

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2009-0171-AIR-E **TCEQ ID:** RN102736089 **CASE NO.:** 37114
RESPONDENT NAME: Lucite International, Inc.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Lucite Beaumont Site, 6350 North Twin City Highway, Nederland, Jefferson County</p> <p>TYPE OF OPERATION: Industrial organic chemical plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There two additional pending enforcement actions regarding this facility location, Docket Nos. 2007-1876-AIR-E and 2009-0522-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 15, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 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. Dilwyn R. Williams, Assistant Site Manager, Lucite International, Inc., 6350 North Twin City Highway, Nederland, Texas 77627 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: September 8, 2008</p> <p>Date of NOV/NOE Relating to this Case: December 11, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>1) Failure to prevent unauthorized emissions during Incident No. 110434. Specifically, during an emissions event which began on June 29, 2008 and lasted 37.5 hours, unauthorized emissions of 44.25 pounds ("lbs") of acetonitrile, 1,287.78 lbs of acrylonitrile, 86.17 lbs of anhydrous ammonia, 211.90 lbs of catalyst fines, 11.80 lbs of chromium, 243.20 lbs of cobalt, 197.87 lbs of hydrogen cyanide, 152.90 lbs of iron, 34.38 lbs of manganese, 1,056.94 lbs of molybdenum, 129.81 lbs of nickel, 3.69 lbs of potassium, 12.98 lbs of propylene, and 3,286.26 lbs of silica were released due to the installation of defective gaskets. Since the emissions could have been avoided by extra precaution and inspection, and the initial report did not identify all pollutants released, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), and 122.143(4), Federal Operating Permit ("FOP") 1960, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") 2F, Air Permit 1743, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to identify the compound descriptive type of the individually listed compounds or mixtures of all air contaminants released during Incident No.</p>	<p>Total Assessed: \$5,357</p> <p>Total Deferred: \$1,071 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$2,143</p> <p>Total Paid to General Revenue: \$2,143</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent reviewed the emissions event reporting requirements with reporting personnel on July 2, 2008.</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent the recurrence of emissions events due to the same cause as Incident No. 110434; and</p> <p>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.</p>

<p>110434 which exceeded the reportable quantity ("RQ"). Specifically, the initial report identified only the release of acetonitrile, acrylonitrile, and hydrogen cyanide; however, catalyst fines, cobalt, molybdenum, and silica RQs were also exceeded [30 TEX. ADMIN. CODE §§ 101.201(a)(2)(F) and 122.143(4), FOP 1960, GTC and STC 2F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
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Additional ID No(s):: JE0425E

Attachment A
Docket Number: 2009-0171-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Lucite International, Inc.
Payable Penalty Amount:	Four Thousand Two Hundred Eighty-Six Dollars (\$4,286)
SEP Amount:	Two Thousand One Hundred Forty-Three Dollars (\$2,143)
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 October 30, 2008

DATES	Assigned	5-Jan-2009				
	PCW	4-Feb-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.	37114	No. of Violations	2
Docket No.	2009-0171-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)	<i>Subtotal 1</i>	\$2,600
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	107.0% Enhancement	<i>Subtotals 2, 3, & 7</i> \$2,782
Notes	Enhancement for seven NOV's with similar violations, six NOV's with dissimilar violations, and three 1660 orders.	
Culpability	No 0.0% Enhancement	<i>Subtotal 4</i> \$0
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply Total Adjustments	<i>Subtotal 5</i>	\$25
Economic Benefit	0.0% Enhancement*	<i>Subtotal 6</i> \$0
Total EB Amounts	\$59	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,500	
SUM OF SUBTOTALS 1-7	<i>Final Subtotal</i>	\$5,357
OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	<i>Adjustment</i> \$0
Reduces or enhances the Final Subtotal by the indicated percentage.		
Notes		
	<i>Final Penalty Amount</i>	\$5,357
STATUTORY LIMIT ADJUSTMENT		<i>Final Assessed Penalty</i> \$5,357
DEFERRAL	20.0% Reduction	<i>Adjustment</i> -\$1,071
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		\$4,286

Screening Date 29-Jan-2009

Docket No. 2009-0171-AIR-E

PCW

Respondent Lucite International, Inc.

Policy Revision 2 (September 2002)

Case ID No. 37114

PCW Revision October 30, 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 <i>(number of NOVs meeting criteria)</i>	7	35%
	Other written NOVs	6	12%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	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 <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) 107%

>> **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

Enhancement for seven NOVs with similar violations, six NOVs with dissimilar violations, and three 1660 orders.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 107%

Screening Date 29-Jan-2009	Docket No. 2009-0171-AIR-E	PCW
Respondent Lucite International, Inc.		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 37114		<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No. RN102736089		
Media [Statute] Air		
Enf. Coordinator Raymond Marlow		
Violation Number <input type="text" value="1"/>		
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c), and 122.143(4), Federal Operating Permit ("FOP") 1980, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") 2F, Air Permit 1743, Special Condition 1, and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to prevent unauthorized emissions during Incident No. 110434. Specifically, during an emissions event which began on June 29, 2008 and lasted 37.5 hours, unauthorized emissions of 44.25 pounds ("lbs") of acetonitrile, 1,287.78 lbs of acrylonitrile, 86.17 lbs of anhydrous ammonia, 211.90 lbs of catalyst fines, 11.80 lbs of chromium, 243.20 lbs of cobalt, 197.87 lbs of hydrogen cyanide, 152.90 lbs of iron, 34.38 lbs of manganese, 1,056.94 lbs of molybdenum, 129.81 lbs of nickel, 3.69 lbs of potassium, 12.98 lbs of propylene, and 3,286.26 lbs of silica were released due to the installation of defective gaskets. Since the emissions could have been avoided by extra precaution and inspection, and the initial report did not identify all pollutants released, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.	
	Base Penalty	<input type="text" value="\$10,000"/>
>> Environmental, Property and Human Health Matrix		
OR	Harm	
	Release Major Moderate Minor	
	Actual	<input type="text" value="X"/>
	Potential	<input type="text"/>
	Percent	<input type="text" value="25%"/>
>> Programmatic Matrix		
	Falsification Major Moderate Minor	
	<input type="text"/>	Percent <input type="text" value="0%"/>
Matrix Notes	Human health or the environment has been exposed to an insignificant amount of pollutants that do not exceed levels protective of human health or environmental receptors.	
	Adjustment	<input type="text" value="\$7,500"/>
		<input type="text" value="\$2,500"/>
Violation Events		
	Number of Violation Events <input type="text" value="1"/>	<input type="text" value="2"/> Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="text" value="X"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>
	Violation Base Penalty	<input type="text" value="\$2,500"/>
<input type="text" value="One quarterly event is recommended."/>		
Good Faith Efforts to Comply		
	<input type="text" value="0.0%"/> Reduction	<input type="text" value="\$0"/>
	Before NOV NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	
Ordinary	<input type="text"/>	
N/A	<input checked="" type="text" value="X"/> (mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.	
	Violation Subtotal	<input type="text" value="\$2,500"/>
Economic Benefit (EB) for this violation		
	Statutory Limit Test	
Estimated EB Amount <input type="text" value="\$58"/>	Violation Final Penalty Total	<input type="text" value="\$5,175"/>
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$5,175"/>

Economic Benefit Worksheet

Respondent Lucite International, Inc.
Case ID No. 37114
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
<small>No commas or \$</small>							

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	29-Jun-2008	30-Aug-2009	1.17	\$58	n/a	\$58

Notes for DELAYED costs Estimated cost of implementing precautionary procedures for gasket procurement and quality assurance inspections prior to installation. The date required is the date the emissions event began. The final date is the date of expected 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	\$1,000	TOTAL	\$58
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Screening Date 29-Jan-2009	Docket No. 2009-0171-AIR-E	PCW		
Respondent Lucite International, Inc.	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 37114	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No. RN102736089				
Media [Statute] Air				
Enf. Coordinator Raymond Marlow				
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code §§ 101.201(a)(2)(F) and 122.143(4), FOP 1960, GTC and STC 2F, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to identify the compound descriptive type of the individually listed compounds or mixtures of all air contaminants released during Incident No. 110434 which exceeded the reportable quantity ("RQ"). Specifically, the initial report identified only the release of acetonitrile, acrylonitrile, and hydrogen cyanide, however, catalyst fines, cobalt, molybdenum, and silica RQs were also exceeded.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Percent	0%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Percent	1%	
Matrix Notes	At least 70% of the rule requirement was met.			
		Adjustment	\$9,900	
		\$100		
Violation Events				
Number of Violation Events		1	Number of violation days	
		1		
<i>mark only one with an x</i>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input checked="" type="checkbox"/>		
		Violation Base Penalty	\$100	
One single event is recommended for the one report.				
Good Faith Efforts to Comply		25.0% Reduction	\$25	
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
N/A	<input type="checkbox"/>	(mark with x)		
Notes	Compliance was achieved on July 2, 2008 before the December 11, 2008 NOE.			
		Violation Subtotal	\$75	
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount		\$0	Violation Final Penalty Total	
			\$182	
This violation Final Assessed Penalty (adjusted for limits)			\$182	

Economic Benefit Worksheet

Respondent Lucite International, Inc.
Case ID No. 37114
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
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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	\$500	29-Jun-2008	2-Jul-2008	0.01	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost of implementing procedures and/or training to ensure that all pollutant types are identified on initial reports for emissions events. The date required is the date the emissions event was discovered. The 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

\$500

TOTAL

\$0

Compliance History Report

Customer/Respondent/Owner-Operator: CN601448764 Lucite International, Inc. Classification: AVERAGE Rating: 6.02
Regulated Entity: RN102736089 LUCITE BEAUMONT SITE Classification: AVERAGE Site Rating: 5.76

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

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: February 04, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 04, 2004 to February 04, 2009

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

Name: Raymond Marlow Phone: 409-899-8785

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 |
| 6. Rating Date: 9/1/2008 Repeat Violator: NO | |

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	(457248)
17	02/28/2006	(457291)
18	02/28/2006	(457587)
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	(609306)
45	12/17/2007	(609325)
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	(641775)
53	04/29/2008	(641779)

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)
 63 10/13/2008 (703217)
 64 10/13/2008 (704748)
 65 10/14/2008 (701152)
 66 10/14/2008 (701155)
 67 12/05/2008 (708549)
 68 12/05/2008 (708605)
 69 12/05/2008 (708616)
 70 12/15/2008 (702442)
 71 12/17/2008 (708747)
 72 12/17/2008 (708752)
 73 12/19/2008 (708717)
 74 01/21/2009 (709969)
 75 01/27/2009 (720924)
 76 01/29/2009 (722241)
 77 02/03/2009 (709856)

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

Date: 11/23/2004 (338187) CN601448764
 Self Report? NO Classification: Minor
 Citation: 19005/PSD-TX-753, SC 13D PERMIT
 19005/PSD-TX-753, SC 3 PERMIT
 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)
 Description: Failure to maintain records of H2SO4 acid produced on a daily basis.
 Self Report? NO Classification: Minor
 Citation: 19005/PSD-TX-753, SC 13D PERMIT
 19005/PSD-TX-753, SC 4 PERMIT
 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)
 Description: Failure to maintain records of nitrogen oxide emissions at the H2SO4 unit main stack on a three-hour average.
 Self Report? NO Classification: Minor
 Citation: 19005/PSD-TX-753, SC 13D PERMIT
 19005/PSD-TX-753, SC 5 PERMIT
 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)
 Description: Failure to maintain records of nitrogen oxide emissions from the No. 1 and No. 2 Preheaters.
 Self Report? NO Classification: Minor
 Citation: 19005/PSD-TX-753, SC 13B PERMIT
 19005/PSD-TX-753, SC 13D PERMIT
 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)
 Description: Failure to span the nitrogen oxide CEMS at the North Preheater Stack on a daily basis.

Date: 02/02/2007 (644092) CN601448764
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(2)

Description: BACT - NONACUTE MCL (5% OR >1)

Date: 03/04/2007 (644203) CN601448764
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(1)(A)
Description: PUBLIC NOTICE

Date: 08/29/2007 (562598) CN601448764
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.13(k)
Description: Failure to submit an exception report as required.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter Q 335.474
Description: Failure to prepare a five-year pollution prevention plan and update the plan as necessary.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT C 265.37
40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.52(d)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.52(e)
Description: Failure to update the facility's contingency plan.

Date: 10/04/2007 (571825) CN601448764
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
O-01959, Special Condition 1A OP
Description: Failure to maintain or keep accurate records concerning Ammonia Flare observations.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
318, Special Condition 5 PERMIT
5C THC Chapter 382, SubChapter A 382.085(b)
O-01959, General Terms and Conditions OP
O-01959, Special Condition 8 OP

Description: Failure to conduct Audio, Visual, and Olfactory (AVO) checks for NH3 leaks within Lucite's operating area once per 12 hr shift.
Self Report? NO Classification: Moderate

Citation: 2796A, Special Condition 8A PERMIT
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)
O-01959, General Terms and Conditions OP
O-01959, Special Condition 8 OP

Description: **Failure to prevent Boiler 7 (B7) from exceeding the Nitrogen Oxides (NOx) emissions standard of 30 parts per million (ppm) on a rolling hourly average when firing at a rate of 76.25 Million British Thermal Units (MMBTU/hr).**

Self Report? NO Classification: Moderate
Citation: 2796A, Special Condition 8A PERMIT
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)
O-01959, General Terms and Conditions OP
O-01959, Special Condition 8 OP

Description: **Failure to prevent B7 from exceeding the Carbon Monoxide (CO) emissions standard of 100 ppm on a rolling hourly average when firing at a rate of 76.25 MMBtu/hr.**

Self Report? NO Classification: Moderate
Citation: 2796A, Special Condition 1 PERMIT
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)
O-01959, General Terms and Conditions OP
O-01959, Special Condition 1A OP
O-01959, Special Condition 8 OP

Description: Failure to submit a Semi-annual New Source Performance Standard (NSPS) report concerning B7 in a timely manner.

Date: 11/08/2007 (596951)

CN601448764

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart A 60.7(c)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP
FOP O-01960, Special Condition 8 OP
NSR Permit 1743, Special Condition 15B PERMIT
NSR Permit 1743, Special Condition 2 PERMIT

Description: Failure to submit quarterly CEMS Summary Reports for the units ACR/TOU51 and ACR/INC60 in a timely manner.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP
NSR Permit 1743, Special Condition 12 PERMIT

Description: Failure to maintain the operating parameter temperature of the thermal oxidizer ACR/TOU51.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01960 General Terms and Conditions OP

FOP O-01960, Special Condition 19 OP
NSR Permit 1743, Special Condition 10 PERMIT

Description: Failure to maintain the water flow to scrubber ACR/ABS219.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP
NSR Permit 1743, Special Condition 12 PERMIT

Description: Failure to maintain the operating parameter Oxygen concentration of Incinerator ACR/INC60.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP
NSR Permit 1743, Special Condition 8B PERMIT

Description: Failure to maintain the operating parameter temperature of Vapor Combustor ACR/VC51.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)
FOP O-01960 General Terms and Conditions OP

FOP O-01960, Special Condition 19 OP
NSR Permit 1743, Special Condition 2 PERMIT

Description: Failure to perform weekly AVO inspections of the light liquid pumps in the Reaction Fugitives Area, Purification Fugitives Area, Recovery Fugitives Area, and the HCN Synthesis Fugitives Area.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 3,A,iv,1 OP

Description: Failure to perform quarterly visible emission observations of the Startup Air Heater and the Catalyst Filter discharge.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01960 General Terms and Conditions OP
FOP O-01960 Special Condition 18 OP

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter K 106.262(a)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 20 OP

Description: Failure to submit the PI-7 form for the PBR authorization of the Ammonia Blow down Operation within ten days.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 1A OP

Description: Failure to perform daily observations of Flares ACR/FL57 and ACR/PRC58.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP

NSR Permit 318, Special Condition 5A PERMIT

Description: Failure to perform semi-daily Audio, Visual and Olfactory (AVO) inspections of the AMM/FDKAMB operating area.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP

Description: Failure to comply with the representations of the application for NSR Permit 1743.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP
NSR Permit 1743, Special Condition 1 PERMIT

Description: Failure to maintain emission rates below the allowable emission limits.

Date: 11/28/2007 (597556) CN601448764

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01437 General Terms and Conditions OP

Description: FOP O-01437, Special Condition 1A OP
 Failure to perform daily observations of Flare ACH/CBFLR.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 60, Subpart H 60.82(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-01437 General Terms and Conditions OP
 FOP O-01437, Special Condition 12 OP
 FOP O-01437, Special Condition 1A OP
 NSR Permit 19005, Special Condition 2 PERMIT
 NSR Permit 19005, Special Condition 4 PERMIT

Description: **Failure to limit the SO2 emission rate from exceeding 4 pounds (lbs) of SO2 per ton of 100 % H2SO4.**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 115, SubChapter D 115.354(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(2)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-01437 General Terms and Conditions OP
 FOP O-01437, Special Condition 12 OP
 FOP O-01437, Special Condition 1A OP
 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 PERMIT

Description: Failure to perform weekly AVO inspections of the pumps and flanges in the Acetone Cyanohydrin Unit Process Fugitives Area and the Methyl Methacrylate Production Unit Fugitives Area.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 115, SubChapter B 115.126(1)(B)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(3)(ii)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(f)
 40 CFR Part 60, Subpart A 60.18(f)(2)
 5C THC Chapter 382, SubChapter D 382.085(b)

FOP O-01437 General Terms and Conditions OP
 FOP O-01437, Special Condition 12 OP
 FOP O-01437, Special Condition 1A OP
 NSR Permit 19004, Special Condition 2 PERMIT
 NSR Permit 19004, Special Condition 3 PERMIT

Description: Failure to record the presence of a pilot flame for Flare ACH/CBFLR.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 115, SubChapter B 115.126(1)(B)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(3)(ii)
 40 CFR Part 60, Subpart A 60.18(f)(2)
 40 CFR Part 60, Subpart NNN 60.665(f)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-01437 General Terms and Conditions OP
 FOP O-01437, Special Condition 12 OP
 FOP O-01437, Special Condition 1A OP
 NSR Permit 19003 Special Condition 5 & 6 PERMIT
 NSR Permit 19003, Special Condition 4 PERMIT
 NSR Permit 19003, Special Condition 7 PERMIT

Description: Failure to record the presence of a pilot flame for Flare MMA/DKFL.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01437 General Terms and Conditions OP
FOP O-01437, Special Condition 12 OP
FOP O-01437, Special Condition 1A OP
NSR Permit 19005, Special Condition 13B PERMIT
NSR Permit 19005, Special Condition 2 PERMIT

Description: Failure to correctly perform the First and Second Quarter 2006 CGAs for the SAR/SARSTK.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01437 General Terms and Conditions OP
FOP O-01437, Special Condition 12 OP
FOP O-01437, Special Condition 1A OP
NSR Permit 19003, Special Condition 1F PERMIT
NSR Permit 19003, Special Condition 5 PERMIT

Description: Failure to monitor all accessible valves.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01437 General Terms and Conditions OP
NSR Permit 19005, Special Condition 13 PERMIT
NSR Permit 19005, Special Condition 2 PERMIT

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(A)(i)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01437 General Terms and Conditions OP
FOP O-01437, Special Condition 1A OP

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

Date: 05/16/2008 (641188) CN601448764

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

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

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

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

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01959, General Terms and Condition OP
FOPO-01959 Special Condition 3(B)(iv)(1) OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 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)
FOP O-01959 General Terms and Conditions OP
FOP O-01959, Special Condition 5E OP
FOP O-01959, Special Condition 8 OP
NSR Permit 2796A, Special Condition 10 PERMIT

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.262(a)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01959 General Terms and Conditions OP
FOP O-01959, Special Condition 9 OP

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 Classification: 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)
FOP O-01959 General Terms and Conditions OP

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 Classification: 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)
FOP O-01959 General Terms and Conditions OP

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

Date: 05/30/2008 (641710) CN601448764

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01437 General Terms and Conditions OP
FOP O-01437 Special Condition 1A OP

Description: Failure to perform daily observations of Flares ACH/CBFLR and MMA/DKFL.

Self Report? NO Classification: 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)

FOP O-01437 General Terms and Conditions OP
FOP O-01437 Special Condition 12 OP
FOP O-01437 Special Condition 1A OP
NSR Permit 19003 Special Condition 1E PERMIT
NSR Permit 19003 Special Condition 5 PERMIT

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

Self Report? NO Classification: 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)
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 OP
NSR Permit 19003 Special Condition 1E PERMIT
NSR Permit 19003 Special Condition 5 PERMIT

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 Classification: 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)
FOP O-01437 General Terms and Conditions OP

Description: Failure to report a deviation.

Self Report? NO Classification: 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)
FOP O-01437 General Terms and Conditions OP

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

Date: 07/31/2008 (683183) CN601448764

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)
5C THSC Chapter 382 382.085(b)
FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 17 OP

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 Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 17 OP

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 Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 1A OP

Description: Failure to record daily observations of Flares ACR/FL57 and ACR/FLR58. EIC B,1 MOD 2,A

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)
FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP
NSR Permit 1743, Special Condition 10 PERMIT

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 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)
FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP
NSR Permit 1743, Special Condition 8B PERMIT
NSR Permit, Special Condition 12 PERMIT

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)
FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP
NSR Permit 1743, Special Condition 12 PERMIT

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

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

Self Report? NO Classification: Moderate

Date: 11/18/2008 (708605) CN601448764

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

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

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

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

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01959, General Terms and Condition OP
FOPO-01959 Special Condition 3(B)(iv)(1) OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 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)
FOP O-01959 General Terms and Conditions OP
FOP O-01959, Special Condition 5E OP
FOP O-01959, Special Condition 8 OP
NSR Permit 2796A, Special Condition 10 PERMIT

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.262(a)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01959 General Terms and Conditions OP
FOP O-01959, Special Condition 9 OP

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 Classification: 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)
FOP O-01959 General Terms and Conditions OP

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 Classification: 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)
FOP O-01959 General Terms and Conditions OP

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

Date: 11/18/2008 (708616) CN601448764

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01437 General Terms and Conditions OP
FOP O-01437 Special Condition 1A OP

Description: **Failure to perform daily observations of Flares ACH/CBFLR and MMA/DKFL.**

Self Report? NO Classification: 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)
FOP O-01437 General Terms and Conditions OP
FOP O-01437 Special Condition 12 OP
FOP O-01437 Special Condition 1A OP
NSR Permit 19003 Special Condition 1E PERMIT
NSR Permit 19003 Special Condition 5 PERMIT

Description: Failure to maintain a sealing device on an open-ended line.
Self Report? NO Classification: 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)
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 OP
NSR Permit 19003 Special Condition 1E PERMIT
NSR Permit 19003 Special Condition 5 PERMIT

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 Classification: 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)
FOP O-01437 General Terms and Conditions OP

Description: **Failure to report a deviation.**

Self Report? NO Classification: 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)
FOP O-01437 General Terms and Conditions OP

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

Date: 11/18/2008 (708549) CN601448764

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)
5C THSC Chapter 382 382.085(b)
FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 17 OP

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 Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 17 OP

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 Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 1A OP

Description: Failure to record daily observations of Flares ACR/FL57 and ACR/FLR58. EIC B,1 MOD 2,A

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)
FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP

NSR Permit 1743, Special Condition 10 PERMIT

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 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)
FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP
NSR Permit 1743, Special Condition 8B PERMIT
NSR Permit, Special Condition 12 PERMIT

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)
FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP
NSR Permit 1743, Special Condition 12 PERMIT

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

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. 2009-0171-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 December 16, 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 Three Hundred Fifty-Seven Dollars (\$5,357) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand One Hundred Forty-Three Dollars (\$2,143) of the administrative penalty and One Thousand Seventy-One Dollars (\$1,071) 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 One Hundred Forty-Three Dollars (\$2,143) 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 the Respondent reviewed the emissions event reporting requirements with reporting personnel on July 2, 2008.
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 of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions during Incident No. 110434, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), and 122.143(4), Federal Operating Permit ("FOP") 1960, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") 2F, Air Permit 1743, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on September 8, 2008. Specifically, during an emissions event which began on June 29, 2008 and lasted 37.5 hours, unauthorized emissions of 44.25 pounds ("lbs") of acetonitrile, 1,287.78 lbs of acrylonitrile, 86.17 lbs of anhydrous ammonia, 211.90 lbs of catalyst fines, 11.80 lbs of chromium, 243.20 lbs of cobalt, 197.87 lbs of hydrogen cyanide, 152.90 lbs of iron, 34.38 lbs of manganese, 1,056.94 lbs of molybdenum, 129.81 lbs of nickel, 3.69 lbs of potassium, 12.98 lbs of propylene, and 3,286.26 lbs of silica were released due to the installation of defective gaskets. Since the emissions could have been avoided by extra precaution and inspection, and the initial report did not identify all pollutants released, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

2. Failed to identify the compound descriptive type of the individually listed compounds or mixtures of all air contaminants released during Incident No. 110434 which exceeded the reportable quantity ("RQ"), in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(2)(F) and 122.143(4), FOP 1960, GTC and STC 2F, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on September 8, 2008. Specifically, the initial report identified only the release of acetonitrile, acrylonitrile, and hydrogen cyanide, however, catalyst fines, cobalt, molybdenum, and silica RQs were also exceeded.

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. 2009-0171-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 I, Paragraph 6 above, Two Thousand One Hundred Forty-Three Dollars (\$2,143) of the assessed administrative penalty shall be offset with the condition that the entity 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. 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, implement measures designed to prevent the recurrence of emissions events due to the same cause as Incident No. 110434; 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 Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
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

[Signature]
For the Executive Director

5/27/2009
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.

Dilwyn R. Williams
Signature

4/14/09
Date

DILWYN R. WILLIAMS
Name (Printed or typed)
Authorized Representative of
Lucite International, Inc.

ASSISTANT SITE
Title
MANAGER

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: 2009-0171-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Lucite International, Inc.
Payable Penalty Amount: Four Thousand Two Hundred Eighty-Six Dollars (\$4,286)
SEP Amount: Two Thousand One Hundred Forty-Three Dollars (\$2,143)
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.

