

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2008-1553-AIR-E **TCEQ ID:** RN101379287 **CASE NO.:** 36591

**RESPONDENT NAME:** American Acryl L.P.

<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> American Acryl Pasadena, 4923 Bayport Road, Pasadena, Harris County</p> <p><b>TYPE OF OPERATION:</b> Chemical manufacturing plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions 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 February 2, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b></p> <p>TCEQ Attorney/SEP Coordinator: None</p> <p>TCEQ Enforcement Coordinator: Ms. Roshondra Lowe, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3553; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171</p> <p>Respondent: Mr. Joe Goins, General Manager, American Acryl L.P., 12100 Port Road, Pasadena, Texas 77507</p> <p>Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> August 8, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> August 30, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>1) Failure to submit the Annual Compliance Certification ("ACC") form. Specifically, the ACC form for the period of August 21, 2006 through August 20, 2007 was not submitted by the due date of September 19, 2007 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(1), Federal Operating Permit No. 2655, General Terms and Conditions, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b).</p> <p>2) Failure to timely submit the deviation report for the February 22, 2007 through August 20, 2007 certification period. Specifically, the deviation report was due by September 19, 2007, but was not postmarked until September 22, 2007 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), Federal Operating Permit No. 2655, General Terms and Conditions, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$3,625</p> <p><b>Total Deferred:</b> \$725  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$2,900</p> <p><b>Site Compliance History Classification</b>  <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. On September 8, 2008, the ACC form was submitted by the Respondent; and</p> <p>b. On September 22, 2007, the deviation report was submitted by the Respondent.</p>

Additional ID No(s): HX1772C



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

**TCEQ**

DATES	Assigned	2-Sep-2008	Screening	25-Sep-2008	EPA Due	26-May-2009
	PCW	7-Oct-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	American Acryl L.P.
Reg. Ent. Ref. No.	RN101379287
Facility/Site Region	12-Houston
Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	36591	No. of Violations	2
Docket No.	2008-1553-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Roshondra Lowe
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

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

**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    
 Approx. Cost of Compliance    
 \*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 25-Sep-2008

Docket No. 2008-1553-AIR-E

PCW

Respondent American Acryl L.P.

Policy Revision 2 (September 2002)

Case ID No. 36591

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN101379287

Media [Statute] Air

Enf. Coordinator Roshondra Lowe

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	1	5%
	Other written NOV's	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	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)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	4	-8%
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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Penalty enhanced due to one NOV for a same or similar violation. Penalty reduced due to four notice of audits and four disclosures submitted.

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

**Screening Date** 25-Sep-2008 **Docket No.** 2008-1553-AIR-E **PCW**  
**Respondent** American Acryl L.P. *Policy Revision 2 (September 2002)*  
**Case ID No.** 36591 *PCW Revision June 12, 2008*

**Reg. Ent. Reference No.** RN101379287

**Media [Statute]** Air  
**Enf. Coordinator** Roshondra Lowe  
**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code §§ 122.143(4) and 122.146(1), Federal Operating Permit No. 2655, General Terms and Conditions and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to submit the Annual Compliance Certification ("ACC") form. Specifically, the ACC form for the period of August 21, 2006 through August 20, 2007 was not submitted by the due date of September 19, 2007.

**Base Penalty** \$10,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0%
Potential					

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	x			25%

**Matrix Notes** 100% of the rule requirement was not met.

**Adjustment** \$7,500

\$2,500

**Violation Events**

**Number of Violation Events** 1 **Number of violation days** 168

*mark only one with an x*

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$2,500

One single event is recommended.

**Good Faith Efforts to Comply** 10.0% Reduction \$250

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

**Notes** Corrective actions were completed on September 8, 2008.

**Violation Subtotal** \$2,250

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

**Estimated EB Amount** \$49

**Violation Final Penalty Total** \$2,000

**This violation Final Assessed Penalty (adjusted for limits)** \$2,000

## Economic Benefit Worksheet

**Respondent** American Acryl L.P.  
**Case ID No.** 36591  
**Reg. Ent. Reference No.** RN101379287  
**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				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	19-Sep-2007	8-Sep-2008	0.97	\$49	n/a	\$49

**Notes for DELAYED costs**

Estimated cost of submitting the ACC form in a timely manner. Date required is the date the ACC form should have been submitted. Final date based on the date 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**

<b>Approx. Cost of Compliance</b>	\$1,000	<b>TOTAL</b>	\$49
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<b>Screening Date</b> 25-Sep-2008	<b>Docket No.</b> 2008-1553-AIR-E	<b>PCW</b>																
<b>Respondent</b> American Acryl L.P.		<small>Policy Revision 2 (September 2002)</small>																
<b>Case ID No.</b> 36591		<small>PCW Revision June 12, 2008</small>																
<b>Reg. Ent. Reference No.</b> RN101379287																		
<b>Media [Statute]</b> Air																		
<b>Enf. Coordinator</b> Roshondra Lowe																		
<b>Violation Number</b> <input type="text" value="2"/>																		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(C), Federal Operating Permit No. 2655, General Terms and Conditions and Tex. Health & Safety Code § 382.085(b)																	
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	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>																
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																		
OR	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</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> </tr> <tr> <td>Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></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"/>	<input type="text"/>	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
	Harm																	
Release	Major	Moderate	Minor															
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>															
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>															
<b>&gt;&gt; Programmatic Matrix</b>																		
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td>Falsification</td> <td style="text-align: center;">x</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>		Major	Moderate	Minor	Falsification	x	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>								
	Major	Moderate	Minor															
Falsification	x	<input type="text"/>	<input type="text"/>															
<b>Matrix Notes</b>	<input type="text" value="100% of the rule requirement was not met."/>																	
	<b>Adjustment</b>	<input type="text" value="\$7,500"/>																
		<input type="text" value="\$2,500"/>																
<b>Violation Events</b>																		
	Number of Violation Events <input type="text" value="1"/>	<input type="text" value="2"/> Number of violation days																
<small>mark only one with an x</small>	<table border="1" style="margin-left: auto; margin-right: auto;"> <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	Violation Base Penalty <input type="text" value="\$2,500"/>				
daily	<input type="text"/>																	
monthly	<input type="text"/>																	
quarterly	<input type="text"/>																	
semiannual	<input type="text"/>																	
annual	<input type="text"/>																	
single event	x																	
	<input type="text" value="One single event is recommended."/>																	
<b>Good Faith Efforts to Comply</b>	25.0% Reduction	<input type="text" value="\$625"/>																
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td>Extraordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>Ordinary</td> <td style="text-align: center;">x</td> <td><input type="text"/></td> </tr> <tr> <td>N/A</td> <td><input type="text"/></td> <td style="text-align: center;">(mark with x)</td> </tr> </table>		Before NOV	NOV to EDPRP/Settlement Offer	Extraordinary	<input type="text"/>	<input type="text"/>	Ordinary	x	<input type="text"/>	N/A	<input type="text"/>	(mark with x)					
	Before NOV	NOV to EDPRP/Settlement Offer																
Extraordinary	<input type="text"/>	<input type="text"/>																
Ordinary	x	<input type="text"/>																
N/A	<input type="text"/>	(mark with x)																
<b>Notes</b>	<input type="text" value="Corrective actions were completed on September 22, 2007."/>																	
	<b>Violation Subtotal</b>	<input type="text" value="\$1,875"/>																
<b>Economic Benefit (EB) for this violation</b>																		
	<b>Estimated EB Amount</b>	<input type="text" value="\$0"/>																
<b>Statutory Limit Test</b>																		
	<b>Violation Final Penalty Total</b>	<input type="text" value="\$1,625"/>																
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>																	
		<input type="text" value="\$1,625"/>																

### Economic Benefit Worksheet

Respondent American Acryl L.P.  
 Case ID No. 36591  
 Reg. Ent. Reference No. RN101379287  
 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				0.00	\$0	n/a	\$0
Other (as needed)	\$500	19-Sep-2007	22-Sep-2007	0.01	\$0	n/a	\$0

Notes for DELAYED costs    Estimated cost of submitting a deviation report in a timely manner. Date required is the date deviations should have been submitted. Final date based on the date 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    \$500

TOTAL    \$0

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600731756 American Acryl L.P. Classification: HIGH Rating: 0.00  
 Regulated Entity: RN101379287 AMERICAN ACRYL PASADENA Classification: HIGH Site Rating: 0.00

ID Number(s):	AIR NEW SOURCE PERMITS	AFS NUM	4820101563
	AIR NEW SOURCE PERMITS	PERMIT	37979
	AIR NEW SOURCE PERMITS	PERMIT	37978
	AIR NEW SOURCE PERMITS	PERMIT	45643
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HX1772C
	AIR NEW SOURCE PERMITS	REGISTRATION	70730
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX964
	AIR NEW SOURCE PERMITS	PERMIT	N009
	AIR NEW SOURCE PERMITS	REGISTRATION	80282
	AIR NEW SOURCE PERMITS	REGISTRATION	83042
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000033787
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	50381
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50381
	PUBLIC WATER SYSTEM/SUPPLY STORMWATER	REGISTRATION	1013158
	AIR OPERATING PERMITS	PERMIT	TXR05T912
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HX1772C
	AIR OPERATING PERMITS	PERMIT	2655
	AIR OPERATING PERMITS	PERMIT	N025

Location: 4923 BAYPORT RD, PASADENA, TX, 77507 Rating Date: 9/1/2008 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: October 07, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 7, 2003 to October 7, 2008

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

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

### Site Compliance History Components

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

### Components (Multimedia) for the Site :

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

N/A

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 | 05/06/2004 | (250506) |
| 2 | 07/09/2004 | (280462) |
| 3 | 07/09/2004 | (280489) |
| 4 | 07/29/2004 | (284251) |
| 5 | 07/30/2004 | (273173) |
| 6 | 07/30/2004 | (281626) |
| 7 | 07/30/2004 | (282798) |
| 8 | 07/30/2004 | (282904) |

9	07/30/2004	(283093)
10	07/30/2004	(283739)
11	07/30/2004	(284671)
12	07/30/2004	(285955)
13	08/06/2004	(287325)
14	08/10/2004	(288727)
15	08/11/2004	(289250)
16	08/12/2004	(289616)
17	08/17/2004	(290048)
18	09/02/2004	(292033)
19	09/03/2004	(291137)
20	09/08/2004	(289223)
21	09/09/2004	(291535)
22	09/26/2004	(432671)
23	01/24/2005	(333979)
24	06/27/2005	(397884)
25	07/26/2005	(398795)
26	07/27/2005	(401546)
27	07/27/2005	(402037)
28	07/28/2005	(398796)
29	07/28/2005	(402404)
30	08/08/2005	(404069)
31	08/10/2005	(404021)
32	08/12/2005	(404817)
33	08/16/2005	(405294)
34	08/18/2005	(405761)
35	08/18/2005	(406041)
36	08/29/2005	(418330)
37	08/29/2005	(418401)
38	09/06/2005	(418727)
39	09/01/2006	(509482)
40	09/01/2006	(509496)
41	12/21/2006	(518144)
42	10/17/2007	(567484)
43	10/25/2007	(573618)
44	11/21/2007	(600083)
45	12/20/2007	(600081)
46	02/08/2008	(611565)
47	08/29/2008	(686723)

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

Date: 05/06/2004 (250506)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.703(a)(2)(ii)  
 Description: Failure to have required seal or closure on bypass line valves. Category B19.g.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
 Description: Failure to operate within AA unit's thermal oxidizer firing rate. Category B19.g.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.705(l)  
 Description: Failure to submit report within a timely manner. Category C3

F. Environmental audits.

Disclosure Date: 12/17/2003  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487  
 Description: Did not specify the individual components types.  
 Viol. Classification: Moderate  
 Citation: 40 CFR Chapter 112, SubChapter D, PT 112.112.3

40 CFR Chapter 112, SubChapter D, PT 112.112.7

40 CFR Chapter 112, SubChapter D, PT 112.112.7(e)(2)(vi)

Description: Facility did not conduct SPCC weekly inspections.

Viol. Classification: Major

Citation: 30 TAC Chapter 106, SubChapter A 106.4

Description: Could not locate a PBR.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10(b)(1)

Description: VOC emission from EE/SSM events were not reported.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174

Description: The facility did not have records of inspections.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)

30 TAC Chapter 290, SubChapter D 290.46(p)(2)

Description: Operator certification was not available.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)

Description: Chlorine analyzer calibration records were not available.

Viol. Classification: Minor

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

Description: failed to include wastewater sump on NOR

Viol. Classification: Moderate

Citation: TWC Chapter 26 26.121

Rqmt PERMIT TXR05N481

PERMIT TXR05O785

Description: failed to timely file certification of evaluation of non-storm water discharges

Viol. Classification: Moderate

Citation: TWC Chapter 26 26.121

Rqmt PERMIT TXR05N481

PERMIT TXR05O785

Description: failed to address pollutants managed in roll offs or dumpsters in SWP3

Notice of Intent Date: 09/14/2004 (345864)

Disclosure Date: 12/10/2004

Viol. Classification: Minor

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.16

Description: RECORDS OF HAZWASTE TRAINING MISSING

Viol. Classification: Minor

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11

Description: QUANTITY OF HAZARDOUS WASTE NOT REPORTED

Viol. Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter Q 335.474(1)

Description: SRWM PLAN DID NOT CERTIFIED

Viol. Classification: Minor

Citation: 40 CFR Chapter 112, SubChapter D, PT 112.112.3

Description: SPCC PLAN CONTAINS DISCREPACIES

Viol. Classification: Moderate

Citation: 40 CFR Chapter 403, SubChapter N, PT 403 403.12

Description: NOTICE NOT PROVIDED OF HAZARDOUS EFFLUENT

Notice of Intent Date: 05/16/2005 (400733)

Disclosure Date: 11/11/2005

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

Description: An independent review identified approximately 2,450 additional piping components with an estimated VOC potential to emit of less than 5 ton/yr for each unit, which are not authorized.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(e)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(e)(3)

Description: Additional subject components in VOC service were identified. In addition, removal or replacement of fugitive piping components was not consistently identified by the plant's management of change procedures.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(7)

30 TAC Chapter 115, SubChapter D 115.354(1)(B)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)

Description: Approximately 115 of the additional VOC service components in the AA and OSBL units were identified as Difficult to Monitor components. These components were not identified or monitored annually.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.356(3)(C)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(j)

Rqmt PERMIT Permit 37978 SP 9.A.  
PERMIT Permit 37979 SP 8.A.

Description: Approximately 720 components in natural gas or refrigerant service in the OSBL unit, which contain less than 10% VOC by weight, were not documented as exempt in the plant's LDAR database or another log.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)

Description: Approximately 300 additional flanges in light liquid service were identified in the AA and OSBL units. These components were not instrument monitored within the initial 30 day period. In addition, these components were not monitored in accordance with the routine monitoring frequencies

Viol. Classification: Moderate

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

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

Description: Approximately 320 additional accessible valves in light liquid service were identified in the OSBL unit. These components were not routinely monitored quarterly in accordance with TCEQ requirements or initially monitored monthly.

Viol. Classification: Moderate

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

Description: Five additional pressure relief valves in gas/vapor service were identified in the AA and OSBL units. These components were not monitored quarterly.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(3)

Rqmt PERMIT Permit 37978 SP 9.E.  
PERMIT Permit 37979 SP 8.E.

Description: Although it is only necessary to maintain records of physical inspections when a leak is detected, the plant could not locate records of seven weekly AVO inspection periods in the AA Purification Area and AA Oxidation Area, among the other AVO records it maintains.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(c)

Description: Based on NSPS Subpart VV periodic reports reviewed, changes to subject equipment totals for valves and pumps do not reflect the additional components identified.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.357(2)

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

Rqmt PERMIT Permit 37978 SP 9.A.  
PERMIT Permit 37979 SP 8.A.

Description: Approximately 1,950 vacuum service components were identified in the AA process unit. These components were not previously documented as exempt from LDAR requirements because they are in vacuum service.

Notice of Intent Date: 02/22/2006 (458229)

Disclosure Date: 04/25/2006

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)(5)

Description: Failure to maintain CEMS Summary Reports for thermal oxidizer and boiler.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)(5)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)

Description: Failure to submit CEMS Detailed Excess Emission and Downtime report.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.49b(g)(10)

Description: Failure to maintain copies of the quarterly accuracy assessments and dates of the assessments for the reporting period of May to December 2005 were not included in the NSPS Subpart Db semi-annual report.

Notice of Intent Date: 01/17/2008 (636270)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
AMERICAN ACRYL L.P.  
RN101379287**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2008-1553-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 American Acryl L.P. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at 4923 Bayport Road in Pasadena, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 4, 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 Three Thousand Six Hundred Twenty-Five Dollars (\$3,625) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Nine Hundred Dollars (\$2,900) of the administrative penalty and Seven Hundred Twenty-Five Dollars (\$725) is deferred contingent



upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. On September 8, 2008, the Annual Compliance Certification ("ACC") form was submitted by the Respondent; and
  - b. On September 22, 2007, the deviation report was submitted by the Respondent.
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 submit the ACC form, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(1), Federal Operating Permit No. 2655, General Terms and Conditions and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 8, 2008. Specifically, the ACC form for the period of August 21, 2006 through August 20, 2007 was not submitted by the due date of September 19, 2007.
2. Failed to timely submit the deviation report for the February 22, 2007 through August 20, 2007 certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), Federal Operating Permit No. 2655, General Terms and Conditions and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 8, 2008. Specifically, the deviation report was due by September 19, 2007, but was not postmarked until September 22, 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: American Acryl L.P., Docket No. 2008-1553-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 provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

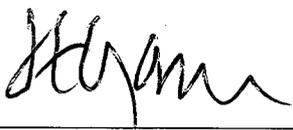
\_\_\_\_\_  
Date 1/30/2009

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

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

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

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

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date 11/19/08

\_\_\_\_\_  
Name (Printed or typed)  
Joe Goins  
Authorized Representative of  
American Acryl L.P.

\_\_\_\_\_  
General 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.

