

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2009-0296-AIR-E **TCEQ ID:** RN100223205 **CASE NO.:** 37228  
**RESPONDENT NAME:** Rohm and Haas Texas Incorporated

<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> Rohm and Haas Texas Deer Park Plant, 1900 Tidal Road, Deer Park, Harris County</p> <p><b>TYPE OF OPERATION:</b> Chemical manufacturing</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 are two additional pending enforcement actions regarding this facility location, Docket Nos. 2009-0891-AIR-E and 2008-0156-AIR-E.</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 24, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732  <b>TCEQ Enforcement Coordinator:</b> Ms. Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R-14, (361) 825-3420; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. Mike Warth, Area Manager, Rohm and Haas Texas Incorporated, 1900 Tidal Road, Deer Park, Texas 77536  Mr. Harry Engelhardt, Jr., Site Leader, Rohm and Haas Texas Incorporated, 1900 Tidal Road, Deer Park, Texas 77536  <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> October 8, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> February 10, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a record review.</p> <p><b>AIR</b></p> <p>Failure to comply with the 48.8 tons per year ("tpy") volatile organic compound ("VOC") emissions limit for Decanter ACET-1A. Specifically, the VOC emissions from Decanter ACET-1A were 109.22 tpy in 2006, 126.63 tpy in 2007, and 92.73 tpy in 2008 [Air Permit No. 48921, Special Condition No. 1, Air Permit No. O-02232, Special Condition No. 15, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$59,700</p> <p><b>Total Deferred:</b> \$11,940  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$23,880</p> <p><b>Total Paid to General Revenue:</b> \$23,880</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. Ceased production in the unit and emissions from Decanter ACET-1A on November 20, 2008; and</p> <p>b. Submitted a notification to the TCEQ on February 27, 2009, which requested to void the previously submitted permit amendment application, dated August 26, 2008, based on plans to permanently shut the unit down.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

Additional ID No(s): HG0632T

Attachment A

Docket Number: 2009-0296-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Rohm and Haas Texas Incorporated  
**Payable Penalty Amount:** Forty-Seven Thousand Seven Hundred Sixty Dollars (\$47,760)  
**SEP Amount:** Twenty-Three Thousand Eight Hundred Eighty Dollars (\$23,880)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Houston Regional Monitoring Corporation - Houston Area Monitoring  
**Location of SEP:** Harris County

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

**1. Project Description**

A. Project

Performing Party shall use SEP Funds to operate, maintain, and potentially expand portions of the existing Houston Regional Monitoring Corporation Ambient Air Quality Monitoring Network in the Houston area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives. SEP funds may be used to operate a single monitoring site or multiple sites contingent upon the amount of SEP funds provided.

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

B. Environmental Benefit

Data from this monitoring may be used to evaluate the effectiveness of current emission control strategies, track ambient concentration trends for key pollutants of interest, evaluate episodic emission events, conduct source attribution studies, and assess potential community exposure to toxic air contaminants. Performing party notifies the TCEQ on a quarterly basis of all exceedences of the National Ambient Air Quality Standards ("NAAQS") that it measures at its monitoring stations. The TCEQ uses this information, along with information collected at its own monitors and monitors operated by the City of Houston, to evaluate Houston's progress toward achieving or remaining in attainment of the NAAQS.



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:

Christopher B. Amandes, Esquire, Vinson & Elkins LLP  
First City Tower  
1001 Fannin Street, Suite 2500  
Houston, TX 77002-6760

**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:

Office of Legal Services  
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

<b>DATES</b>	<b>Assigned</b>	17-Feb-2009	<b>Screening</b>	27-Feb-2009	<b>EPA Due</b>	7-Nov-2009
	<b>PCW</b>	4-May-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Rohm and Haas Texas Incorporated
<b>Reg. Ent. Ref. No.</b>	RN100223205
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	37228	<b>No. of Violations</b>	1
<b>Docket No.</b>	2009-0296-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Rebecca Johnson
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** *Subtotal 1* **\$15,000**

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

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

**Compliance History** **323.0%** Enhancement *Subtotals 2, 3, & 7* **\$48,450**

**Notes**  
 Penalty enhancement due to 22 NOVs issued for same or similar violations, 27 NOVs issued for unrelated violations, five agreed orders with a denial of liability, one court order with a denial of liability, and one federal order without a denial of liability. Penalty reduction due to four Notices of Intended Audits and one Disclosure of Violations submitted.

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

**Notes**  
 The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** *Subtotal 5* **\$3,750**

**Economic Benefit** **0.0%** Enhancement\* *Subtotal 6* **\$0**

Total EB Amounts **\$722**  
 Approx. Cost of Compliance **\$5,000**  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** *Final Subtotal* **\$59,700**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

*Final Penalty Amount* **\$59,700**

**STATUTORY LIMIT ADJUSTMENT** *Final Assessed Penalty* **\$59,700**

**DEFERRAL** **20.0%** Reduction *Adjustment* **-\$11,940**

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** **\$47,760**

<b>Screening Date</b> 27-Feb-2009	<b>Docket No.</b> 2009-0296-AIR-E	<b>PCW</b>
<b>Respondent</b> Rohm and Haas Texas Incorporated		<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 37228		<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b> RN100223205		
<b>Media [Statute]</b> Air		
<b>Enf. Coordinator</b> Rebecca Johnson		

### 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> )	22	110%
	Other written NOVs	27	54%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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 ( <i>number of judgements or consent decrees meeting criteria</i> )	1	30%
	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	1	35%
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> )	4	-4%
	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> )	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)** 323%

**>> Repeat Violator (Subtotal 3)**

<span style="border: 1px solid black; padding: 2px;">No</span>	<b>Adjustment Percentage (Subtotal 3)</b> <span style="border: 1px solid black; padding: 2px;">0%</span>
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**>> Compliance History Person Classification (Subtotal 7)**

<span style="border: 1px solid black; padding: 2px;">Average Performer</span>	<b>Adjustment Percentage (Subtotal 7)</b> <span style="border: 1px solid black; padding: 2px;">0%</span>
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**>> Compliance History Summary**

<b>Compliance History Notes</b>	Penalty enhancement due to 22 NOVs issued for same or similar violations, 27 NOVs issued for unrelated violations, five agreed orders with a denial of liability, one court order with a denial of liability, and one federal order without a denial of liability. Penalty reduction due to four Notices of Intended Audits and one Disclosure of Violations submitted.
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**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 323%

<b>Screening Date</b> 27-Feb-2009		<b>Docket No.</b> 2009-0296-AIR-E		<b>PCW</b>	
<b>Respondent</b> Rohm and Haas Texas Incorporated			<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b> 37228			<i>PCW Revision October 30, 2008</i>		
<b>Reg. Ent. Reference No.</b> RN100223205					
<b>Media [Statute]</b> Air					
<b>Enf. Coordinator</b> Rebecca Johnson					
<b>Violation Number</b>		1			
<b>Rule Cite(s)</b>		Air Permit No. 48921, Special Condition No. 1, Air Permit No. O-02232, Special Condition No. 15, 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>		Failed to comply with the 48.8 tons per year ("tpy") volatile organic compound ("VOC") emissions limit for Decanter ACET-1A. Specifically, the VOC emissions from Decanter ACET-1A were 109.22 tpy in 2006, 126.63 tpy in 2007, and 92.73 tpy in 2008.			
<b>Base Penalty</b>				\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR	<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="checkbox"/>	x	<input type="checkbox"/>	
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
				<b>Percent</b> 50%	
<b>&gt;&gt; Programmatic Matrix</b>					
		Falsification	Major	Moderate	Minor
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<b>Percent</b> 0%	
<b>Matrix Notes</b>		Human health or the environment have been exposed to over 182 tons of unauthorized emissions over a three year period as a result of the violation.			
<b>Adjustment</b>				\$5,000	
				\$5,000	
<b>Violation Events</b>					
<b>Number of Violation Events</b>		3		<b>Number of violation days</b>	
		1054			
<i>mark only one with an x</i>	daily	<input type="checkbox"/>			
	weekly	<input type="checkbox"/>			
	monthly	<input type="checkbox"/>			
	quarterly	<input type="checkbox"/>			
	semiannual	<input type="checkbox"/>			
	annual	x			
		single event	<input type="checkbox"/>		
				<b>Violation Base Penalty</b> \$15,000	
Three annual events are recommended based on the 2006, 2007, and 2008 tpy limits that were exceeded.					
<b>Good Faith Efforts to Comply</b>		25.0% Reduction		\$3,750	
		Before NOV	NOV to EDPRP/Settlement Offer		
<b>Extraordinary</b>		<input type="checkbox"/>			
<b>Ordinary</b>		x			
<b>N/A</b>		(mark with x)			
<b>Notes</b>		The Respondent ceased production in the unit and emissions from Decanter ACET-1A on November 20, 2008, which was prior to the NOE issuance on February 10, 2009.			
<b>Violation Subtotal</b>				\$11,250	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b>		\$722		<b>Violation Final Penalty Total</b> \$59,700	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$59,700	

## Economic Benefit Worksheet

**Respondent** Rohm and Haas Texas Incorporated  
**Case ID No.** 37228  
**Reg. Ent. Reference No.** RN100223205  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$5,000	1-Jan-2006	20-Nov-2008	2.89	\$722	n/a	\$722
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain a permit amendment for the additional emissions. The date required is the beginning of the first year in which an exceedance occurred. The final date is the date production in the unit and emissions from Decanter ACET-1A ceased. A permit amendment application was submitted on August 26, 2008 for the additional emissions, however a request to void the application was submitted on February 27, 2009 since the unit is being permanently shut-down.

### 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

\$5,000

TOTAL

\$722

# Compliance History Report

Customer/Respondent/Owner-Operator:	CN600131395 Rohm and Haas Texas Incorporated	Classification: AVERAGE	Rating: 7.00
Regulated Entity:	RN100223205 ROHM AND HAAS TEXAS DEER PARK PLANT	Classification: AVERAGE	Site Rating: 7.00

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0632T
	AIR OPERATING PERMITS	PERMIT	1583
	AIR OPERATING PERMITS	PERMIT	2232
	AIR OPERATING PERMITS	PERMIT	2233
	AIR OPERATING PERMITS	PERMIT	2234
	AIR OPERATING PERMITS	PERMIT	2235
	AIR OPERATING PERMITS	PERMIT	2236
	AIR OPERATING PERMITS	PERMIT	2237
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0632T
	WASTEWATER	PERMIT	WQ0000458000
	WASTEWATER	PERMIT	TPDES0006084
	WASTEWATER	PERMIT	TX0006084
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50102
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW078
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD065096273
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30041
	AIR NEW SOURCE PERMITS	AFS NUM	4820100034
	AIR NEW SOURCE PERMITS	PERMIT	723
	AIR NEW SOURCE PERMITS	PERMIT	751
	AIR NEW SOURCE PERMITS	PERMIT	1257A
	AIR NEW SOURCE PERMITS	PERMIT	1957
	AIR NEW SOURCE PERMITS	PERMIT	2165
	AIR NEW SOURCE PERMITS	PERMIT	4276
	AIR NEW SOURCE PERMITS	PERMIT	5051
	AIR NEW SOURCE PERMITS	PERMIT	5703
	AIR NEW SOURCE PERMITS	PERMIT	5802
	AIR NEW SOURCE PERMITS	PERMIT	6233
	AIR NEW SOURCE PERMITS	PERMIT	6654
	AIR NEW SOURCE PERMITS	PERMIT	6894
	AIR NEW SOURCE PERMITS	PERMIT	7309
	AIR NEW SOURCE PERMITS	PERMIT	7637
	AIR NEW SOURCE PERMITS	PERMIT	7648
	AIR NEW SOURCE PERMITS	PERMIT	8838

AIR NEW SOURCE PERMITS	PERMIT	10715
AIR NEW SOURCE PERMITS	PERMIT	11779
AIR NEW SOURCE PERMITS	PERMIT	13804
AIR NEW SOURCE PERMITS	PERMIT	17392
AIR NEW SOURCE PERMITS	PERMIT	17442
AIR NEW SOURCE PERMITS	PERMIT	20901
AIR NEW SOURCE PERMITS	PERMIT	26728
AIR NEW SOURCE PERMITS	PERMIT	28728
AIR NEW SOURCE PERMITS	PERMIT	29010
AIR NEW SOURCE PERMITS	PERMIT	28913
AIR NEW SOURCE PERMITS	PERMIT	29705
AIR NEW SOURCE PERMITS	PERMIT	30727
AIR NEW SOURCE PERMITS	PERMIT	32671
AIR NEW SOURCE PERMITS	PERMIT	33817
AIR NEW SOURCE PERMITS	PERMIT	34654
AIR NEW SOURCE PERMITS	PERMIT	35142
AIR NEW SOURCE PERMITS	PERMIT	37086
AIR NEW SOURCE PERMITS	PERMIT	38913
AIR NEW SOURCE PERMITS	PERMIT	40134
AIR NEW SOURCE PERMITS	PERMIT	41356
AIR NEW SOURCE PERMITS	PERMIT	42170
AIR NEW SOURCE PERMITS	PERMIT	42737
AIR NEW SOURCE PERMITS	PERMIT	42914
AIR NEW SOURCE PERMITS	PERMIT	44595
AIR NEW SOURCE PERMITS	PERMIT	27131
AIR NEW SOURCE PERMITS	PERMIT	47480
AIR NEW SOURCE PERMITS	PERMIT	48921
AIR NEW SOURCE PERMITS	PERMIT	N61
AIR NEW SOURCE PERMITS	PERMIT	52270
AIR NEW SOURCE PERMITS	PERMIT	54886
AIR NEW SOURCE PERMITS	REGISTRATION	54970
AIR NEW SOURCE PERMITS	REGISTRATION	54971
AIR NEW SOURCE PERMITS	REGISTRATION	75383
AIR NEW SOURCE PERMITS	EPA ID	PSDTX828
AIR NEW SOURCE PERMITS	EPA ID	PSDTX828M1
AIR NEW SOURCE PERMITS	PERMIT	55988
AIR NEW SOURCE PERMITS	PERMIT	50454
AIR NEW SOURCE PERMITS	REGISTRATION	72461
AIR NEW SOURCE PERMITS	REGISTRATION	87523

AIR NEW SOURCE PERMITS	REGISTRATION	73729
AIR NEW SOURCE PERMITS	REGISTRATION	74506
AIR NEW SOURCE PERMITS	REGISTRATION	74756
AIR NEW SOURCE PERMITS	REGISTRATION	73848
AIR NEW SOURCE PERMITS	REGISTRATION	74713
AIR NEW SOURCE PERMITS	PERMIT	73913
AIR NEW SOURCE PERMITS	EPA ID	PSDTX987
AIR NEW SOURCE PERMITS	REGISTRATION	77253
AIR NEW SOURCE PERMITS	REGISTRATION	77241
AIR NEW SOURCE PERMITS	PERMIT	54056
AIR NEW SOURCE PERMITS	PERMIT	77200
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0632T
AIR NEW SOURCE PERMITS	REGISTRATION	80267
AIR NEW SOURCE PERMITS	REGISTRATION	81342
AIR NEW SOURCE PERMITS	REGISTRATION	81248
AIR NEW SOURCE PERMITS	PERMIT	82008
AIR NEW SOURCE PERMITS	REGISTRATION	82086
AIR NEW SOURCE PERMITS	REGISTRATION	83631
AIR NEW SOURCE PERMITS	REGISTRATION	87129
AIR NEW SOURCE PERMITS	REGISTRATION	85413
AIR NEW SOURCE PERMITS	REGISTRATION	85482
AIR NEW SOURCE PERMITS	REGISTRATION	83810
AIR NEW SOURCE PERMITS	REGISTRATION	84672
AIR NEW SOURCE PERMITS	REGISTRATION	83418
AIR NEW SOURCE PERMITS	REGISTRATION	82947
AIR NEW SOURCE PERMITS	REGISTRATION	82957
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011717
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30041
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50102
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50102

Location:

1900 TIDAL RD, DEER PARK, TX, 77536

TCEQ Region:

REGION 12 - HOUSTON

Date Compliance History Prepared:

February 23, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period:

February 23, 2004 to February 23, 2009

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

Name: Rebecca Johnson

Phone: (361) 825-3420

## 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: 01/08/2005**

**ADMINORDER 2004-0146-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

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

Rqmt Prov: Permit 751, Special Condition 1 PERMIT

Description: Rohm and Haas is alleged to have failed to comply with the permitted emission rate of 5.65 pounds per hour (lb/hr) of carbon monoxide and 0.37 lb/hr of volatile organic compounds (VOCs) for EPN 35-HR-5.

**Effective Date: 11/06/2005**

**ADMINORDER 2003-0610-MLM-E**

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter D 115.354(2)(B)

30 TAC Chapter 115, SubChapter D 115.354(2)(C)

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

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 335, SubChapter E 335.112(a)(20)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1052(a)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1054(a)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1057(a)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1063(b)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1063(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)

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

Rqmt Prov: SC 2B, 7F, 7G, 8F, 8G PERMIT

SC 6A, 3C, 4F, 4G PERMIT

Description: A.8.c.(1)(G). Failure to monitor valves, pumps, connectors in MMA and BMA service at the HT/HT2 unit applicable to 40 CFR 60, Subpart VV and 40 CFR 63, Subpart H.

Classification: Moderate

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

30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

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

Rqmt Prov: 8838 SC 4E PA

Description: A8.c.(1)(B). Failure to cap/plug open ended lines at the HT/HT2 Unit.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(20)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1050(c)

Description: Failure to tag 357 equipment components for fugitive emissions monitoring.

Classification: Minor

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

Description: Failure to update information on the Notice of Registration to accurately reflect current status.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(20)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1063(b)

Description: Failure to calibrate equipment used for fugitive monitoring prior to monitoring on the same day.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 115, SubChapter D 115.354(2)(B)

30 TAC Chapter 115, SubChapter D 115.354(2)(C)

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

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)

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

Rqmt Prov: Permit No. 29010 SC2B, 7F, 7G, 8F, 8G PERMIT

Permit No. 8838 SC 6A, 3C, 4F, 4G PERMIT

Description: Failure to monitor pumps, connectors, and valves in methyl methacrylate (MMA) and BMA (butyl methacrylate) service at the P-North process unit.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to prohibit an emission event by good design, operation, or maintenance.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.205(d)(1)

30 TAC Chapter 117, SubChapter E 117.520(c)(1)

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

Description: Failed to have NOx control technology installed by November 15, 1999

**Effective Date: 04/14/2006**

**ADMINORDER 2005-0152-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

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

Rqmt Prov: 8838 General Condition PERMIT

Description: Failure to comply with the permitted emission limit of 0.25 pounds per hour of VOCs for emission point number HT-48 during a March 11, 2003 emissions event.

Classification: Moderate

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

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

Description: Failed to prevent an avoidable emissions event on December 26, 2003 which resulted in the unauthorized release of 2,132.66 pounds of VOCs from the B4 Reactor separator, which is not a permitted source of emissions.

Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the TCEQ of the December 26, 2003 emissions event within 24 hours of discovery.

**Effective Date: 06/26/2007**

**COURTORDER**

Classification: Major  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to prevent unauthorized emissions.

**Effective Date: 05/22/2008**

**ADMINORDER 2007-1437-AIR-E**

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

Rqmt Prov: 8838/Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 8838/Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions

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

Rqmt Prov: 8838 - Special Condition 1 PERMIT

Description: Failure to comply with the emission rates as set forth in Permit# 8838 Special Condition 1.

Specifically, testing conducted on January 3, 2007 indicates that the A-Train Start Up Heater (EPN HT-1) exceeded permitted limits. Emission rates of 6.20 lbs per hour ("lbs/hr") for nitrogen oxides ("NOx") and 16.62 lbs/hr for carbon monoxide ("CO") were measured during the performance testing, with permit limits of 3.60 lbs/hr and 3.02 lbs/hr, respectively.

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

Rqmt Prov: 8838 - Special Condition 1 PERMIT

Description: Failure to comply with the emission rates for Permit #8838 S.C.1. Specifically, testing conducted on January 4, 2007 indicates that the B-Train Start Up Heater (EPN HT-2) exceeded permitted limits. Emission rates of 7.08 lbs/hr for NOx and 9.67 lbs/hr for CO were measured during the performance testing, with permit limits of 3.60 lbs/hr and 3.02 lbs/hr, respectively.

**Effective Date: 10/06/2008**

**ADMINORDER 2007-2041-AIR-E**

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: No. 723, S.C. No. 1 PERMIT

Description: Failed to comply with the 0.27 pounds per hour ("lbs/hr") nitrogen oxides ("NOx") emission limit for emission point number ("EPN") N-12.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: No. 723, S. C. No. 1 PERMIT

Description: Failed to comply with the 0.27 lbs/hr NOx emission limit for EPN N-13.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: No. 723, S.C. No. 1 PERMIT

Description: Failed to comply with the 1.19 lbs/hr NOx emission limit for EPN N-14.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: No. 723, S.C. No. 1 PERMIT

Description: Failed to comply with the 0.47 lbs/hr NOx and 0.022 lbs/hr carbon monoxide ("CO") emission limits for EPN N-3.

See addendum for information regarding federal actions.

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	03/09/2004	(260143)
2	03/19/2004	(295656)
3	03/31/2004	(295654)
4	04/07/2004	(699426)
5	04/22/2004	(295657)
6	05/25/2004	(295660)
7	05/27/2004	(250191)
8	06/16/2004	(295662)
9	06/18/2004	(274191)
10	06/25/2004	(250192)
11	07/15/2004	(272394)
12	07/15/2004	(272466)
13	07/15/2004	(272468)
14	07/21/2004	(352218)
15	07/23/2004	(249701)
16	07/23/2004	(250189)
17	07/30/2004	(271899)
18	07/30/2004	(271912)
19	08/11/2004	(288434)
20	08/13/2004	(249700)
21	08/23/2004	(352219)
22	08/31/2004	(291114)
23	08/31/2004	(292541)
24	09/20/2004	(352220)
25	09/30/2004	(287515)
26	09/30/2004	(288333)
27	10/05/2004	(334482)
28	10/22/2004	(291603)
29	10/26/2004	(292548)
30	10/26/2004	(352221)
31	10/26/2004	(352223)
32	11/11/2004	(287014)
33	11/11/2004	(289842)
34	11/14/2004	(274431)
35	11/14/2004	(274440)
36	11/14/2004	(274450)
37	11/19/2004	(341406)
38	11/29/2004	(352222)
39	12/09/2004	(341434)
40	12/16/2004	(283962)
41	12/16/2004	(283988)
42	12/16/2004	(287555)
43	12/17/2004	(334282)
44	12/17/2004	(334283)
45	12/17/2004	(334284)
46	12/27/2004	(284888)
47	12/27/2004	(284899)
48	12/28/2004	(288285)

49	12/30/2004	(338299)
50	01/03/2005	(288453)
51	01/04/2005	(285144)
52	01/05/2005	(338809)
53	01/12/2005	(346448)
54	01/21/2005	(381891)
55	02/23/2005	(381889)
56	03/08/2005	(350487)
57	03/21/2005	(381890)
58	03/31/2005	(374351)
59	04/06/2005	(374352)
60	04/06/2005	(374353)
61	04/22/2005	(378240)
62	04/22/2005	(575399)
63	05/19/2005	(392626)
64	05/23/2005	(575401)
65	06/13/2005	(575403)
66	07/25/2005	(399258)
67	07/25/2005	(400493)
68	07/25/2005	(575406)
69	07/27/2005	(400167)
70	07/28/2005	(400627)
71	08/05/2005	(397806)
72	08/15/2005	(397447)
73	08/18/2005	(404307)
74	08/19/2005	(575409)
75	08/23/2005	(401938)
76	08/23/2005	(404914)
77	08/25/2005	(405924)
78	08/29/2005	(418394)
79	08/30/2005	(418292)
80	09/23/2005	(575411)
81	10/24/2005	(575413)
82	10/24/2005	(575417)
83	11/04/2005	(435818)
84	12/29/2005	(434384)
85	01/09/2006	(440229)
86	01/24/2006	(575419)
87	02/02/2006	(575415)
88	02/21/2006	(455168)
89	02/23/2006	(455895)
90	02/25/2006	(456937)
91	02/26/2006	(575395)
92	02/27/2006	(456637)
93	02/28/2006	(451371)
94	02/28/2006	(457142)
95	02/28/2006	(457254)
96	03/21/2006	(575397)
97	03/23/2006	(454725)
98	03/24/2006	(457097)
99	03/28/2006	(452624)
100	03/28/2006	(457110)
101	04/24/2006	(575400)
102	04/28/2006	(457469)
103	05/01/2006	(460108)
104	05/04/2006	(457447)
105	05/09/2006	(460949)
106	05/09/2006	(461424)
107	05/11/2006	(458324)

108	05/11/2006	(460393)
109	05/11/2006	(460471)
110	05/11/2006	(460513)
111	05/11/2006	(460733)
112	05/11/2006	(460844)
113	05/11/2006	(460912)
114	05/11/2006	(463554)
115	05/22/2006	(575402)
116	05/25/2006	(374855)
117	05/25/2006	(374902)
118	05/26/2006	(459923)
119	05/31/2006	(457270)
120	06/22/2006	(575404)
121	07/24/2006	(575407)
122	07/25/2006	(406106)
123	07/25/2006	(457453)
124	07/25/2006	(457457)
125	07/26/2006	(486614)
126	07/27/2006	(462714)
127	08/11/2006	(462093)
128	08/14/2006	(464411)
129	08/22/2006	(575410)
130	08/24/2006	(488546)
131	08/30/2006	(489426)
132	08/31/2006	(449984)
133	09/25/2006	(575412)
134	09/29/2006	(513039)
135	10/03/2006	(513239)
136	10/03/2006	(513582)
137	10/13/2006	(515313)
138	10/23/2006	(512670)
139	10/23/2006	(575414)
140	10/23/2006	(575418)
141	11/22/2006	(575416)
142	11/29/2006	(532188)
143	12/01/2006	(517786)
144	01/05/2007	(514335)
145	01/22/2007	(575420)
146	01/31/2007	(536331)
147	02/08/2007	(512671)
148	02/26/2007	(575396)
149	02/28/2007	(540141)
150	03/21/2007	(575398)
151	04/09/2007	(543775)
152	04/20/2007	(689980)
153	05/21/2007	(518229)
154	05/22/2007	(689982)
155	06/22/2007	(575405)
156	06/29/2007	(559790)
157	07/03/2007	(558379)
158	07/09/2007	(563232)
159	07/23/2007	(575408)
160	07/24/2007	(564923)
161	07/24/2007	(564927)
162	07/26/2007	(566593)
163	07/30/2007	(564812)
164	08/06/2007	(568496)
165	08/06/2007	(568518)
166	08/07/2007	(568014)

167	08/13/2007	(571023)
168	08/20/2007	(607561)
169	08/28/2007	(571222)
170	08/28/2007	(571662)
171	08/29/2007	(573463)
172	08/29/2007	(573797)
173	09/07/2007	(573866)
174	09/21/2007	(689987)
175	10/11/2007	(567756)
176	10/19/2007	(594212)
177	10/19/2007	(594214)
178	10/22/2007	(689988)
179	10/22/2007	(689990)
180	10/23/2007	(593473)
181	11/19/2007	(595510)
182	11/19/2007	(599927)
183	11/19/2007	(599953)
184	11/21/2007	(689989)
185	11/27/2007	(571447)
186	11/27/2007	(571463)
187	11/27/2007	(571470)
188	11/27/2007	(571485)
189	11/28/2007	(596222)
190	12/04/2007	(571415)
191	12/04/2007	(571481)
192	12/07/2007	(595796)
193	12/12/2007	(571376)
194	12/12/2007	(571396)
195	12/12/2007	(571401)
196	01/09/2008	(612267)
197	01/14/2008	(613690)
198	01/16/2008	(595596)
199	01/17/2008	(599986)
200	01/17/2008	(600021)
201	01/17/2008	(600038)
202	01/17/2008	(600303)
203	01/17/2008	(600340)
204	01/22/2008	(689991)
205	02/22/2008	(689978)
206	03/02/2008	(617039)
207	03/04/2008	(595594)
208	03/04/2008	(612397)
209	03/06/2008	(613866)
210	03/07/2008	(614051)
211	03/21/2008	(689979)
212	04/07/2008	(611781)
213	04/17/2008	(636345)
214	04/21/2008	(689981)
215	04/21/2008	(689986)
216	05/17/2008	(657125)
217	05/23/2008	(689983)
218	05/29/2008	(671340)
219	05/31/2008	(689985)
220	06/17/2008	(683432)
221	06/23/2008	(689984)
222	06/24/2008	(670743)
223	07/01/2008	(682296)
224	07/25/2008	(686764)
225	07/30/2008	(686765)

226 08/01/2008 (685482)  
 227 08/25/2008 (710765)  
 228 09/24/2008 (710766)  
 229 10/02/2008 (700423)  
 230 10/27/2008 (706464)  
 231 10/27/2008 (727504)  
 232 11/24/2008 (727505)  
 233 12/17/2008 (709548)  
 234 12/22/2008 (727506)  
 235 02/04/2009 (703319)  
 236 02/10/2009 (703308)  
 237 02/17/2009 (725731)

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

**Date: 04/07/2004 (699426)**  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

**Date: 04/30/2004 (295660)**  
 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: 05/31/2004 (295662)**  
 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: 07/23/2004 (249701)**  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 48921 SC No. 6E PA

Description: Failure to install a cap, blind flange, or plug on open ended lines or valves.

**Date: 07/23/2004 (250189)**  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
 Description: Failure to record flare observations for N17 and N6 Flares during the annual compliance certification period of April 4, 2003 through April 3, 2004.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 TCEQ Air Permit No. 48922 SC No. 8 PA

Description: Failure to maintain records of weekly sampling of safety vent stacks (EPN N-7 & N-8).

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 115, SubChapter D 115.354(5)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 723 & PSD-TX-828 SC No. 9B PA

Description: Failure to tag leaking fugitive monitoring components during the annual

compliance certification period of April 4, 2003 through April 3, 2004.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.354(1)(C)  
Description: Failure to re-monitor leaking fugitive monitoring components after the repairs are completed.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
Description: Failure to conduct first attempt repair for the leaking fugitive monitoring components within five (5) calendar days.

**Date: 08/13/2004 (249700)**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)  
Description: Failure to submit compliance certification report within 30 days after the end of the certification period.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
Description: Failure to record time when the flare observation was made for SW-1 flare during annual compliance certification period.

**Date: 10/31/2004 (352222)**

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: 11/14/2004 (274431)**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Exceeded VOC rule limit during an avoidable emissions event.

**Date: 11/22/2004 (338299)**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
5C THC Chapter 382, SubChapter A 382.085(b)  
No. 8838, GC #8 PERMIT  
Description: Failure to identify the function of process controllers.

**Date: 11/30/2004 (352223)**

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: 12/16/2004 (283988)**

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to report the emissions event that occurred in the A/B Trains in a timely manner.

**Date: 12/17/2004 (283962)**

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
Description: Failure to report an emissions event in a timely manner.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
723 Special Condition 1 PERMIT  
Description: Failure to prevent unauthorized emissions.

**Date:** 12/31/2004 (381891)

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:** 03/31/2005 (374351)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Permit No. 8838, GC #8 PA

Description: The emissions event initial notification was not submitted in a timely manner.

**Date:** 03/31/2005 (575399)

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:** 04/06/2005 (374353)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Permit No. 8838, GC No. 8 PA

Description: The emissions event initial notification was not submitted in a timely manner.

**Date:** 04/06/2005 (374352)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Permit No. 8838 PA, GC No. 8

Description: The emissions event initial notification was not submitted in a timely manner.

**Date:** 04/30/2005 (575401)

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:** 07/25/2005 (399258)

Self Report? NO

Classification: Minor

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

Description: The facility failed to update its NOR with regard to waste streams and waste management units.

**Date:** 07/27/2005 (400167)

Self Report? NO

Classification: Minor

Citation: 40 CFR Chapter 270, SubChapter I, PT 270, SubPT C 270.30(a)  
V.A.1. PERMIT

Description: Permit Provision V. A. 1. -Authorized Units

The facility did not identify the boiler with a sign indicating it is Permit Unit No. 3. This is a violation of the recently issued permit.

The facility should erect the proper identification for this unit as required by the permit.

**Date: 07/31/2005 (575409)**

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: 08/15/2005 (397447)**

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
5C THC Chapter 382, SubChapter A 382.085(b)  
No. 723/PSD-TX-828-M1 PERMIT SC 1

Description: Failure to close the block valve to the first stage vacuum jet condenser discharge.

**Date: 08/29/2005 (418394)**

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)

Description: Failure to test within 150 days of start-up.

**Date: 08/30/2005 (418292)**

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
NSR Permit No. 43803 Special Condition 1 PA

Description: Failure to comply with Special Condition No. 1 of NSR permit no. 83803.

**Date: 11/04/2005 (435818)**

Self Report? NO

Classification: Minor

Citation: 17392 SC No. 4 PA  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
O-02235 SC no. 8 OP

Description: Failure to comply with the VOC emission limit for the tank no. 90480 for the year 2004 as per SC 4 of TCEQ permit no. 17392.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
O-02235 SC 8 OP  
TCEQ Permit No. 17392 SC 8 PA

Description: Failure to comply with VOC emission limit for the tank no. 91007 for the year 2004 as per SC no. 8 of TCEQ permit no. 17392.

**Date: 12/31/2005 (575419)**

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: 01/10/2006 (440229)**

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
SC no. 8 of NSR permit no. 29010 PA

Description: Failure to comply with permitted emission limit of 0.71 tons per year of VOC for the year 2004 for the tank no. 91029 as per Special Condition no. 1 of TCEQ permit no. 29010.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
SC no. 1 of NSR permit no. 29010 PA

Description: Failure to comply with the permitted emission limit of 6.2 tons per year of VOC for the year 2004 for the tank 96674 as per special condition no. 1 of TCEQ permit

no. 29010.  
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)  
NSR permit no. 29010 PA  
Description: Failure to comply with the permitted fill rate limit of 100 gallons per minute for the tank no. 91325 as stated in the permit application for the permit no. 29010.

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)  
NSR permit no. 29010 PA  
Description: Failure to comply with the permitted fill rate limit of 125 gallons per minute for the tank no. 91326 as stated in the permit application for the permit no. 29010.

**Date: 07/26/2006 (486614)**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
No. 8838 PERMIT SC 1  
Description: Failure to prevent an operator error resulting in power loss at HT2 process unit.

**Date: 08/14/2006 (464411)**

Self Report? NO Classification: Minor  
Citation: 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)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Operating Permit No. O-02232 OP  
TCEQ Air Permit No. 48921 SC 6E PA  
Description: Failure to plug an open-ended line.

**Date: 08/16/2006 (462093)**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
Description: The 2005 deviation report did not include failure to monitor the Decanter water and the Cooling Tower water

**Date: 08/30/2006 (489426)**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)  
No. 8838, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)

Description: Failure to submit a final report of an emissions event no later than two weeks after the end of the event.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

Description: Failure to include in the final report, the authorized emission limits for the facilities involved in an emissions event.

**Date: 08/31/2006 (449984)**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT H 60.84(e)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01583 OP

Description: failure to comply with SO2 emission standard of 4 lbs per ton of acid produced 3-hour-roll-over emissions to the atmosphere for one of their sulfuric acid unit as per 40 CFR 60.84(e)

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)  
SC no. 1 of Air Permit No. 751 PA

Description: failure to comply with CO emissions for the year 2004 as per special condition no. 1 of TCEQ permit no. 751.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01583 OP

Description: failure to monitor 12 HON valves between July 28, 2004 through May 31, 2005.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
O-01583 OP

Description: failure to monitor a newly installed HON pump between July 28, 2004 through May 31, 2005.

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)  
SC No. 8 of TCEQ Air Permit No. 1257A PA

Description: failure to maintain the temperature of wet crude methyl methacrylate to below 90 degrees F, which is transferred to tanks B-3-13 through B-3-17 as required by Special Condition no. 8 of TCEQ permit No. 1257A.

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)  
O-01583 OP  
SC no. 1 of AIR Permit No. 1257A PA

Description: failure to comply with a VOC emissions limit for the tank B-3-8 as per special condition no. 1 of TCEQ permit 1257A.

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)  
O-01583 OP

Description: failure to conduct AVO pump inspection for 23 pumps in the B4 unit from May 20, 2004 through August 1, 2004.

**Date: 02/08/2007 (512671)**

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-02236, SC No. 3(A)(iii)(1) OP

Description: Failure to perform quarterly observation of visible emissions from a building emission source, enclosed facility, or other structure containing emission sources.

Self Report? NO Classification: Minor

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-02236, SC 13 OP  
NSR Permit No. 8838, SC 1 PA

Description: Failure to comply with Carbon Monoxide (CO) emission limit of NSR Permit No. 8838 for the HT-11 thermal incinerator.

Self Report? NO Classification: Minor

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-02236, SC 13 OP

NSR Permit No. 8838, SC 1 PA

Description: Failure to comply with NOx emission limits of NSR permit 8838 for the thermal oxidizer.

Self Report? NO Classification: Minor

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-02236, SC 13 OP  
NSR Permit No. 8838, SC 24 A & B PA

Description: Failure to maintain minimum operating temperature for thermal oxidizer as required by the NSR Permit No. 8838 SC 24 A & B.

Self Report? NO Classification: Minor

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-02236, SC 13 OP  
NSR Permit No. 8838, SC 24A PA

Description: Failure to maintain minimum oxygen level in the HT-3 thermal oxidizer.

Self Report? NO Classification: Minor

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)  
NSR Permit No. 8838, SC 1 PA  
O-02236 SC 13 OP

Description: Failure to meet the minimum net heating value for the flares HT-4 and HT-10.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
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 63.168(f)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)  
NSR Permi No. 8838, SC 4H PA  
O02236 SC No. 13 OP

Description: Failure to repair five leaking fugitive components within 15 days after the leak is discovered.

Self Report? NO Classification: Minor

Citation: 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)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-02236, SC 13 OP  
NSR Permit No. 8838 SC 4E PA

Description: Failure to plug six open-ended lines in light liquid service.

**Date: 02/28/2007 (540141)**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
TCEQ Permit # 1257 A PERMIT

Description: Failed to comply with the permitted emission rate for acetone.

**Date: 03/15/2007 (543775)**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
8838/Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Failed to submit an initial notification as soon as practicable.

**Date: 06/28/2007 (559790)**

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
Description: Failed to comply with the emissions events reporting requirements.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Permit No. 8838/Special Condition No. 1 PERMIT  
Description: Failed to prevent unauthorized emissions.

**Date: 07/26/2007 (566593)**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
8838/Special Condition No. 1 PERMIT  
Description: Failed to prevent unauthorized emissions

**Date: 08/29/2007 (573797)**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THC Chapter 382, SubChapter A 382.085(b)  
General Terms and Conditions OP  
Description: Failure to submit the semiannual deviation report within 30 days of the end of the deviation reporting period.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THC Chapter 382, SubChapter A 382.085(b)  
General Terms and Conditions OP  
Description: Failure to submit the permit compliance certification within 30 days of the end of the reporting period.

**Date: 10/31/2007 (689989)**

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: 01/16/2008 (595596)**

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
OP O-02235, SC 3A(iii) OP  
Description: Failure to conduct annual observation of visible emissions from buildings, enclosed facilities or other structures.

**Date: 03/04/2008 (615105)**

Self Report? NO Classification: Moderate  
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT H 60.84(b)  
5C THSC Chapter 382 382.085(b)

Description: Failure to run Reich test more than three times a day.

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)  
OP O-01583, Special Condition 8 OP  
PA 751, Special Condition 11 PA

Description: Failure to operate gas analyzer inlet to Day's scrubber.

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 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
5C THSC Chapter 382 382.085(b)

OP O-01583, Special Condition 8 OP  
PA 1257A, Special Condition 3 PA  
Description: Failure to maintain flare pilot flame continuously.  
Self Report? NO Classification: Minor  
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 60.7(f)  
5C THSC Chapter 382 382.085(b)  
OP O-01583, Special Condition 8 OP  
PA 751, Special Condition 11D PA

Description: Failure to maintain daily CEMS calibration report.  
Self Report? NO Classification: Minor  
Citation: 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 63.171(a)  
5C THSC Chapter 382 382.085(b)  
OP O 0-1583, Special Condition 8 OP  
PA 1257A, Special Condition 4I PA

Description: Failure to repair components during unit shutdown.  
Self Report? NO Classification: Minor  
Citation: 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 G 63.119(b)(1)  
5C THSC Chapter 382 382.085(b)  
OP O-01583, Special Condition 8 OP  
PA 1257A, Special Condition 3 PA

Description: Failure to rest internal floating roof (IFR) on liquid surface.

**Date: 03/04/2008 (612397)**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)  
8838/Special Condition 1 PERMIT  
Description: Rohm and Haas operators partially closed the air intake valves on the SVG to increase the vacuum at the sample hoods. This allowed water from the SVG seal loops to enter the SVG Fan and shut it down. This resulted in the loss of SVG flow to the Thermal Oxidizer (TO). The compounds from the process were released to the atmosphere.

**Date: 06/24/2008 (610604)**

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)  
OP O-02236, Special Condition 13 OP  
PA 8838 and N61, SC 1 PA  
Description: Exceedence of CO hourly maximum emission rates, Unit ID# HT-3.  
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)  
OP O-02236, Special Condition 13 OP  
PA Permit 8838 and N61, SC 1 PA

Description: Failure to limit NOx hourly maximum emission rates, Unit ID# HT-9, HT-11, HT-30, HT-49.

Self Report? NO Classification: Minor  
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)  
OP O-02236, Special Condition 13 OP  
P 8838 and N61, SC 25A and 25B PA

Description: Failure to maintain oxygen concentration level to HT-3 thermal oxidizer.  
Self Report? NO Classification: Minor  
Citation: 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 63.11(b)(6)(ii)  
 5C THSC Chapter 382 382.085(b)  
 OP O-02236, Special Condition 13 OP  
 PA 8838 and N61, SC 16 PA

Description: Failure to maintain the minimum heat input to HT-4 flare.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter B 117.213(d)(1)(A)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(f)  
 5C THSC Chapter 382 382.085(b)  
 PA Permit 8838 and N61, SC 26 PA

Description: Failure to operate carbon monoxide (CO), and oxygen (O2) CEMS continuously,  
 (EPN# HT-3, HT-46)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter B 117.213(c)(1)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to operate Nitrogen Oxide (NOx) continuous emission monitoring system  
 (CEMS), for (EPN# HT-3, and HT-46).  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.789(1)(B)  
 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 63.174(a)  
 5C THSC Chapter 382 382.085(b)  
 OP O-02236, Special Condition 13 OP  
 PA Permit 8838 and N61, SC 5E PA

Description: Failure to monitor connectors in the HT, and HT-2 units.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
 30 TAC Chapter 115, SubChapter H 115.781(b)  
 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 63.168(b)  
 5C THSC Chapter 382 382.085(b)  
 OP O-02236, Special Condition 13 OP  
 PA Permit 8838 and N61, SC 5F PA

Description: Failure to monitor valves in HRVOC service in the HT and HT-2 units.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.783(5)  
 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)(1)  
 5C THSC Chapter 382 382.085(b)  
 OP O-02236 Special Condition 13 OP  
 PA Permit 8838 and N61, SC 5E PA

Description: Failure to seal or equip open-ended lines with a cap, blind flange, plug, or a  
 second valve. Category C 10.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(1)(A)  
 30 TAC Chapter 122, SubChapter B 122.145(1)(C)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to submit a deviation report covering January 21, 2007 through July 20,  
 2007 within 30 days of the end of the reporting period.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(iii)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to fill out appropriate startup, shutdown, and malfunction plan (SSMP)  
 form.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.146(2)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to submit the PCC within 30 days of the end of the reporting period, Unit  
 #HT.

**Date: 07/30/2008 (686765)**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THSC Chapter 382 382.085(b)  
O-02233 General Terms and Conditions OP  
Description: Failure to submit the first semi-annual deviation report within the 30 day time frame.

**Date: 07/31/2008 (710765)**

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: 11/30/2008 (727506)**

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: 12/17/2008 (709548)**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THSC Chapter 382 382.085(b)  
8838 PERMIT  
Description: Failure to operate the flare without a flame.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Terms and Conditions PERMIT  
Description: Failure to prevent unauthorized emissions.

**Date: 02/04/2009 (703319)**

Self Report? NO Classification: Minor  
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)  
O-02235 New Source Review Requirements OP  
Permit 17392 Special Condition 8E PA  
Description: Failure to maintain a cap, blind flange, or plug on open ended lines or valves containing volatile organic compounds.

**Date: 02/10/2009 (703308)**

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 60.18(c)(2)  
5C THSC Chapter 382 382.085(b)  
Special Condition 15 OP  
Special Condition 5 PA  
Description: Failure to maintain flare pilot flame, Unit ID# Flare-ACET-7.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter B 117.340(c)(1)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to operate nitrogen oxides (NOx) CEMS.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 117, SubChapter G 117.8120(1)(A)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to operate carbon monoxides (CO) CEMS,

F. Environmental audits.

**Notice of Intent Date: 06/14/2004 (350744)**

No DOV Associated

**Notice of Intent Date: 09/15/2005 (434800)**

No DOV Associated

**Notice of Intent Date: 10/02/2007 (599285)**

**Disclosure Date: 12/12/2007**

Viol. Classification: Minor

Citation: 40 CFR Chapter 263, SubChapter I, PT 263, SubPT C 264.15

Rqmt Prov: PERMIT 50102, Section V.I.7.e

Description: Failure to maintain records by properly recording three daily CO CEMS on the DIF unit System Audit Checklists for 03/15/07, 05/16/07, and 06/30/07.

Viol. Classification: Minor

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15

Description: Failure to properly maintain Haz. Waste storage pad inspection sheets for corrective action taken, date and time of correction, or the person correcting the exception for 04/25/06, 04/18/06, 07/03/07, 07/10/07, 07/24/07, 07/31/07.

Viol. Classification: Minor

Citation: 4C THSC Chapter 262, SubChapter A 262.001

Description: Failure to properly maintain waste manifest required information.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.112

Description: Failure to properly maintain chain of custody forms for waste water effluent for 01/16/06, 08/14/07, 08/28/07, and 10/03/07.

**Notice of Intent Date: 03/13/2008 (640851)**

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

**Addendum to Compliance History  
Federal Enforcement Actions**

CUSTOMER (Defendant):	ROHM AND HAAS TEXAS INCORPORATED	CUSTOMER NO.:	CN600131395
REGULATED ENTITY:	ROHM & HAAS TEXAS INCORPORATED	REG. ENTITY NO.:	RN100223205
REG. ENTITY ADDRESS:	1900 TIDAL RD.		
REG. ENTITY CITY:	DEER PARK		

**Violations**

EPA CASE NO:	06-1999-0944	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20060810	STATUTE:	CAA
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	SECT. OF STATUTE:	
CASE RESULT:	Final Order With Penalty	CITATION:	40 CFR
		CITE PART:	
		CITE SECT.:	
		PROGRAM:	NESHAPs
		VIOLATION TYPE:	Failure to conduct weekly inspections

EPA CASE NO:	06-1999-0944	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20060810	STATUTE:	CAA
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	SECT. OF STATUTE:	
CASE RESULT:	Final Order With Penalty	CITATION:	
		CITE PART:	
		CITE SECT.:	
		PROGRAM:	
		VIOLATION TYPE:	Failure to record meter readings

EPA CASE NO:	06-1999-0944	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20060810	STATUTE:	RCRA
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	SECT. OF STATUTE:	3002
CASE RESULT:	Final Order With Penalty	CITATION:	40 CFR
		CITE PART:	
		CITE SECT.:	
		PROGRAM:	Solid Waste Management - Sub C
		VIOLATION TYPE:	Cracks in secondary containment

EPA CASE NO:	06-1999-0944	CLASSIFICATION:	MINOR
ORDER ISSUED DATE (YYYYMMDD):	20060810	STATUTE:	RCRA
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	SECT. OF STATUTE:	
CASE RESULT:	Final Order With Penalty	CITATION:	40 CFR
		CITE PART:	
		CITE SECT.:	
		PROGRAM:	Gen. Haz. Waste Management
		VIOLATION TYPE:	Labeling/Marking Requirements

EPA CASE NO:	06-1999-0944	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20060810	STATUTE:	RCRA
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	SECT. OF STATUTE:	
CASE RESULT:	Final Order With Penalty	CITATION:	
		CITE PART:	
		CITE SECT.:	
		PROGRAM:	
		VIOLATION TYPE:	Open Haz. Waste Containers in PCL Lab

EPA CASE NO:	06-1999-0944	CLASSIFICATION:	MAJOR
ORDER ISSUED DATE (YYYYMMDD):	20060810	STATUTE:	RCRA
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	SECT. OF STATUTE:	
CASE RESULT:	Final Order With Penalty	CITATION:	
		CITE PART:	
		CITE SECT.:	
		PROGRAM:	
		VIOLATION TYPE:	RCRA Permit Evader

EPA CASE NO:	06-1999-0944	CLASSIFICATION:	MODERATE
ORDER ISSUED DATE (YYYYMMDD):	20060810	STATUTE:	CWA
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	SECT. OF STATUTE:	301
CASE RESULT:	Final Order With Penalty	CITATION:	
		CITE PART:	
		CITE SECT.:	
		PROGRAM:	NPDES - Other Unpermitted Discharge
		VIOLATION TYPE:	Effluent Limit Viol./not otherwise spec.

EPA CASE NO:	06-1999-0944	CLASSIFICATION:	MINOR
ORDER ISSUED DATE (YYYYMMDD):	20060810	STATUTE:	CAA
ENFORCEMENT ACTION TYPE:	Consent Decree/Court Order	SECT. OF STATUTE:	
CASE RESULT:	Final Order With Penalty	CITATION:	
		CITE PART:	
		CITE SECT.:	
		PROGRAM:	
		VIOLATION TYPE:	Failure to calibrate detection equipment



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
ROHM AND HAAS TEXAS  
INCORPORATED  
RN100223205

§  
§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2009-0296-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 Rohm and Haas Texas Incorporated ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at 1900 Tidal Road in Deer Park, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 15, 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 Fifty-Nine Thousand Seven Hundred Dollars (\$59,700) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-Three Thousand Eight Hundred Eighty Dollars

(\$23,880) of the administrative penalty and Eleven Thousand Nine Hundred Forty Dollars (\$11,940) 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. Twenty-Three Thousand Eight Hundred Eighty Dollars (\$23,880) 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 has implemented the following corrective measures at the Plant:
  - a. Ceased production in the unit and emissions from Decanter ACET-1A on November 20, 2008; and
  - b. Submitted a notification to the TCEQ on February 27, 2009, which requested to void the previously submitted permit amendment application, dated August 26, 2008, based on plans to permanently shut the unit down.
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 comply with the 48.8 tons per year ("tpy") volatile organic compound ("VOC") emissions limit for Decanter ACET-1A, in violation of Air Permit No. 48921, Special Condition No. 1, Air Permit No. O-02232, Special Condition No. 15, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on October 8, 2008. Specifically, the VOC emissions from Decanter ACET-1A were 109.22 tpy in 2006, 126.63 tpy in 2007, and 92.73 tpy in 2008.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

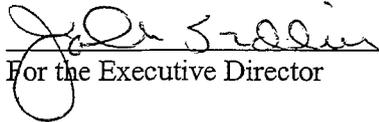
1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations 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: Rohm and Haas Texas Incorporated, Docket No. 2009-0296-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, Twenty-Three Thousand Eight Hundred Eighty Dollars (\$23,880) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

\_\_\_\_\_  
Date 7/27/2009

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

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

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

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

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date 6/08/09

\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Rohm and Haas Texas Incorporated

\_\_\_\_\_  
Title  
Site Leader

**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: 2009-0296-AIR-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Rohm and Haas Texas Incorporated

**Payable Penalty Amount:** Forty-Seven Thousand Seven Hundred Sixty Dollars (\$47,760)

**SEP Amount:** Twenty-Three Thousand Eight Hundred Eighty Dollars (\$23,880)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** Houston Regional Monitoring Corporation - Houston Area Monitoring

**Location of SEP:** Harris County

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

**1. Project Description**

A. Project

Performing Party shall use SEP Funds to operate, maintain, and potentially expand portions of the existing Houston Regional Monitoring Corporation Ambient Air Quality Monitoring Network in the Houston area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives. SEP funds may be used to operate a single monitoring site or multiple sites contingent upon the amount of SEP funds provided.

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

B. Environmental Benefit

Data from this monitoring may be used to evaluate the effectiveness of current emission control strategies, track ambient concentration trends for key pollutants of interest, evaluate episodic emission events, conduct source attribution studies, and assess potential community exposure to toxic air contaminants. Performing party notifies the TCEQ on a quarterly basis of all exceedences of the National Ambient Air Quality Standards ("NAAQS") that it measures at its monitoring stations. The TCEQ uses this information, along with information collected at its own monitors and monitors operated by the City of Houston, to evaluate Houston's progress toward achieving or remaining in attainment of the NAAQS.

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:

Christopher B. Amandes, Esquire, Vinson & Elkins LLP  
First City Tower  
1001 Fannin Street, Suite 2500  
Houston, TX 77002-6760

**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:

Office of Legal Services  
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.

