

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2008-1859-AIR-E **TCEQ ID:** RN102608932 **CASE NO.:** 36875

**RESPONDENT NAME:** The Goodyear Tire & Rubber Company

<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> Bayport Chemical Plant, 13441 Bay Area Boulevard, Pasadena, Harris County</p> <p><b>TYPE OF OPERATION:</b> Chemical 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 April 20, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b></p> <p><b>SEP Coordinator:</b> Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768</p> <p><b>TCEQ Enforcement Coordinator:</b> Mr. Bryan Elliott, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6162; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387</p> <p><b>Respondent:</b> Mr. Donald E. Stanley, Vice President, Product Quality &amp; Plant Technology, The Goodyear Tire &amp; Rubber Company, 13441 Bay Area Boulevard, Pasadena, Texas 77507</p> <p>Ms. Bonnie Bainter, Environmental Specialist, The Goodyear Tire &amp; Rubber Company, 13441 Bay Area Boulevard, Pasadena, Texas 77507</p> <p><b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input 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 4, 2008</p> <p><b>Date of NOE Relating to this Case:</b> November 12, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>Failure to prevent unauthorized emissions. Specifically, an emissions event occurred on August 2, 2008 that lasted for 13 minutes due to an over-pressurization of the Primary Oxidizer, R-202, which caused two rupture disks to relieve to the atmosphere. The event occurred at emission point no. FU-38 and resulted in the release of 7,908.67 pounds of volatile organic compounds. Since the Respondent failed to provide sufficient information regarding the root cause, it did not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and New Source Review Permit No. 9582, Special Condition No. 1].</p>	<p><b>Total Assessed:</b> \$5,150</p> <p><b>Total Deferred:</b> \$1,030  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$2,060</p> <p><b>Total Paid to General Revenue:</b> \$2,060</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent implemented the following corrective action in order to address the emissions event that occurred on August 2, 2008, and to prevent the reoccurrence of same or similar incidents:</p> <p>a) On August 2, 2008, shut down the Bayport plant 200 unit where the release occurred until December 1, 2008;</p> <p>b) On December 3, 2008, installed instrumentation to monitor and alarm if the pressure drop across the sparge ring falls below design levels;</p> <p>c) On December 8, 2008, redesigned the sparge ring to reduce the potential for oxidate to backflow in the ring; and</p> <p>d) On December 12, 2008, installed computer controls to prevent startup of the oxidate system if loss of nitrogen flow to the sparge ring is detected.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).</p>

Additional ID No(s): HG0288M

Attachment A  
Docket Number: 2008-1859-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** The Goodyear Tire & Rubber Company  
**Payable Penalty Amount:** Four Thousand One Hundred Twenty Dollars (\$4,120)  
**SEP Amount:** Two Thousand Sixty Dollars (\$2,060)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program  
**Location of SEP:** Harris County

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

**1. Project Description**

A. Project

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality*. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

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

The Goodyear Tire & Rubber Company  
Agreed Order – Attachment A

**B. Environmental Benefit**

This SEP will provide a discernible environmental benefit by reducing particulate emissions of buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

**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:

Houston-Galveston Area Council  
Houston-Galveston AERCO  
P.O. Box 22777  
Houston, Texas 77227-2777

**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 Goodyear Tire & Rubber Company  
Agreed Order – Attachment A

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

**5. Publicity**

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

**6. Clean Texas Program**

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

**7. Other SEPs by TCEQ or Other Agencies**

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





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

## DATES

Assigned 17-Nov-2008  
 PCW 19-Nov-2008 Screening 19-Nov-2008 EPA Due 9-Aug-2009

## RESPONDENT/FACILITY INFORMATION

Respondent The Goodyear Tire & Rubber Company  
 Reg. Ent. Ref. No. RN102608932  
 Facility/Site Region 12-Houston Major/Minor Source Major

## CASE INFORMATION

Enf./Case ID No. 36875 No. of Violations 1  
 Docket No. 2008-1859-AIR-E Order Type 1660  
 Media Program(s) Air Government/Non-Profit No  
 Multi-Media Inf. Coordinator Bryan Elliott  
 EC's Team Enforcement Team 4  
 Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 \$5,000

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

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

**Compliance History** 13.0% Enhancement Subtotals 2, 3, & 7 \$650

Notes The penalty was enhanced due to one NOV for a similar violation and four NOVs for dissimilar 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 \$27  
 Approx. Cost of Compliance \$1,500  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** Final Subtotal \$5,150

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** \$5,150

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty \$5,150

**DEFERRAL** 20.0% Reduction Adjustment -\$1,030

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

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$4,120

**Screening Date** 19-Nov-2008

**Docket No.** 2008-1859-AIR-E

**PCW**

**Respondent** The Goodyear Tire & Rubber Company

Policy Revision 2 (September 2002)

**Case ID No.** 36875

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN102608932

**Media [Statute]** Air

**Enf. Coordinator** Bryan Elliott

### Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	1	5%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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 ( <i>number of judgements or consent decrees meeting criteria</i> )	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 ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 13%

>> **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**

The penalty was enhanced due to one NOV for a similar violation and four NOVs for dissimilar violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 13%

<b>Screening Date</b> 19-Nov-2008	<b>Docket No.</b> 2008-1859-AIR-E	<b>PCW</b>	
<b>Respondent</b> The Goodyear Tire & Rubber Company	<small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small>		
<b>Case ID No.</b> 36875			
<b>Reg. Ent. Reference No.</b> RN102808932			
<b>Media [Statute]</b> Air			
<b>Enf. Coordinator</b> Bryan Elliott			
<b>Violation Number</b> 1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and New Source Review ("NSR") Permit No. 9582, Special Condition No. 1		
<b>Violation Description</b>	Failed to prevent unauthorized emissions, as documented during an investigation conducted on August 4, 2008. Specifically, an emissions event occurred on August 2, 2008 that lasted for 13 minutes due to an over-pressurization of the Primary Oxidizer, R-202, which caused two rupture disks to relieve to the atmosphere. The event occurred at emission point no. FU-38 and resulted in the release of 7,908.67 pounds of volatile organic compounds. Since the Respondent failed to provide sufficient information regarding the root cause, it did not meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222.		
<b>Base Penalty</b>		\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
OR	Harm		
	Major	Moderate	Minor
	Actual	x	
	Potential		
		<b>Percent</b>	50%
<b>&gt;&gt; Programmatic Matrix</b>			
	Falsification	Major	Moderate
			Minor
		<b>Percent</b>	0%
<b>Matrix Notes</b>	Human health or the environment was exposed to significant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.		
<b>Adjustment</b>		\$5,000	
		\$5,000	
<b>Violation Events</b>			
<b>Number of Violation Events</b>		1	<b>Number of violation days</b>
		1	
<small>mark only one with an x</small>	daily		<b>Violation Base Penalty</b>
	weekly		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		
One monthly event is recommended.			\$5,000
<b>Good Faith Efforts to Comply</b>		10.0% Reduction	\$500
		Before NOV    NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A		(mark with x)	
<b>Notes</b>	The Respondent came into compliance by December 12, 2008.		
<b>Violation Subtotal</b>		\$4,500	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>		\$27	<b>Violation Final Penalty Total</b>
			\$5,150
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
		\$5,150	

### Economic Benefit Worksheet

**Respondent:** The Goodyear Tire & Rubber Company  
**Case ID No.:** 36875  
**Reg. Ent. Reference No.:** RN102608932  
**Media:** Air  
**Violation No.:** 1

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	2-Aug-2008	12-Dec-2008	0.36	\$27	n/a	\$27

**Notes for DELAYED costs**  
 Estimated cost for additional oversight and management practices designed to ensure proper maintenance practices are followed. Date Required is based on the date of the emissions event and Final Date is the date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance	\$1,500	<b>TOTAL</b>	\$27
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# Compliance History Report

Customer/Respondent/Owner-Operator: CN600616049 The Goodyear Tire & Rubber Company Classification: AVERAGE Rating: 4.91  
 Regulated Entity: RN102608932 BAYPORT CHEMICAL PLANT Classification: AVERAGE Site Rating: 1.93

ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD074185141
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30316
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50024
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50024
	AIR NEW SOURCE PERMITS	PERMIT	2181
	AIR NEW SOURCE PERMITS	PERMIT	4403
	AIR NEW SOURCE PERMITS	PERMIT	5492
	AIR NEW SOURCE PERMITS	PERMIT	7012
	AIR NEW SOURCE PERMITS	PERMIT	7013
	AIR NEW SOURCE PERMITS	PERMIT	7321
	AIR NEW SOURCE PERMITS	PERMIT	9582
	AIR NEW SOURCE PERMITS	PERMIT	10225
	AIR NEW SOURCE PERMITS	PERMIT	14378
	AIR NEW SOURCE PERMITS	PERMIT	15981
	AIR NEW SOURCE PERMITS	PERMIT	23799
	AIR NEW SOURCE PERMITS	PERMIT	24507
	AIR NEW SOURCE PERMITS	PERMIT	24653
	AIR NEW SOURCE PERMITS	PERMIT	30656
	AIR NEW SOURCE PERMITS	PERMIT	36798
	AIR NEW SOURCE PERMITS	PERMIT	41088
	AIR NEW SOURCE PERMITS	PERMIT	50201
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0288M
	AIR NEW SOURCE PERMITS	REGISTRATION	75670
	AIR NEW SOURCE PERMITS	PERMIT	56308
	AIR NEW SOURCE PERMITS	PERMIT	56307
	AIR NEW SOURCE PERMITS	PERMIT	56305
	AIR NEW SOURCE PERMITS	AFS NUM	4820100177
	AIR NEW SOURCE PERMITS	REGISTRATION	52881
	AIR NEW SOURCE PERMITS	REGISTRATION	81096
	AIR NEW SOURCE PERMITS	REGISTRATION	82654
	AIR NEW SOURCE PERMITS	REGISTRATION	84652
	AIR NEW SOURCE PERMITS	REGISTRATION	84947
	AIR NEW SOURCE PERMITS	REGISTRATION	85274
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0288M
	AIR OPERATING PERMITS	PERMIT	3010
	AIR OPERATING PERMITS	PERMIT	3010

Location: 13441 BAY AREA BLVD, PASADENA, TX, 77507 Rating Date: 9/1/2008 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON  
 Date Compliance History Prepared: November 19, 2008  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: November 19, 2003 to November 19, 2008

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

Name: Bryan Elliott Phone: 239 - 6162

### 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. (CEEDS Inv. Track. No.)

1	08/31/2004	(290939)
2	06/30/2005	(396516)
3	08/18/2005	(404269)
4	08/23/2005	(404910)
5	08/29/2005	(405408)
6	02/28/2006	(457171)
7	02/28/2006	(457241)
8	05/22/2006	(459127)
9	06/01/2006	(460988)
10	02/08/2007	(537800)
11	08/31/2007	(566933)
12	06/27/2008	(671722)
13	11/12/2008	(689134)

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

Date: 06/20/2005 (396516)

Self NO Classification: Minor

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

30 TAC Chapter 115, SubChapter D 115.352(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)(2)

Description: Failure to plug the two open ended lines.

Self NO Classification: Minor

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

Description: Failure to record flare observation 38 times for the flare FLR-1 during the certification period.

Self NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.130

30 TAC Chapter 115, SubChapter D 115.354(4)

40 CFR Part 63, Subpart H 63.169

Description: Failure to monitor pressure release valve within 24 hours after the release on two occasions during the certification period.

Self NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.122(a)(1)(C)

Description: Failure to maintain minimum boiler temperature to 1300 degrees F to achieve a minimum efficiency of 90%.

Self NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.130

40 CFR Part 61, Subpart FF 61.349(a)(2)(i)(C)

Description: Failure to maintain a minimum boiler temperature of 1400 degrees F for the three boilers: V-541, V-531, and V-526.

Date: 05/22/2006 (459127)

Self NO Classification: Moderate

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

Rqmt Prov: PERMIT 9582 Special Condition 15

Description: RE Failed to complete testing of Boiler M526 before 180 days as required by Permit # 9582

Date: 06/01/2006 (460988)

Self NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-6(a)

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

Rqmt Prov: OP FOP O-01594, Special Condition 1A

Description: Failure to plug the three open-ended lines.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.206(i)

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

Description: Failure to comply with 30 TAC 117.206(i) by operating emergency pump between the hours of 6:00 am to noon.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.122(a)(1)(A)  
30 TAC Chapter 115, SubChapter B 115.126(1)(A)(I)  
30 TAC Chapter 115, SubChapter B 115.136(a)(2)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(c)(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: OP FOP O-01594, Special Condition 1A  
Description: Failure to record boiler temperature for times during the compliance certification period.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(2)(i)(C)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT W 61.272(c)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: OP FOP O-01594, Special Condition 1A  
Description: Failure to record data to verify that the flare pilot flame is present on 13 incidences during the compliance certification period.

Date: 08/31/2007 (566933)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: OP FOP No. 1594, Special Condition 1H  
Description: , the Btu analyzer for FLR-1, lost flame and could not determine HRVOC at least once every 15 minutes.

Date: 06/27/2008 (671722)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)  
Description: Failure to update the Notice of Registration (NOR) to document current facility operations.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(2)  
Description: Failure to submit and accurate and complete Annual Waste Summary (AWS).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(2)  
30 TAC Chapter 335, SubChapter C 335.69(a)(3)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)

Description: Failure to label a hazardous waste container with the accumulation start date and the words "hazardous waste".

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.8(b)  
Description: Failure to perform closure of all inactive waste management units.

F. Environmental audits.

N/A

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  
THE GOODYEAR TIRE & RUBBER  
COMPANY  
RN102608932

§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§  
§ ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2008-1859-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 The Goodyear Tire & Rubber Company ("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 plant at 13441 Bay Area Boulevard 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 November 17, 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 Five Thousand One Hundred Fifty Dollars (\$5,150) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Sixty Dollars (\$2,060) of the administrative penalty and One Thousand Thirty Dollars (\$1,030) 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. Two Thousand Sixty Dollars (\$2,060) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent implemented the following corrective action in order to address the emissions event that occurred on August 2, 2008, and to prevent the reoccurrence of same or similar incidents:
  - a. On August 2, 2008, shut down the Bayport plant 200 unit where the release occurred until December 1, 2008;
  - b. On December 3, 2008, installed instrumentation to monitor and alarm if the pressure drop across the sparge ring falls below design levels;
  - c. On December 8, 2008, redesigned the sparge ring to reduce the potential for oxidate to backflow in the ring; and
  - d. On December 12, 2008, installed computer controls to prevent startup of the oxidate system if loss of nitrogen flow to the sparge ring is detected.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review ("NSR") Permit No. 9582, Special Condition No. 1, as documented during an investigation conducted on August 4, 2008. Specifically, an emissions event occurred on August 2, 2008 that lasted for 13 minutes due to an over-pressurization of the Primary Oxidizer, R-202, which caused two rupture disks to relieve to the atmosphere. The event occurred at emission point no. FU-38 and resulted in the release of 7,908.67 pounds of volatile organic compounds. Since the Respondent failed to provide sufficient information regarding the root cause, it did not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

## 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: The Goodyear Tire & Rubber Company, Docket No. 2008-1859-AIR-E" to:

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

2. The Respondent shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Two Thousand Sixty Dollars (\$2,060) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

3/24/2009  
Date

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

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

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

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

  
Signature

2/13/2009  
Date

Donald E. Stanley

\_\_\_\_\_  
Name (Printed or typed)

Authorized Representative of

The Goodyear Tire & Rubber Company

Vice President, Product Quality &

\_\_\_\_\_  
Title Plant Technology

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: 2008-1859-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

**Respondent:** The Goodyear Tire & Rubber Company  
**Payable Penalty Amount:** Four Thousand One Hundred Twenty Dollars (\$4,120)  
**SEP Amount:** Two Thousand Sixty Dollars (\$2,060)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program  
**Location of SEP:** Harris County

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

**1. Project Description**

A. Project

The Respondent will contribute to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program in Harris County. The contribution will be used in accordance with the *Supplemental Environmental Project Agreement between the Houston-Galveston AERCO and the Texas Commission on Environmental Quality*. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's ("FHWA") Congestion Mitigation/Air Quality funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, NOx reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions of buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

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:

Houston-Galveston Area Council  
Houston-Galveston AERCO  
P.O. Box 22777  
Houston, Texas 77227-2777

**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 Goodyear Tire & Rubber Company  
Agreed Order - Attachment A

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.

