EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1293-AIR-E **TCEQ ID:** RN102736089 **CASE NO.:** 36341

RESPONDENT NAME: Lucite International, Inc.

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREE D ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
X AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Lucite Beaumont Site, 6350 North Twin City Highway, Nederland, Jefferson County

TYPE OF OPERATION: Industrial organic chemical plant

SMALL BUSINESS: ___ Yes __X__ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2007-1876-AIR-E and 2008-0822-AIR-E.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on February 2, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768
TCEQ Enforcement Coordinator: Mr. Raymond Marlow, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8785; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387
Respondent: Mr. Robert Wisenbaker, Plant Manager, Lucite International, Inc., 6350 North Twin City Highway, Nederland, Texas 77627
Mr. Kevin Burgason, Beaumont Site Manager, Lucite International, Inc., 6350 North Twin City Highway, Nederland, Texas 77627
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint _X_ Routine __ Enforcement Follow-up __ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** June 4, 2008 **Date of NOV/NOE Relating to this Case:** July 31, 2008 (NOE) **Background Facts:** This was a routine investigation. **AIR** 1) Failure to maintain the required water flow to scrubbers ACR/ABS156, ACR/ABS61, ACR/ABS159, and ACR/ABS218. Specifically, the water flow to scubber ACR/ABS156 fell below the required operating parameter of 9,026 pounds per hour ("lbs/hr") from May 6, 2007 through August 17, 2007 for 29 hrs and March 15, 2008 through March 19, 2008, for 16 hrs; scrubber ACR/ABS61 fell below the required 2,440 lbs/hr from April 30, 2007 through August 17, 2007 for 14 hrs, and on October 30, 2007 for one hr; scrubber ACR/ABS159 fell below the required 1,302 lbs/hr from February 23, 2008 through March 17, 2008 for 33 hrs and on June 22, 2007 for one hr; and scubber ACR/ABS218 fell below the required 2,000 lbs/hr from November 11, 2007 through January 19, 2008 for three hrs [30 TEX. ADMIN. CODE §§ 113.120, 115.112(a)(1), 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 63.120(d)(5), Federal Operating Permit ("FOP") No. O-01960, General Terms and Conditions ("GTC"), and Special Conditions ("SC") 1A, 1D, 4 and 19, New Source Review ("NSR") Air Permit No. 1743, SC 2 and 10, and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failure to maintain emission rates below the allowable emission limits for Acrylonitrile ("ACRN"). Specifically,	**Total Assessed:** $28,750 **Total Deferred:** $5,750 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $11,500 **Total Paid to General Revenue:** $11,500 **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** _X_ Yes __ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that on August 22, 2008, the Respondent obtained an amendment to NSR Air Permit No. 1743 increasing the flow rate for Tank TFX375 to accurately reflect the actual operations. **Ordering Provisions:** 1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A) 2) The Order will also require the Respondent to: a. Within 30 days after the effective date of this Agreed Order, submit documentation that training of operations and maintenance personnel has been provided, installation of automated control valves has been completed to better control water distribution to the scrubbers, and a computer based reminder notification system has been implemented for when low water flow excursions occur; and b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.

from January 1, 2006 through December 31, 2006, and from January 1, 2007 through December 31, 2007, the Respondent exceeded the tons per year ("TPY") emission limit for ACRN for Tank ACR/TFX375 which was caused by the failure to maintain the maximum wastewater flow rate below 450 gallons per minute hence releasing 0.01 TPY of unauthorized ACRN emissions in 2006 and also in 2007. The facility emitted 0.04 TPY of ACRN exceeding the Maximum Allowable Emission Rates Table limit of 0.03 TPY [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), 116.116(a)(1), and 112.143(4), FOP No. O-01960, GTC, and SC 16 and 19, NSR Air Permit No. 1743, SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].		

Additional ID No(s).: JE0425E

Attachment A
Docket Number: 2008-1293-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Lucite International, Inc.**
Payable Penalty Amount:	**Twenty-Three Thousand Dollars ($23,000)**
SEP Amount:	**Eleven Thousand Five Hundred Dollars ($11,500)**
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, 4th 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:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision June 12, 2008*

TCEQ

DATES					
Assigned	6-Aug-2008				
PCW	22-Sep-2008	Screening	7-Aug-2008	EPA Due	4-May-2009

RESPONDENT/FACILITY INFORMATION

Respondent	Lucite International, Inc.		
Reg. Ent. Ref. No.	RN102736089		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	36341	No. of Violations	2
Docket No.	2008-1293-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Raymond Marlow
		EC's Team	Enforcement Team 5

Admin. Penalty $ Limit Minimum $0 Maximum $10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	*Subtotal 1*	$15,000
ADJUSTMENTS (+/-) TO SUBTOTAL 1		

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

Compliance History	95.0% Enhancement	*Subtotals 2, 3, & 7*	$14,250

Notes: Penalty enhancement due to three 1660 orders with denial of liability, five Notice of Violations ("NOVs") with same or similar violations and five NOVs for unrelated violations.

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	*Subtotal 5*	$500
Economic Benefit	0.0% Enhancement* *Subtotal 6*	$0

Total EB Amounts $1,068
Approx. Cost of Compliance $9,000
**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7	*Final Subtotal*	$28,750
OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0%	*Adjustment*	$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	$28,750
STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty*	$28,750
DEFERRAL 20.0% Reduction *Adjustment*	-$5,750

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	$23,000

Screening Date 7-Aug-2008 **Docket No.** 2008-1293-AIR-E **PCW**

Respondent Lucite International, Inc. *Policy Revision 2 (September 2002)*

Case ID No. 36341 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN102736089

Media [Statute] Air

Enf. Coordinator Raymond Marlow

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*)	5	25%
	Other written NOVs	5	10%
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%

		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 95%

>> 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 1660 orders with denial of liability, five Notice of Violations ("NOVs") with same or similar violations and five NOVs for unrelated violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 95%

Screening Date 7-Aug-2008 **Docket No.** 2008-1293-AIR-E **PCW**

Respondent Lucite International, Inc. *Policy Revision 2 (September 2002)*

Case ID No. 36341 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN102736089

Media [Statute] Air

Enf. Coordinator Raymond Marlow

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 113.120, 115.112(a)(1), 116.115(c), 122.143(4), 40 Code of Federal Regulations § 63.120(d)(5), Federal Operating Permit ("FOP") No. O-01960, General Terms and Conditions ("GTC"), and Special Conditions ("SC") 1A, 1D, 4 and 19, New Source Review ("NSR") Air Permit No. 1743, SC 2 and 10 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain the required water flow to scrubbers ACR/ABS156, ACR/ABS61, ACR/ABS159 and ACR/ABS218. Specifically, the water flow to scubber ACR/ABS156 fell below the required operating parameter of 9,026 pounds per hour ("lbs/hr") from May 6, 2007 through August 17, 2007 for 29 hrs and March 15, 2008 through March 19, 2008, for 16 hrs; scrubber ACR/ABS61 fell below the required 2,440 lbs/hr from April 30, 2007 through August 17, 2007 for 14 hrs, and on October 30, 2007 for one hr; scrubber ACR/ABS159 fell below the required 1,302 lbs/hr from February 23, 2008 through March 17, 2008 for 33 hrs and on June 22, 2007 for one hr; and scubber ACR/ABS218 fell below the required 2,000 lbs/hr from November 11, 2007 through January 19, 2008 for three hrs.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm: Major	Moderate	Minor
	Actual			
	Potential		x	

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment could have been exposed to significant amounts of pollutants not exceeding levels protective of human health or environmental receptors as a result of the violations.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events: 4 — 311 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $10,000

Four annual events are recommended, one for each scrubber, based on the first and last dates of violation (April 30, 2007 through March 19, 2008).

Good Faith Efforts to Comply

0.0% Reduction — $0

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

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

Violation Subtotal $10,000

Economic Benefit (EB) for this violation

Estimated EB Amount $672

Statutory Limit Test

Violation Final Penalty Total $19,500

This violation Final Assessed Penalty (adjusted for limits) $19,500

Economic Benefit Worksheet

Respondent Lucite International, Inc.
Case ID No. 36341
Reg. Ent. Reference No. RN102736089
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)	$4,000	30-Apr-2007	3-Feb-2009	1.77	$24	$471	$495
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	$2,000	30-Apr-2007	3-Feb-2009	1.77	$177	n/a	$177
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 costs to provide equipment modifications and training. The date required is the date of the first violation and the final date is the date the Respondent is expected to report the installation of automated control valves to control water distribution to the scrubbers and complete site operations and maintenance personnel training.

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 $6,000

TOTAL $672

Screening Date 7-Aug-2008 **Docket No.** 2008-1293-AIR-E **PCW**

Respondent Lucite International, Inc.

Policy Revision 2 (September 2002)

Case ID No. 36341

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN102736089

Media [Statute] Air

Enf. Coordinator Raymond Marlow

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c), 116.116(a)(1), 112.143(4), FOP No. O-01960, GTC, and SC 16 and 19, NSR Air Permit No. 1743, SC 1 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain emission rates below the allowable emission limits for Acrylonitrile ("ACRN"). Specifically, from January 1, 2006 through December 31, 2006, and from January 1, 2007 through December 31, 2007, the Respondent exceeded the tons per year ("TPY") emission limit for ACRN for Tank ACR/TFX375 which was caused by the failure to maintain the maximum wastewater flow rate below 450 gallons per minute hence releasing 0.01 TPY of unauthorized ACRN emissions in 2006 and also in 2007. The facility emitted 0.04 TPY of ACRN exceeding the Maximum Allowable Emission Rates Table limit of 0.03 TPY.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

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

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 2 | 730 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $5,000

Two annual events are recommended.

Good Faith Efforts to Comply

10.0% Reduction $500

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

Notes: The Respondent achieved compliance on August 22, 2008.

Violation Subtotal $4,500

Economic Benefit (EB) for this violation

Estimated EB Amount $396

Statutory Limit Test

Violation Final Penalty Total $9,250

This violation Final Assessed Penalty (adjusted for limits) $9,250

Economic Benefit Worksheet

Respondent Lucite International, Inc.
Case ID No. 36341
Reg. Ent. Reference No. RN102736089
Media Air
Violation No. 2

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	$1,000	1-Jan-2006	22-Aug-2008	2.64	$132	n/a	$132
Other (as needed)	$2,000	1-Jan-2006	22-Aug-2008	2.64	$264	n/a	$264

Notes for DELAYED costs: Estimated cost of obtaining a permit amendment for NSR Air Permit No. 1743 to increase the flow rate for Tank TFX375 to accurately reflect the actual operations. Date required is the first date of exceedance and the final date is the date all the corrective actions were completed.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/equipment				0.00	$0	$0	$0
Financial Assurance [2]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance $3,000

TOTAL $396

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: August 07, 2008

Agency Decision Requiring Compliance History: Enforcement

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

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

Name: Daniel Siringi Phone: (409) 899-8799

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(I) OP

Description: Failure to maintain an emission rate below the allowable limit for Sulfur dioxide (SO2) 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)
54 05/16/2008 (641188)
55 05/30/2008 (641709)
56 06/01/2008 (517487)
57 06/03/2008 (681474)
58 06/03/2008 (681490)
59 06/18/2008 (653895)
60 07/18/2008 (684992)
61 07/25/2008 (687655)
62 07/31/2008 (683183)

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

Date 11/23/2004 (338187)
Self Report? NO Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(1)(A)

Description: PUBLIC NOTICE

Date 08/29/2007 (562598)

Self Report? NO Classificatio Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.13(k)

Description: Failure to submit an exception report as required.

Self Report? NO Classificatio 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 Classificatio 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 Classificatio 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 Classificatio Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 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 Classificatio Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 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 Classificatio Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 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 Classificatio 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 Classificatio 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 Classificatio Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP O-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 Classificatio Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP O-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 Classificatio Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP O-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 Classificatio Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP O-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 Classificatio 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 Classificatio 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 Classificatio 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 18

Description: Failure to perform weekly visible emission inspections of the Incinerator, Thermal Oxidizer, and the Vapor Combustor.

Self Report? NO Classificatio 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 Classificatio 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 Classificatio Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP O-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 Classificatio Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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)
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 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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 Classificatio 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.

Date 05/16/2008 (641188)

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP FOP O-01959, General Terms and Condition
OP FOP O-01959, Special Condition 8
PERMIT NSR Permit 318, Special Condition 5A

Description: Failure to perform Audio Visual and Olfactory inspections of the Ammonia Operating Unit.

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP FOP O-01959, General Terms and Condition
OP FOP O-01959, Special Condition 8
PERMIT NSR Permit 2796A, Special Condition 8A

Description: Failure to limit NOx emissions from exceeding the emission standard of 30 ppm NOx.

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP FOP O-01959, General Terms and Condition
OP FOP O-01959, Special Condition 8
PERMIT NSR Permit 2796A, Special Condition 8

Description: Failure to limit CO emissions from exceeding the emission standard of 100 ppm CO.

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP FOP O-01959, General Terms and Condition
OP FOPO-01959 Special Condition 3(B)(iv)(1)

Description: Failure to perform second quarter observation of Boiler Number 7.

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP FOP O-01959 General Terms and Conditions
OP FOP O-01959, Special Condition 5E
OP FOP O-01959, Special Condition 8
PERMIT NSR Permit 2796A, Special Condition 10

Description: Failure to continuously record the in-stack concentration of NOx, CO, and O2 from Boiler Number 7.

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.262(a)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP FOP O-01959 General Terms and Conditions
OP FOP O-01959, Special Condition 9

Description: Failure to submit the PI-7 form for the PBR authorization of the wastewater pond pump engines, wastewater pond pump tanks, and diesel tanks within ten days after construction.

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP FOP O-01959 General Terms and Conditions

Description: Failure to report a deviation on the semi-annual deviation report for the reporting period of July 13, 2007, through January 12, 2008.

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP FOP O-01959 General Terms and Conditions

Description: Failure to accurately certify the ACC for the certification period of January 11, 2007, through January 12, 2008.

Date 05/30/2008 (641710)

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(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 Flares ACH/CBFLR and MMA/DKFL.

Self Report? NO Classificatio Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.130
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)(2)
5C THSC Chapter 382 382.085(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 1E
PERMIT NSR Permit 19003 Special Condition 5

Description: Failure to maintain a sealing device on an open-ended line.

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
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)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)
5C THSC Chapter 382 382.085(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
OP FOP O-01437 Special Condition 9
PERMIT NSR Permit 19003 Special Condition 1E
PERMIT NSR Permit 19003 Special Condition 5

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 Area Fugitives.

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP FOP O-01437 General Terms and Conditions

Description: Failure to report a deviation.

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP FOP O-01437 General Terms and Conditions

Description: Failure to accurately certify the ACC for the period of January 25, 2006, through January 24, 2008.

Date 07/31/2008 (683183)

Self Report? NO Classificatio Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP FOP O-01960 General Terms and Conditions
OP FOP O-01960, Special Condition 17

Description: Failure to perform semi-weekly Audio, Visual and Olfactory (AVO) inspections of pumps in the Hydrogen Cyanide Acrylonitrile (HCN/ACRN) area. EIC B,1 MOD 2,A

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP FOP O-01960 General Terms and Conditions
OP FOP O-01960, Special Condition 17

Description: Failure to record the weekly observation of the ACR Incinerator, the ACR Thermal Oxidizer, and the ACR Vapor Combustor. EIC B,1 MOD 2,A

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: OP FOP O-01960 General Terms and Conditions
OP FOP O-01960, Special Condition 1A

Description: Failure to record daily observations of Flares ACR/FL57 and ACR/FLR58. EIC B,1

MOD 2,A

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(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 scrubbers ACR/ABS219 and ACR/ABS59. EIC B,19,g,1 MOD 2,G

Self Report? NO Classificatio Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(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
PERMIT NSR Permit, Special Condition 12

Description: Failure to maintain the operating parameter temperature of the ACR Incinerator, the ACR Thermal Oxidizer, and the ACR Vapor Combustor. EIC B,19,g,1 MOD 2,G

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 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 Oxygen concentration for Incinerator ACR/INC60. EIC B,19,g,1 MOD 2,G

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 FOP O-01960 General Terms and Conditions
OP FOP O-01960, Special Condition 19
PERMIT NSR Permit 1743, Special Condition 8C

Description: Failure to reach "full fire" for the Vapor Combustor within five minutes of the introduction of the absorber off-gas (AOG).
EIC B,19,g,1 MOD 2,G

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. 2008-1293-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 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 notice of the violations alleged in Section II ("Allegations") on or about August 5, 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 Twenty-Eight Thousand Seven Hundred Fifty Dollars ($28,750) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eleven Thousand Five Hundred Dollars ($11,500) of the administrative penalty and Five Thousand Seven Hundred Fifty Dollars ($5,750) 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. Eleven Thousand Five Hundred Dollars ($11,500) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director recognizes that on August 22, 2008, the Respondent obtained an amendment to New Source Review ("NSR") Air Permit No. 1743 increasing the flow rate for Tank TFX375 to accurately reflect the actual operations.

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 the required water flow to scrubbers ACR/ABS156, ACR/ABS61, ACR/ABS159 and ACR/ABS218, in violation of 30 TEX. ADMIN. CODE §§ 113.120, 115.112(a)(1), 116.115(c) and 122.143(4), 40 CODE OF FEDERAL REGULATIONS § 63.120(d)(5), Federal Operating Permit ("FOP") No. O-01960, General Terms and Conditions ("GTC") and Special Conditions ("SC") 1A, 1D, 4 and 19, NSR Air Permit No. 1743, SC 2 and 10 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 4, 2008. Specifically, the water flow to scubber ACR/ABS156 fell below the required operating parameter of 9,026 pounds per hour ("lbs/hr") from May 6, 2007 through August 17, 2007 for 29 hrs and March 15, 2008 through March 19, 2008, for 16 hrs; scrubber ACR/ABS61 fell below the required 2,440 lbs/hr from April 30, 2007 through August 17, 2007 for 14 hrs, and on October 30, 2007 for one hr; scrubber ACR/ABS159 fell below the required 1,302 lbs/hr from February 23, 2008 through March 17, 2008 for 33 hrs and on June 22, 2007 for one hr; and scubber ACR/ABS218 fell below the required 2,000 lbs/hr from November 11, 2007 through January 19, 2008 for three hrs.

2. Failed to maintain emission rates below the allowable emission limits for Acrylonitrile ("ACRN"), in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), 116.116(a)(1), 112.143(4), FOP No. O-01960, GTC, and SC 16 and 19, NSR Air Permit No. 1743, SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 4, 2008. Specifically, from January 1, 2006 through December 31, 2006, and from

January 1, 2007 through December 31, 2007, the Respondent exceeded the tons per year ("TPY") emission limit for ACRN for Tank ACR/TFX375 which was caused by the failure to maintain the maximum wastewater flow rate below 450 gallons per minute hence releasing 0.01 TPY of unauthorized ACRN emissions in 2006 and also in 2007. The facility emitted 0.04 TPY of ACRN exceeding the Maximum Allowable Emission Rates Table limit of 0.03 TPY.

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. 2008-1293-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section 1, Paragraph 6 above, Eleven Thousand Five Hundred Dollars ($11,500) 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 provision of the SEP agreement

3. 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 documentation that training of operations and maintenance personnel has been provided, installation of automated control valves has been completed to better control water distribution to the scrubbers, and a computer based reminder notification system has been implemented for when low water flow excursions occur; and

   b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language;

      "I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those

individuals immediately responsible for obtaining the information, I believe that the submitted information is 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
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

5. 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.

6. 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.

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

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

9. 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

_____ 1/30/2009
For the Executive Director 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.

_____ Nov. 17, 2009
Signature Date

KEVIN BURGASON BEAUMONT SITE MGR.
Name (Printed or typed) Title
Authorized Representative of
Lucite International, Inc.

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

Attachment A
Docket Number: 2008-1293-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Lucite International, Inc.**
Payable Penalty Amount:	**Twenty-Three Thousand Dollars ($23,000)**
SEP Amount:	**Eleven Thousand Five Hundred Dollars ($11,500)**
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, 4th 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:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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