

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2009-0623-AIR-E **TCEQ ID:** RN100224468 **CASE NO.:** 37540  
**RESPONDENT NAME:** Firestone Polymers, LLC

<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> Firestone Polymers Orange Plant, 5713 Farm-to-Market Road 1006, Orange, Orange County</p> <p><b>TYPE OF OPERATION:</b> Petrochemical manufacturing plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on August 10, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629;  Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. Neil Amedee, Regulatory Affairs Manager, Firestone Polymers, LLC, 5713 Farm-to-Market Road 1006, Orange, Texas 77630  Mr. Greg Defrates, Factory Manager, Firestone Polymers, LLC, 5713 Farm-to-Market Road 1006, Orange, Texas 77630  <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 type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> February 10, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> April 23, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a record review.</p> <p><b>AIR</b></p> <p>Failure to prevent unauthorized emissions and maintain a flare pilot flame. Specifically, 55 pounds of 1,3-butadiene were released from the South Flare when the Respondent failed to ensure that the flare's pilot flame was lit, resulting in an emissions event which began on January 8, 2009, and lasted for 20 minutes (Incident No. 118656). Since the emissions event was avoidable by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 113.100, 113.260, 116.715(a), (c)(7), and (c)(9), 122.143(4), and 101.221(a), 40 CODE OF FEDERAL REGULATIONS §§ 60.18(c)(2) and 63.11(b)(5), Flexible Permit No. 292, Special Conditions Nos. 1 and 8, Federal Operating Permit No. O1271, General Terms and Conditions and Special Condition No. 11, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$5,475</p> <p><b>Total Deferred:</b> \$1,095  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$4,380</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 has implemented the following corrective measures at the Plant:</p> <p>a. On January 8, 2009, installed a temporary system to connect an automatic igniter to the flare and tied it into the alarm system; and</p> <p>b. On January 20, 2009, replaced the existing system with a permanent upgraded ignition system and repaired the flare pilot tubes to ensure proper ignition.</p>

Additional ID No(s): OC0010U



Policy Revision 2 (September 2002)

## Penalty Calculation Worksheet (PCW)

PCW Revision October 30, 2008

TCEQ

DATES

Assigned	27-Apr-2009	Screening	28-Apr-2009	EPA Due	18-Jan-2010
PCW	12-May-2009				

## RESPONDENT/FACILITY INFORMATION

Respondent	Firestone Polymers, LLC		
Reg. Ent. Ref. No.	RN100224468		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

## CASE INFORMATION

Enf./Case ID No.	37540	No. of Violations	1
Docket No.	2009-0623-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Nadia Hameed
		EC's Team	Enforcement Team 5

Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000
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## Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	144.0% Enhancement	Subtotals 2, 3, & 7	\$3,600
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Notes: Penalty enhancement due to five 1660 agreed orders with denial of liability, four same or similar NOV's, and 14 non-similar NOV's. Penalty reduction for two Notices of Audit and one Disclosure of Violation.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$625
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$62	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$29,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,475
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$5,475
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,475
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,095
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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	\$4,380
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Screening Date 28-Apr-2009

Docket No. 2009-0623-AIR-E

PCW

Respondent Firestone Polymers, LLC

Policy Revision 2 (September 2002)

Case ID No. 37540

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100224468

Media [Statute] Air

Enf. Coordinator Nadia Hameed

**Compliance History Worksheet**

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	4	20%
	Other written NOVs	14	28%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%
<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)** 144%

>> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to five 1660 agreed orders with denial of liability, four same or similar NOVs, and 14 non-similar NOVs. Penalty reduction for two Notices of Audit and one Disclosure of Violation.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 144%

<b>Screening Date</b> 28-Apr-2009	<b>Docket No.</b> 2009-0623-AIR-E	<b>PCW</b>		
<b>Respondent</b> Firestone Polymers, LLC	<small>Policy Revision 2 (September 2002)</small>			
<b>Case ID No.</b> 37540	<small>PCW Revision October 30, 2008</small>			
<b>Reg. Ent. Reference No.</b> RN100224468				
<b>Media [Statute]</b> Air				
<b>Enf. Coordinator</b> Nadia Hameed				
<b>Violation Number</b> 1				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 113.100, 113.260, 116.715(a), (c)(7), and (c)(9), 122.143(4), and 101.221(a), 40 Code of Federal Regulations ("CFR") §§ 60.18(c)(2) and 63.11(b)(5), Flexible Permit No. 292, Special Conditions Nos. 1 and 8, Federal Operating Permit No. O1271, General Terms and Conditions and Special Condition No. 11, and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	Failed to prevent unauthorized emissions and maintain a flare pilot flame. Specifically, 55 pounds of 1,3-butadiene were released from the South Flare, when the Respondent failed to ensure that the flare's pilot flame was lit, resulting in an emissions event which began on January 8, 2009, and lasted for 20 minutes (Incident No. 118656). Since the emissions event was avoidable by better operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.			
<b>Base Penalty</b>		\$10,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>Harm</b>				
<b>Release</b>	Major	Moderate	Minor	
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Percent</b>		25%		
<b>&gt;&gt; Programmatic Matrix</b>				
<b>Falsification</b>				
Major	Moderate	Minor		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<b>Percent</b>		0%		
<b>Matrix Notes</b>	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
<b>Adjustment</b>		\$7,500		
		\$2,500		
<b>Violation Events</b>				
Number of Violation Events		1	Number of violation days	
		1		
<small>mark only one with an x</small>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input checked="" type="checkbox"/>	<b>Violation Base Penalty</b>	
	semiannual	<input type="checkbox"/>	\$2,500	
	annual	<input type="checkbox"/>		
single event	<input type="checkbox"/>			
One quarterly event is recommended based upon the emissions event that occurred on January 8, 2009.				
<b>Good Faith Efforts to Comply</b>		<b>25.0% Reduction</b>		\$625
		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)		
<b>Notes</b>	The Respondent completed the corrective actions on January 20, 2009, prior to the April 23, 2009 NOE.			
<b>Violation Subtotal</b>				\$1,875
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
Estimated EB Amount		\$62	Violation Final Penalty Total	
			\$5,475	
		This violation Final Assessed Penalty (adjusted for limits)		\$5,475

## Economic Benefit Worksheet

**Respondent** Firestone Polymers, LLC  
**Case ID No.** 37540  
**Reg. Ent. Reference No.** RN100224468  
**Media** Air  
**Violation No.** 1

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

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

**Delayed Costs**

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$27,000	8-Jan-2009	20-Jan-2009	0.03	\$3	\$59	\$62
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,000	8-Jan-2009	8-Jan-2009	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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for repairing and upgrading the ignition system. The date required is based on the date of the emissions event. The final date is the date the corrective actions were completed. These actions included the temporary repair of the ignition system completed January 8, 2009 and the permanent upgrade of the ignition system and repair of pilot tubes which was completed on January 20, 2009.

**Avoided Costs**

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

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

<b>Approx. Cost of Compliance</b>	\$29,000	<b>TOTAL</b>	\$62
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# Compliance History Report

Customer/Respondent/Owner-Operator: CN601590789 Firestone Polymers, LLC Classification: AVERAGE Rating: 5.67  
 Regulated Entity: RN100224468 FIRESTONE POLYMERS ORANGE PLANT Classification: AVERAGE Site Rating: 8.34

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	OC0010U
	AIR OPERATING PERMITS	PERMIT	1271
	WASTEWATER	PERMIT	WQ0000454000
	WASTEWATER	PERMIT	TPDES0002968
	WASTEWATER	PERMIT	TX0002968
	AIR NEW SOURCE PERMITS	AFS NUM	4836100004
	AIR NEW SOURCE PERMITS	PERMIT	292
	AIR NEW SOURCE PERMITS	PERMIT	2565
	AIR NEW SOURCE PERMITS	PERMIT	46032
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	OC0010U
	AIR NEW SOURCE PERMITS	AFS NUM	4836100004
	AIR NEW SOURCE PERMITS	REGISTRATION	82804
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30581
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008073538
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30581
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1810014
Location:	5713 FM 1006, ORANGE, TX, 77630		

TCEQ Region: REGION 10 - BEAUMONT  
 Date Compliance History Prepared: April 27, 2009  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: April 27, 2004 to April 27, 2009  
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
 Name: Nadia Hameed Phone: 713-767-3629

### 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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator 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: 12/20/2004

ADMINORDER 2003-1480-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(9)  
40 CFR Part 63, Subpart U 63.485(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 292, Special Condition 4 PERMIT

Description: Failure to route all waste gas containing VOCs to the Direct-Fired Thermal Oxidizer during 54 events.

Effective Date: 02/05/2007

ADMINORDER 2006-0754-IHW-E

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.10(a)(1)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)

Description: Failure to manifest hazardous waste.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.2(b)

Description: Failure to properly dispose of an industrial hazardous waste at an authorized facility.

Effective Date: 03/19/2007

ADMINORDER 2006-1308-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 1271/SC 10 OP

NSRP 2565 Special Condition 8 PERMIT

Description: Failure to operate Boiler E-B110 at a maximum rate of 2.3 gallons per minute. B18

Classification: Minor

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

Rqmt Prov: FOP 1271/SC 1C OP

Description: Failure to keep daily log notations of operations of flare M-600. B18

Classification: Minor

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

Rqmt Prov: FOP 1271 General Terms and Conditions OP

Description: Failure to report deviations from MACT U flare recording requirements. B18

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Federal Operating Permit 1271 SC 1D & 1H OP

Description: Failure to monitor Flares DM-801, M-600, and M-600R on an hourly basis. A,8,c,1,G

Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Federal Operating Permit 1271 SC 1D & 1H OP

Description: Failure to maintain records for the DFTO Unit. B18

Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Federal Operating Permit 1271 SC 1D & 1H OP  
Description: Failure to maintain temperature records for RTO Can # 1 and RTO Can # 2. B18  
Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.506(e)(6)(i)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Federal Operating Permit 1271 SC 1D & 1H OP  
Description: Failure to submit Maximum Achievable Control Technology Subpart U periodic report in a timely manner.  
Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(3)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: FOP 1271 General Terms and Conditions OP  
Description: Failure to maintain flow records for the DFTO Collection System and the RTO Collection System. A,8,c,2,B,i  
Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: FOP 1271 General Terms and Conditions OP  
Description: Failure to report a deviation on a Six Month Deviation Report and an Annual Compliance Report.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.144(1)(I)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Federal Operating Permit 1271, SC 10 OP  
NSR Permit 292, SC 3 PERMIT  
Description: Failure to maintain twelve month rolling emissions records. B18  
Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(i)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: FOP 1271 General Terms and Conditions OP  
Description: Failure to report a deviation on an Annual Compliance Certification Report. B18

Effective Date: 02/25/2008

ADMINORDER 2007-0767-AIR-E

Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.100  
30 TAC Chapter 113, SubChapter C 113.260  
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 A 63.7(g)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.504(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: FOP 1271, General Terms and Conditions OP  
FOP 1271, Special Condition 1D OP  
FOP 1271, Special Condition 8D OP  
Description: Failure to submit the initial compliance testing for M-600R in a timely manner. Mod (3)(C), EIC C3  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: FOP 1271 General Terms and Conditions OP  
FOP 1271 Special Condition 10A OP

Description: Failure to establish the pattern and quantities of air contaminants emitted into the atmosphere from sources downstream of the last stage of stripping and demonstrate a closed material balance for Crumb Unit 3.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.504(a)(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP 1271 General Terms and Conditions OP  
FOP 1271 Special Condition 1D OP

Description: Complete failure to notify the Administrator of the intent to conduct a performance test at least thirty days before the performance test is scheduled. EIC B(3) MOD 2(A)

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.504(a)(5)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.496  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP 1271 General Terms and Condition OP  
FOP 1271 Special Condition 1D OP

Description: Failure to re-determine compliance of the RTO within 150 days as required after a process change. EIC A(8)(c)(1)(G) MOD 2(B)

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.496(d)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.504(a)(5)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP 1271 General Terms and Conditions OP  
FOP 1271 Special Condition 1D OP

Description: Failure to re-determine compliance of Flare DM-801 within 150 days as required after a process change. EIC A(8)(1)(G) MOD 2(D)

Effective Date: 11/17/2008

ADMINORDER 2007-1598-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart H 63.167  
40 CFR Part 63, Subpart U 63.502(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 10 OP  
NSR Permit 292 Special Condition 4E PERMIT

Description: Failed to cap seven open ended lines, and to properly seal 56 leaking open-ended lines in volatile organic compound (VOC) service with a cap, plug, or blind flange.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart U 63.502(n)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 1D OP

Description: Failed to monitor Cooling Tower DK-801 on a quarterly basis using EPA Method 624.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)  
30 TAC Chapter 115, SubChapter E 115.412(1)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 10 OP

Description: Failed to maintain closed lids on degreasers.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 10 OP  
NSR Permit 292 15 PERMIT

Description: Failed to conduct residual volatile organic compounds (VOC) sampling at the exit of the dryer of Crumb Unit Three.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart U 63.506(e)(5)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01271 General Terms and Conditions OP  
Special Terms and Conditions 10 OP

Description: Failed to submit a Notification of Compliance Status Report.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart U 63.494(a)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 1D OP

Description: Failed to demonstrate compliance with the residual organic hazardous air pollutant limitations set forth in NESHAP Emissions: Group I Polymers and Resins.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 10 OP  
SC 7B PERMIT

Description: Failed to properly monitor Cooling Tower DK-801.

Classification: Moderate

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

Rqmt Prov: FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 3,B,iii OP

Description: Failed to perform annual opacity observations of all stationary vents.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
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 THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01271 General Terms and Conditions OP

Description: Failed to report the occurrence of deviations in semi-annual deviation reports and to accurately certify compliance in an Annual Compliance Certification.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 05/25/2004 (294487)  
2 06/21/2004 (294489)

3	07/22/2004	(294491)
4	08/24/2004	(351781)
5	08/31/2004	(291657)
6	09/23/2004	(351782)
7	10/22/2004	(351783)
8	11/18/2004	(351784)
9	12/20/2004	(351785)
10	01/24/2005	(381680)
11	02/22/2005	(381678)
12	03/07/2005	(350860)
13	03/22/2005	(381679)
14	04/22/2005	(419476)
15	05/20/2005	(343356)
16	05/23/2005	(419477)
17	06/22/2005	(419478)
18	07/18/2005	(398318)
19	07/21/2005	(440627)
20	08/22/2005	(440628)
21	09/19/2005	(440629)
22	10/24/2005	(440630)
23	11/28/2005	(468107)
24	12/21/2005	(440251)
25	12/27/2005	(468108)
26	01/24/2006	(468109)
27	02/03/2006	(437331)
28	02/22/2006	(468103)
29	02/27/2006	(453985)
30	03/28/2006	(468104)
31	03/28/2006	(468105)
32	03/31/2006	(455452)
33	03/31/2006	(461289)
34	04/20/2006	(468106)
35	05/03/2006	(462716)
36	05/15/2006	(465053)
37	05/19/2006	(497977)
38	05/30/2006	(465287)
39	06/16/2006	(497978)
40	06/16/2006	(497979)
41	07/24/2006	(480227)
42	07/24/2006	(481733)
43	07/25/2006	(480474)
44	08/11/2006	(483260)
45	08/16/2006	(519993)
46	09/07/2006	(519995)
47	09/07/2006	(519996)
48	09/18/2006	(519994)
49	10/30/2006	(511039)
50	11/17/2006	(544240)
51	11/20/2006	(513938)
52	11/27/2006	(516300)
53	12/13/2006	(544241)
54	01/22/2007	(509446)
55	02/12/2007	(538872)
56	02/16/2007	(544239)
57	02/28/2007	(518614)
58	03/07/2007	(574869)
59	03/19/2007	(574865)
60	04/18/2007	(574866)
61	04/30/2007	(518508)

62 04/30/2007 (534862)  
63 04/30/2007 (542628)  
64 04/30/2007 (554420)  
65 05/10/2007 (558294)  
66 05/15/2007 (574867)  
67 05/21/2007 (556553)  
68 06/05/2007 (542859)  
69 06/18/2007 (574868)  
70 08/10/2007 (566249)  
71 08/16/2007 (601469)  
72 08/28/2007 (572341)  
73 08/29/2007 (570659)  
74 09/11/2007 (601472)  
75 09/14/2007 (601470)  
76 09/19/2007 (573194)  
77 10/16/2007 (601471)  
78 10/22/2007 (593583)  
79 11/19/2007 (619385)  
80 11/20/2007 (561449)  
81 12/04/2007 (610080)  
82 12/17/2007 (619386)  
83 01/15/2008 (596401)  
84 01/26/2008 (612617)  
85 02/20/2008 (671881)  
86 03/14/2008 (671882)  
87 03/25/2008 (639467)  
88 04/06/2008 (636760)  
89 04/14/2008 (638121)  
90 04/18/2008 (671883)  
91 04/18/2008 (671884)  
92 05/14/2008 (689809)  
93 06/18/2008 (689810)  
94 08/15/2008 (687016)  
95 08/18/2008 (710565)  
96 08/26/2008 (689011)  
97 09/07/2008 (681135)  
98 10/17/2008 (710566)  
99 10/20/2008 (710567)  
100 11/10/2008 (710568)  
101 11/18/2008 (704897)  
102 12/02/2008 (727364)  
103 01/20/2009 (727365)  
104 04/23/2009 (742589)  
105 04/24/2009 (726877)

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

Date: 06/30/2004 (294491) CN601590789  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 03/07/2005 (350860) CN601590789  
Self Report? NO Classification: Minor  
Citation: OpR 1 PERMIT  
Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.  
Self Report? NO Classification: Minor  
Citation: OpR 1 PERMIT

Description: Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Date: 05/20/2005 (343356) CN601590789  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.130  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to repair 10 leaking valves within 5 days.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.130  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to complete repair of three leaking valves within 15 days.

Date: 10/31/2005 (468107) CN601590789  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2005 (468108) CN601590789  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2006 (497978) CN601590789  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 07/26/2006 (480474) CN601590789  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to submit an excess emissions report with the semi-annual nitrogen oxide emissions report.

Date: 10/31/2006 (544240) CN601590789  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 01/19/2007 (509446) CN601590789  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
Description: Failure to maintain the pressure tank in Pressure Plane #1.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)  
Description: Failure to maintain records of the amount of each chemical used each week.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)  
Description: Failure to maintain records of the amount of water treated each week.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)  
Description: Failure to maintain records of the dates that dead ends were flushed.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)  
Description: Failure to perform the annual tank inspections on the pressure tanks.  
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(3)  
Description: Failure to install the facilities to maintain the air-water-volume at the design water level and working pressure on the pressure tank at Plant #1.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(ii)  
Description: Failure to provide a pressure tank capacity of 220 gallons in Pressure Plane #2.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)(2)  
Description: Failure to submit plans and specifications to replace the pressure tank in Pressure Plane #1.

Date: 04/30/2007 (574867) CN601590789  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2007 (574868) CN601590789  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter

Date: 08/28/2007 (564084) CN601590789  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(1)  
40 CFR Part 63, Subpart U 63.485(a)  
40 CFR Part 63, Subpart U 63.498(d)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 1D OP  
Description: Failure to maintain monitoring records Flares DM-801 and M-600R on an hourly basis.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)  
40 CFR Part 63, Subpart H 63.168  
40 CFR Part 63, Subpart H 63.169  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 10 OP  
FOP O-01271 Special Condition 1D OP  
Description: Failure to make a first attempt repair on a leaking component within five days.  
EIC B14 MOD 2(G)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart H 63.163  
40 CFR Part 63, Subpart H 63.173  
40 CFR Part 63, Subpart U 63.502(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 1D OP  
Description: Failure to maintain records of visual, weekly inspections of pumps and agitators.  
EIC B(3) MOD 2(B)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart U 63.498(d)(5)(ii)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01271 General Terms and Conditions OP

FOP O-01271 Special Condition 1D OP

Description: Failure to maintain temperature records for RTO Can #1 and RTO Can #2.  
 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-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 10 OP  
 NSR 2565 Special Conditions 8 and 9 PERMIT

Description: Failure to maintain Boiler B-110 below the maximum firing rate of 298 MMBtu/hr.  
 EIC B,18 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 THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 10 OP  
 NSR Permit 2565 PERMIT

Description: Failure to maintain the firing rate of Boiler B111 below 110 MMBtu/hr. EIC B,18  
 MOD 2(G)  
 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-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 3(B)(iii) OP

Description: Failure to conduct opacity monitoring while burning waste Hexane in Boiler B110.  
 EIC B,1 MOD 2(B)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter E 115.426(1)(B)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 9 OP

Description: Failure to maintain records of solvent usage for the Pro-Paint area. EIC B,3 MOD  
 2(B)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 113, SubChapter C 113.260  
 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(c)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(c)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(c)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 10 OP  
 FOP O-01271 Special Condition 1D OP  
 NSR Permit 292 Special Condition 4I PERMIT

Description: Failure to make a first attempt and final repair within fifteen days.

Date: 08/28/2007 (570659)

CN601590789

Self Report? NO Classification: Minor  
 Citation: M&RR 5 PERMIT  
 Description: Failure to ensure mechanical flow meter is calibrated as often as necessary to  
 ensure accuracy.

Self Report? NO Classification: Minor  
 Citation: M&RR 2 PERMIT  
 Description: Failure by Firestone Polymers to comply with test procedures specified in 30 TAC  
 319.11 - 319.12.

Self Report? NO Classification: Minor  
 Citation: M&RR 3cii PERMIT  
 Description: Failure by Firestone Polymer to maintain records of monitoring activities to include  
 analysis time.

Self Report? NO Classification: Minor  
 Citation: PC 1a PERMIT

Description: Failure by Firestone Polymer to submit correct information in a report to the Executive Director.

Date: 11/20/2007 (561449) CN601590789

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-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 10 OP  
NSR Permit 2565 Special Condition 5 PERMIT

Description: Failure to limit the Sulfur Dioxide (SO2) emissions from Boiler B-111 (EPN: EB-111) during the stack test conducted on November 4, 2004. EIC B(13) MOD 2(D)

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-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 10 OP  
NSR Permit 2565 Special Condition 14F PERMIT

Description: Failure to submit a copy of the final sampling report of Boiler B-111 for the test performed on November 4, 2007, to the TCEQ Beaumont Regional Office within 60 days after sampling was completed. EIC C(3) MOD 2(B)

Date: 06/30/2008 (671884) CN601590789

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/15/2008 (687016) CN601590789

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
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 T 63.502(a)  
40 CFR Part 63, Subpart H 63.167  
5C THSC Chapter 382 382.085(b)  
FOP O-01271 Special Condition 10 OP  
FOP O-01271 Special Condition 1D OP  
FOP O-01271, General Terms and Condition OP  
NSR Permit 292 Special Condition 4E PERMIT

Description: Failure to properly equip and seal several open-ended lines with a cap, plug, or blind flange.

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-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 10 OP  
NSR Permit 292 Special Condition 15 PERMIT

Description: Failure to conduct residual VOC sampling at the exit of the dryer of Crumb Unit Three.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)  
40 CFR Part 63, Subpart H 63.163  
40 CFR Part 63, Subpart H 63.173  
5C THSC Chapter 382 382.085(b)  
FOP O-01271 General Terms and Conditions OP

FOP O-01271 Special Condition 1D OP

Description: Failure to maintain records of visual, weekly inspections of pumps and agitators.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
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(c)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(c)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)  
5C THSC Chapter 382 382.085(b)  
FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 10 OP  
FOP O-01271 Special Condition 1D OP  
NSR Permit 292 Special Condition 4I PERMIT

Description: Failure to make a first repair attempt concerning several pumps and agitators within five (5) days.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.169(c)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)  
5C THSC Chapter 382 382.085(b)  
FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 1D OP

Description: Failure to make a first attempt repair on a leaking component within five days.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(d)(5)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)  
5C THSC Chapter 382 382.085(b)  
FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 1D OP

Description: Failure to include a leaking component on the delay of repair list if not repaired within 15 calendar days after discovery of the leak.

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(d)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(b)  
5C THSC Chapter 382 382.085(b)  
FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 10 OP  
FOP O-01271 Special Condition 7F OP  
Permit 2565 Special Condition 10B and C PERMIT

Description: Failure to conduct the required daily calibrations of the continuous emissions monitoring system (CEMS).

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-01271 General Terms and Conditions OP

Description: Failure to report the occurrence of deviations in a semi-annual deviation report.

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-01271 General Terms and Conditions OP

Description: Failure to accurately certify an Annual Compliance Certification for the period of March 10, 2007 through March 9, 2008.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(6)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.484(a)  
5C THSC Chapter 382 382.085(b)  
FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 1D OP  
Description: Failure to notify the Commission at least 7 calendar days in advance of refilling Tank DF-138.

Date: 08/31/2008 (710566) CN601590789  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 04/23/2009 (742589) CN601590789  
Self Report? NO Classification: Minor  
Citation: M&RR 5 PERMIT  
Description: Failure to ensure mechanical flow meter is calibrated as often as necessary to ensure accuracy.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
OpR 11a PERMIT  
Description: Failure by Firestone Polymers, LLC to prevent an unauthorized discharge of wastes generated by the 200 Area Oil/Water Separator.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter A 335.4  
OpR 11a PERMIT

Description: Failure by Firestone Polymers, LLC to prevent an unauthorized discharge.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
OpR1 PERMIT

Description: Failure by Firestone Polymers LLC., to properly maintain units of treatment.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 335, SubChapter A 335.4  
OpR 11a PERMIT

Description: Failure by Firestone Polymers, LLC to properly maintain the capped hazardous waste surface impoundment.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
OpR 1 PERMIT

Description: Failure by Firestone Polymers to properly maintain secondary containment structures.

F. Environmental audits.

03/17/2006  
(462848)

Notice of Intent Date:

Disclosure Date: 06/19/2006

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211  
30 TAC Chapter 106, SubChapter K 106.263

30 TAC Chapter 116, SubChapter B 116.110

Description: Maintenance emissions not authorized in Permit 292 are not being quantified and recorded

Viol. Classification: Moderate

Rqmt Prov: PERMIT 292 SC 12.A and 13.A

Description: Firestone does not have continuous monitoring data of firebox temperatures on its regenerative thermal oxidizer (RTO) and direct-fired thermal oxidizer (DFTO)

Viol. Classification: Moderate

Rqmt Prov: PERMIT 292 SC 13.C(6)

Description: RTO not tested within 5 years of previous stack test

Viol. Classification: Moderate

Rqmt Prov: PERMIT 292 SC 19

Description: Records demonstrating compliance with permit 292 emission limits are not being compiled as a 12-month rolling average and may not include all sources of emissions at the facility

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)

Rqmt Prov: PERMIT Permit 292 SC 8

Description: Flares not meeting required destruction efficiencies at all times

Viol. Classification: Minor

Rqmt Prov: PERMIT Permit 2565 SC 7

Description: Permit 2565 limits natural gas for boiler to 0.25 gr H2S and 5 gr sulfur/dscf. Data provided by pipeline provider are expressed as 0% - recordkeeping violation

Viol. Classification: Minor

Rqmt Prov: PERMIT Permit 2565 SC 15

Description: Fuel flow data from boilers is not being utilized to determine compliance with boiler firing rates

Viol. Classification: Moderate

Rqmt Prov: PERMIT Permit 2565 SC 13

Description: Failed to conduct a CEMS RATA test in 3Q 2005 because facility was shut down for Hurricane Rita on date RATA tests normally conducted each quarter

Viol. Classification: Moderate

Rqmt Prov: PERMIT Permit 2565 SC 13.E

Description: Permit 2565 requires that CEMS "unscheduled downtime" be reported to Beaumont regional office. Reports have not been made.

Viol. Classification: Minor

Rqmt Prov: PERMIT Permit 2565 SC 15.A

Description: Incomplete CEMS records including missing data on CEMS adjustments after calibration checks and calculation of 30-day rolling averages at the end of each operation day

Viol. Classification: Moderate

Rqmt Prov: OP 01271 Additional Monitoring Requirements

Description: Title V periodic monitoring requirements require weekly observation of visible emissions from certain storage tanks

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.496

Description: Firestone's MACT U (group 1 polymers and resins) compliance demonstration for compliance with back-end requirements is based on potentially inaccurate sampling results

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.496

Description: Infrequent normal process emissions have not been included in MACT U back end compliance demonstration calculations

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.503

Description: Flame flare detectors are not included in the MACT U SSM Plan

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(A)

Description: Covered sumps at the tank farms appear to be receiving VOC liquids that are regulated under Ch. 115 that should not be allowed to go to the sumps

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.38

Description: Firestone's domestic water system (DWS) does not meet requisite backflow and siphonage requirements because it is connected to the plant

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)

Description: Firestone does not have documentation of compliance with wellhead protection requirements for the DWS, including for its employee recreation center

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41

Description: Firestone does not have documentation of compliance with minimum distance requirements for septic tanks and drainfields

Viol. Classification: Minor

Rqmt Prov: PERMIT Permit 00454

Description: Materials stored and later discharged to plant wastewater treatment system may be subject to Chapter 335 and RCRA regulations if not exempt

02/06/2008

(617837)

Notice of Intent Date:

No DOV Associated

G. Type of environmental management systems (EMSs).  
N/A

H. Voluntary on-site compliance assessment dates.  
N/A

I. Participation in a voluntary pollution reduction program.  
N/A

J. Early compliance.  
N/A

Sites Outside of Texas  
N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
FIRESTONE POLYMERS, LLC  
RN100224468

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2009-0623-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 Firestone Polymers, LLC ("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 petrochemical manufacturing plant at 5713 Farm-to-Market Road 1006 in Orange, Orange 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 April 28, 2009.
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 Four Hundred Seventy-Five Dollars (\$5,475) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand Three Hundred Eighty Dollars (\$4,380) of the administrative penalty and One Thousand Ninety-Five Dollars (\$1,095) is deferred

- contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
  8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
  9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
    - a. On January 8, 2009, installed a temporary system to connect an automatic igniter to the flare and tied it into the alarm system; and
    - b. On January 20, 2009, replaced the existing system with a permanent upgraded ignition system and repaired the flare pilot tubes to ensure proper ignition.
  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 and maintain a flare pilot flame, in violation of 30 TEX. ADMIN. CODE §§ 113.100, 113.260, 116.715(a), (c)(7), and (c)(9), 122.143(4), and 101.221(a), 40 CODE OF FEDERAL REGULATIONS ("CFR") §§ 60.18(c)(2) and 63.11(b)(5), Flexible Permit No. 292, Special Conditions Nos. 1 and 8, Federal Operating Permit No. O1271, General Terms and Conditions and Special Condition No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 10, 2009. Specifically, 55 pounds of 1,3-butadiene were released from the South Flare, when the Respondent failed to ensure that the flare's pilot flame was lit, resulting in an emissions event which began on January 8, 2009, and lasted for 20 minutes (Incident No. 118656). Since the emissions event was avoidable by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

### 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: Firestone Polymers, LLC, Docket No. 2009-0623-AIR-E" to:  
  
Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This 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.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

*[Handwritten Signature]*  
For the Executive Director

7/22/2009  
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.

*Greg Defrates*  
Signature

6/12/09  
Date

Greg Defrates  
Name (Printed or typed)  
Authorized Representative of  
Firestone Polymers, LLC

Factory Manager  
Title

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