-align: middle;"><b>Percent</b> <input type="text" value="25%"/></td> </tr> <tr> <td>Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>		Harm				Release	Major	Moderate	Minor		Actual	<input type="text"/>	<input type="text"/>	x	<b>Percent</b> <input type="text" value="25%"/>	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
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	Major	Moderate	Minor																	
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>																
<input type="text" value="\$2,500"/>																				
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<table style="margin-left: 20px;"> <tr> <td>Number of Violation Events</td> <td><input type="text" value="2"/></td> <td><input type="text" value="98"/></td> <td>Number of violation days</td> </tr> </table> <table border="1" style="margin-left: 20px;"> <tr> <td rowspan="6" style="vertical-align: middle;"><i>mark only one with an x</i></td> <td>daily</td> <td><input type="text"/></td> </tr> <tr> <td>monthly</td> <td><input type="text"/></td> </tr> <tr> <td>quarterly</td> <td style="text-align: center;">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> <div style="border: 1px solid black; padding: 5px; margin-left: 20px;">                 Two quarterly events are recommended for the period beginning May 9, 2007 and ending August 15, 2007.             </div>	Number of Violation Events	<input type="text" value="2"/>	<input type="text" value="98"/>	Number of violation days	<i>mark only one with an x</i>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	x	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$5,000"/>		
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Extraordinary	<input type="text"/>	<input type="text"/>																		
Ordinary	x	<input type="text"/>																		
N/A	<input type="text"/>	(mark with x)																		
<b>Violation Subtotal</b> <input type="text" value="\$3,750"/>																				
<b>Economic Benefit (EB) for this violation</b>																				
<b>Estimated EB Amount</b> <input type="text" value="\$32"/>	<b>Statutory Limit Test</b>																			
<b>Violation Final Penalty Total</b> <input type="text" value="\$7,900"/>																				
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$7,900"/>																				

## Economic Benefit Worksheet

**Respondent** Lucite International, Inc.  
**Case ID No.** 35856  
**Reg. Ent. Reference No.** RN102736089  
**Media** Air  
**Violation No.** 1

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$1,000	9-May-2007	15-Aug-2007	0.27	\$1	\$18	\$19
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,000	9-May-2007	15-Aug-2007	0.27	\$13	n/a	\$13
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 to repair the foam box sealing membrane for MMA tank, repair of the flow meter between the tank and the dock flare to verify proper operation, and modify policies and procedures for periodic checks of pollution abatement equipment. Date required is the date of the emission event. Final date is date compliance was achieved.

**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 \$2,000

TOTAL \$32

<b>Screening Date</b> 4-Jun-2008	<b>Docket No.</b> 2008-0822-AIR-E	<b>PCW</b>													
<b>Respondent</b> Lucite International, Inc.		<small>Policy Revision 2 (September 2002)</small>													
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<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Federal Operating Permit No. O-1437 Special Terms and Conditions 12, New Source Review Permit No. 19004 Special Condition 4, and Tex. Health & Safety Code § 382.085(b)														
<b>Violation Description</b>	Failed to monitor the Acetone Cyanohydrin Cooling Tower on a monthly basis for volatile organic compounds ("VOCs"). Specifically, the Respondent failed to monitor the Acetone Cyanohydrin Cooling Tower from April 30, 2006 through July 24, 2007.														
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>													
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	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>												
<b>Matrix Notes</b>	Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.														
	<b>Adjustment</b>	<input type="text" value="\$9,000"/>													
			<input type="text" value="\$1,000"/>												
<b>Violation Events</b>															
	<b>Number of Violation Events</b> <input type="text" value="15"/>	<input type="text" value="450"/>	<b>Number of violation days</b>												
<small>mark only one with an x</small>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></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 style="text-align: center;">x</td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	x		<b>Violation Base Penalty</b> <input type="text" value="\$15,000"/>
daily	<input type="text"/>														
monthly	<input type="text"/>														
quarterly	<input type="text"/>														
semiannual	<input type="text"/>														
annual	<input type="text"/>														
single event	x														
	Fifteen single events are recommended for the monthly periods beginning April 30, 2006 and ending July 24, 2007.														
<b>Good Faith Efforts to Comply</b>		<input type="text" value="25.0%"/> Reduction	<input type="text" value="\$3,750"/>												
		<small>Before NOV      NOV to EDPRP/Settlement Offer</small>													
Extraordinary	<input type="text"/>	<input type="text"/>													
Ordinary	x	<input type="text"/>													
N/A	<input type="text"/>	<small>(mark with x)</small>													
<b>Notes</b>	A monitoring program for the Acetone Cyanohydrin Cooling Tower was initiated August 30, 2007.														
	<b>Violation Subtotal</b>	<input type="text" value="\$11,250"/>													
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>													
<b>Estimated EB Amount</b>	<input type="text" value="\$20"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$23,700"/>												
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<input type="text" value="\$23,700"/>												

## Economic Benefit Worksheet

**Respondent** Lucite International, Inc.  
**Case ID No.** 35856  
**Reg. Ent. Reference No.** RN102736089  
**Media** Air  
**Violation No.** 2

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**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	\$150	30-Apr-2006	30-Aug-2007	1.33	\$10	n/a	\$10
Training/Sampling	\$150	30-Apr-2006	30-Aug-2007	1.33	\$10	n/a	\$10
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 to monitor VOCs. Date required is the first date monitoring was required. Final date is the date of compliance.

**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

\$300

TOTAL

\$20

# Compliance History

Customer/Respondent/Owner-Operator: CN601448764 Lucite International, Inc. Classification: AVERAGE Rating: 4.00  
 Regulated Entity: RN102736089 LUCITE BEAUMONT SITE Classification: AVERAGE Site Rating: 3.39

ID Number(s):	AIR NEW SOURCE PERMITS	PERMIT	19005
	AIR NEW SOURCE PERMITS	PERMIT	19004
	AIR NEW SOURCE PERMITS	PERMIT	19003
	AIR NEW SOURCE PERMITS	PERMIT	29568
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0425E
	AIR NEW SOURCE PERMITS	PERMIT	53554
	AIR NEW SOURCE PERMITS	AFS NUM	4824500136
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX753
	AIR NEW SOURCE PERMITS	PERMIT	1743
	AIR NEW SOURCE PERMITS	PERMIT	2796A
	AIR NEW SOURCE PERMITS	PERMIT	318
	AIR NEW SOURCE PERMITS	REGISTRATION	79737
	AIR NEW SOURCE PERMITS	REGISTRATION	80291
	AIR NEW SOURCE PERMITS	REGISTRATION	81499
	AIR NEW SOURCE PERMITS	REGISTRATION	81877
	AIR OPERATING PERMITS	PERMIT	1437
	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0425E
	AIR OPERATING PERMITS	PERMIT	1959
	AIR OPERATING PERMITS	PERMIT	1960
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD988088761
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	81282
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230066
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW100
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW101
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW389
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW390

Location: 6350 N TWIN CITY HWY, NEDERLAND, TX, 77627 Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: May 13, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 07, 2003 to May 07, 2008

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

Name: James Nolan Phone: (512) 239-6634

### 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: 12/15/2005 ADMINORDER 2005-0310-AIR-E

Classification: Minor

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

Description: Failed to properly notify the regional office of a reportable emissions event within 24 hours from the discovery of the event which occurred on September 12, 2004.

Classification: Moderate

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

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

Rqmt Prov: 19003, Special Condition 1 PERMIT

Description: Failed to maintain an emission rate below the allowable emission limit at EPN 357 during an emissions event which occurred on September 12, 2004 and lasted 9 hours and 51 minutes.

Effective Date: 06/29/2007 ADMINORDER 2006-2104-AIR-E

Classification: Minor

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

Description: Failure to report the initial report as soon as practical, but not later than 24 hours after the discovery of an emissions event (Incidents #74015, 74928 and #75556).

Classification: Moderate

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

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

Rqmt Prov: FOP O-01437, Special Condition 12 PERMIT  
NSR - 19003 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit.

Effective Date: 01/12/2008 ADMINORDER 2007-0750-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

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: 19005/PSD-TX-753, SC 1 PERMIT  
O-01437, GENERAL CONDITIONS OP

O-01437, SPECIAL CONDITION 12 OP

O-01437, SPECIAL CONDITION 2(l) OP

Description: Failure to maintain an emission rate below the allowable limit for Sulfur dioxide (SO<sub>2</sub>) at the Spent Acid Regeneration Unit Main Stack, EPN SAR-SARSTK, from October 26, 2006 through October 27, 2006.

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	02/11/2004	(258840)
2	06/14/2004	(274802)
3	07/30/2004	(284838)
4	10/20/2004	(292104)
5	11/23/2004	(338187)
6	01/31/2005	(343751)
7	05/31/2005	(393525)
8	06/17/2005	(392967)
9	11/10/2005	(435904)
10	12/21/2005	(440007)
11	01/04/2006	(450132)
12	02/21/2006	(454858)
13	02/23/2006	(454749)
14	02/27/2006	(457064)
15	02/28/2006	(457230)
16	02/28/2006	(457587)
17	02/28/2006	(457291)
18	02/28/2006	(457248)
19	04/11/2006	(461173)
20	04/21/2006	(461908)
21	04/26/2006	(460716)
22	05/11/2006	(464040)
23	11/01/2006	(511600)
24	11/27/2006	(465011)



25	12/19/2006	(519732)
26	12/20/2006	(515191)
27	02/02/2007	(644092)
28	03/04/2007	(644203)
29	04/26/2007	(554316)
30	04/27/2007	(542915)
31	07/06/2007	(553815)
32	07/16/2007	(567527)
33	07/23/2007	(566920)
34	07/31/2007	(562729)
35	08/29/2007	(562598)
36	08/30/2007	(571807)
37	09/01/2007	(569972)
38	09/26/2007	(573162)
39	10/04/2007	(571825)
40	11/08/2007	(596423)
41	11/16/2007	(600604)
42	11/28/2007	(597501)
43	11/29/2007	(566137)
44	12/17/2007	(609325)
45	12/17/2007	(609306)
46	01/30/2008	(616247)
47	02/05/2008	(612654)
48	02/13/2008	(618056)
49	02/26/2008	(615126)
50	02/26/2008	(616567)
51	04/23/2008	(638274)
52	04/29/2008	(641779)
53	04/29/2008	(641775)

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

Date:	11/23/2004	(338187)		
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)			
Rqmt Prov:	PERMIT 19005/PSD-TX-753, SC 13D PERMIT 19005/PSD-TX-753, SC 3			
Description:	Failure to maintain records of H2SO4 acid produced on a daily basis.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)			
Rqmt Prov:	PERMIT 19005/PSD-TX-753, SC 13D PERMIT 19005/PSD-TX-753, SC 4			
Description:	Failure to maintain records of nitrogen oxide emissions at the H2SO4 unit main stack on a three-hour average.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)			
Rqmt Prov:	PERMIT 19005/PSD-TX-753, SC 13D PERMIT 19005/PSD-TX-753, SC 5			
Description:	Failure to maintain records of nitrogen oxide emissions from the No. 1 and No. 2 Preheaters.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)			
Rqmt Prov:	PERMIT 19005/PSD-TX-753, SC 13B PERMIT 19005/PSD-TX-753, SC 13D			
Description:	Failure to span the nitrogen oxide CEMS at the North Preheater Stack on a daily basis.			
Date:	02/02/2007	(644092)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.109(f)(2)			
Description:	BACT - NONACUTE MCL (5% OR >1)			
Date:	03/04/2007	(644203)		

Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.122(b)(1)(A)		
Description:	PUBLIC NOTICE		
Date:	08/29/2007	(562598)	
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 335, SubChapter A 335.13(k)		
Description:	Failure to submit an exception report as required.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 335, SubChapter Q 335.474		
Description:	Failure to prepare a five-year pollution prevention plan and update the plan as necessary.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A) 40 CFR Chapter 265, SubChapter I, PT 265, SubPT C 265.37 40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.52(d) 40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.52(e)		
Description:	Failure to update the facility's contingency plan.		
Date:	10/04/2007	(571825)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	OP O-01959, Special Condition 1A		
Description:	Failure to maintain or keep accurate records concerning Ammonia Flare observations.		
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 A 382.085(b)		
Rqmt Prov:	PERMIT 318, Special Condition 5 OP O-01959, General Terms and Conditions OP O-01959, Special Condition 8		
Description:	Failure to conduct Audio, Visual, and Olfactory (AVO) checks for NH3 leaks within Lucite's operating area once per 12 hr shift.		
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 A 382.085(b)		
Rqmt Prov:	PERMIT 2796A, Special Condition 8A OP O-01959, General Terms and Conditions OP O-01959, Special Condition 8		
Description:	Failure to prevent Boiler 7 (B7) from exceeding the Nitrogen Oxides (NOx) emissions standard of 30 parts per million (ppm) on a rolling hourly average when firing at a rate of 76.25 Million British Thermal Units (MMBTU/hr).		
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 A 382.085(b)		
Rqmt Prov:	PERMIT 2796A, Special Condition 8A OP O-01959, General Terms and Conditions OP O-01959, Special Condition 8		
Description:	Failure to prevent B7 from exceeding the Carbon Monoxide (CO) emissions standard of 100 ppm on a rolling hourly average when firing at a rate of 76.25 MMBtu/hr.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 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 Db 60.49b(w) 5C THC Chapter 382, SubChapter A 382.085(b)		
Rqmt Prov:	PERMIT 2796A, Special Condition 1 OP O-01959, General Terms and Conditions OP O-01959, Special Condition 1A OP O-01959, Special Condition 8		
Description:	Failure to submit a Semi-annual New Source Performance Standard (NSPS) report concerning B7 in a timely manner.		
Date:	11/08/2007	(596951)	
Self Report?	NO	Classification	Moderate

Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 60, Subpart A 60.7(c) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 19 OP FOP O-01960, Special Condition 8 PERMIT NSR Permit 1743, Special Condition 15B PERMIT NSR Permit 1743, Special Condition 2		
Description:	Failure to submit quarterly CEMS Summary Reports for the units ACR/TOU51 and ACR/INC60 in a timely manner.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 19 PERMIT NSR Permit 1743, Special Condition 12		
Description:	Failure to maintain the operating parameter temperature of the thermal oxidizer ACR/TOU51.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 19 PERMIT NSR Permit 1743, Special Condition 10		
Description:	Failure to maintain the water flow to scrubber ACR/ABS219.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 19 PERMIT NSR Permit 1743, Special Condition 12		
Description:	Failure to maintain the operating parameter Oxygen concentration of Incinerator ACR/INC60.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 19 PERMIT NSR Permit 1743, Special Condition 8B		
Description:	Failure to maintain the operating parameter temperature of Vapor Combustor ACR/VC51.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.130 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)		
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 19 PERMIT NSR Permit 1743, Special Condition 2		
Description:	Failure to perform weekly AVO inspections of the light liquid pumps in the Reaction Fugitives Area, Purification Fugitives Area, Recovery Fugitives Area, and the HCN Synthesis Fugitives Area.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 3,A,iv,1		
Description:	Failure to perform quarterly visible emission observations of the Startup Air Heater and the Catalyst Filter discharge.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions		

Description:	OP FOP O-01960 Special Condition 18 Failure to perform weekly visible emission inspections of the Incinerator, Thermal Oxidizer, and the Vapor Combustor.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 106, SubChapter K 106.262(a)(3) 30 TAC Chapter 122, SubChapter B 122.143(4)		
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 20		
Description:	Failure to submit the PI-7 form for the PBR authorization of the Ammonia Blow down Operation within ten days.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 1A		
Description:	Failure to perform daily observations of Flares ACR/FL57 and ACR/PRC58.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 19 PERMIT NSR Permit 318, Special Condition 5A		
Description:	Failure to perform semi-daily Audio, Visual and Olfactory (AVO) inspections of the AMM/FDKAMB operating area.		
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) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01960 General Terms and Conditions OP FOP O-01960, Special Condition 19		
Description:	Failure to comply with the representations of the application for NSR Permit 1743.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 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-01960 General Terms and Conditions OP FOP O-01960, Special Condition 19 PERMIT NSR Permit 1743, Special Condition 1		
Description:	Failure to maintain emission rates below the allowable emission limits.		
Date:	11/28/2007	(597556)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01437 General Terms and Conditions OP FOP O-01437, Special Condition 1A		
Description:	Failure to perform daily observations of Flare ACH/CBFLR.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 60, Subpart H 60.82(a) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01437 General Terms and Conditions OP FOP O-01437, Special Condition 12 OP FOP O-01437, Special Condition 1A PERMIT NSR Permit 19005, Special Condition 2 PERMIT NSR Permit 19005, Special Condition 4		
Description:	Failure to limit the SO2 emission rate from exceeding 4 pounds (lbs) of SO2 per ton of 100 % H2SO4.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 115, SubChapter D 115.354(3) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(2)		

Rqmt Prov:	5C THC Chapter 382, SubChapter D 382.085(b) OP FOP O-01437 General Terms and Conditions OP FOP O-01437, Special Condition 12 OP FOP O-01437, Special Condition 1A PERMIT NSR Permit 19003, Special Condition 1E PERMIT NSR Permit 19003, Special Condition 5 PERMIT NSR Permit 19004, Special Condition 2 PERMIT NSR Permit 19004, Special Condition 5E		
Description:	Failure to perform weekly AVO inspections of the pumps and flanges in the Acetone Cyanohydrin Unit Process Fugitives Area and the Methyl Methacrylate Production Unit Fugitives Area.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 115, SubChapter B 115.126(1)(B) 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 Kb 60.112b(a)(3)(ii) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(f) 40 CFR Part 60, Subpart A 60.18(f)(2) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01437 General Terms and Conditions OP FOP O-01437, Special Condition 12 OP FOP O-01437, Special Condition 1A PERMIT NSR Permit 19004, Special Condition 2 PERMIT NSR Permit 19004, Special Condition 3		
Description:	Failure to record the presence of a pilot flame for Flare ACH/CBFLR.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 115, SubChapter B 115.126(1)(B) 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 Kb 60.112b(a)(3)(ii) 40 CFR Part 60, Subpart A 60.18(f)(2) 40 CFR Part 60, Subpart NNN 60.665(f) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01437 General Terms and Conditions OP FOP O-01437, Special Condition 12 OP FOP O-01437, Special Condition 1A PERMIT NSR Permit 19003 Special Condition 5 & 6 PERMIT NSR Permit 19003, Special Condition 4 PERMIT NSR Permit 19003, Special Condition 7		
Description:	Failure to record the presence of a pilot flame for Flare MMA/DKFL.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 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 60.13(a) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01437 General Terms and Conditions OP FOP O-01437, Special Condition 12 OP FOP O-01437, Special Condition 1A PERMIT NSR Permit 19005, Special Condition 13B PERMIT NSR Permit 19005, Special Condition 2		
Description:	Failure to correctly perform the First and Second Quarter 2006 CGAs for the SAR/SARSTK.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 115, SubChapter D 115.354(2)(C) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a) 5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	OP FOP O-01437 General Terms and Conditions OP FOP O-01437, Special Condition 12 OP FOP O-01437, Special Condition 1A PERMIT NSR Permit 19003, Special Condition 1F PERMIT NSR Permit 19003, Special Condition 5		
Description:	Failure to monitor all accessible valves.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.20(1)		

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 60.13(e)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP O-01437 General Terms and Conditions  
 PERMIT NSR Permit 19005, Special Condition 13  
 PERMIT NSR Permit 19005, Special Condition 2

Description: Failure to continuously measure and record the in-stack concentration of Nitrogen Oxides (NOx) and SO2 from the SAR-SARSTK.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(A)(i)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP O-01437 General Terms and Conditions  
 OP FOP O-01437, Special Condition 1A

Description: Failure to record the exhaust gas temperature of the SAR Furnaces.

F. Environmental audits.

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  
LUCITE INTERNATIONAL, INC.  
RN102736089

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2008-0822-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 Lucite International, Inc. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates an industrial organic chemical manufacturing plant at 6350 North Twin City Highway in Nederland, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about April 28, 2008 and June 2, 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 Thirty-One Thousand Six Hundred Dollars (\$31,600) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twelve Thousand Six Hundred Forty Dollars





- (\$12,640) of the administrative penalty and Six Thousand Three Hundred Twenty Dollars (\$6,320) 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. Twelve Thousand Six Hundred Forty Dollars (\$12,640) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
  8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
  9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
    - a. On May 9, 2007, the flow meter between the methyl methacrylate ("MMA") tank and the MMA dock flare was repaired and calibrated to verify flow and correct operation of the closed vent system;
    - b. On August 15, 2007, the foam box sealing membrane in the MMA tank was replaced;
    - c. On August 30, 2007, a monitoring program for the Acetone Cyanohydrin Cooling Tower was initiated; and
    - d. The Respondent has modified policies and procedures to ensure annual fugitive emissions monitoring and annual physical integrity monitoring of the foam box sealing membrane in the MMA tank.
  10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
  11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
  12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

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

1. Failed to maintain an emission rate below the allowable emission limits, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and 116.115(c), New Source Review Permit No. 19003



Special Condition 3, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on February 27, 2008. Specifically, the foam box sealing membrane in the MMA tank ruptured, resulting in the release of 8,889.38 pounds of MMA over an estimated period of 98 days. Since the emission event was avoidable, the demonstrations for affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met; and

2. Failed to monitor the Acetone Cyanohydrin Cooling Tower on a monthly basis for volatile organic compounds ("VOCs"), in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Federal Operating Permit No. O-1437 Special Terms and Conditions 12, New Source Review Permit No. 19004 Special Condition 4, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted April 3, 2008. Specifically, the Respondent failed to monitor the Acetone Cyanohydrin Cooling Tower from April 30, 2006 through July 24, 2007.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Lucite International, Inc., Docket No. 2008-0822-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 Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Twelve Thousand Six Hundred Forty Dollars (\$12,640) 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 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

12/15/2008  
\_\_\_\_\_  
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

10/7/08  
\_\_\_\_\_  
Date

KEVIN B BURRASON  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Lucite International, Inc.

SITE 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.

Handwritten text, possibly a name or date, located in the upper left quadrant.

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Attachment A

Docket Number: 2008-0822-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Lucite International, Inc.</b>
<b>Payable Penalty Amount:</b>	<b>Twenty-Five Thousand Two Hundred Eighty Dollars (\$25,280)</b>
<b>SEP Amount:</b>	<b>Twelve Thousand Six Hundred Forty Dollars (\$12,640)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Jefferson County: Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles</b>
<b>Location of SEP:</b>	<b>Jefferson County</b>

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

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Third-Party Recipient will contribute to Jefferson County for its Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles. Specifically, the contribution will be used to purchase alternative fueled equipment such as propane or electric powered lawn mowers, propane powered light duty and heavy equipment, and alternative fueled vehicles and retire diesel and gasoline powered equipment and vehicles. Jefferson County will also convert current equipment and vehicles to alternative fueled equipment in order to lower emissions.

All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing air emissions generated by gasoline and diesel powered equipment and vehicles in the Beaumont/Port Arthur ozone non-attainment area.



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:

The Honorable Judge Ron Walker  
Jefferson County Judge  
1149 Pearl Street, 4<sup>th</sup> Floor  
Beaumont, Texas 77701

**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:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
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.

