

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2008-0156-AIR-E TCEQ ID: RN100223205 CASE NO.: 35303**

**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 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 are two additional pending enforcement actions regarding this facility location, Docket Nos. 2009-0891-AIR-B and 2009-1116-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 September 1, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Harvey Wilson, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-0321; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Corporation Service Company, Registered Agent, Rohm and Haas Texas Incorporated, 701 Brazos Street, Suite 1050, Austin, Texas 78701                      Mr. Larry E. Schmid, Plant Manager, 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> January 7, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> March 21, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a record review.</p> <p><b>AIR</b></p> <p>1) Failure to comply with carbon monoxide ("CO") limits. Specifically, the results from the stack test conducted on November 10, 2006 measured the CO emissions from the D-train Start-up Furnace ("EPN HT-32") at 6.03 pounds per hour and the Maximum Allowable Emission Rate in Permit No. 8838 for EPN HT-32 is 4.54 pounds per hour [New Source Review Permit No. 8838, Special Condition 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failure to comply with nitrogen oxide ("NOx") hourly maximum limits for pre-heaters HR-2 and HR-3. Specifically, the permit limit for NOx emissions is 9.60 pounds per hour. HR-2 exceeded this limit intermittently during the period November 21, 2006 to May 20, 2007. The unauthorized emissions range was 0.48 to 1.93 pounds per hour and the excess emissions percentage rate was 5.02% to 20.10%. HR-3 exceeded this limit intermittently during the period of November 2, 2006 to May 20, 2007. The unauthorized emissions range was 0.48 to 3.54 pounds per hour and the excess emissions percentage rate was 5.01% to 36.90% [New Source Review Permit No. 751, Special Condition 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$81,000</p> <p><b>Total Deferred:</b> \$16,200  <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> \$64,800</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:</p> <p>a. Programming controls were installed in August of 2007 to address the NOx problem;</p> <p>b. Additional programming to the Davy Scrubber controls to address the SO<sub>2</sub> problem were installed by February 29, 2008;</p> <p>c. The D-Train was in compliance by February 22, 2008; and</p> <p>d. A stack test conducted on May 8, 2008, verified that all pollutants were within the permitted limits.</p>

<p>3) Failure to comply with sulfur dioxide ("SO<sub>2</sub>") production limit for HR-1, HR-2, and HR-3. Specifically, the permit limit is 4 pounds of SO<sub>2</sub> per ton of sulfuric acid ("H<sub>2</sub>SO<sub>4</sub>") produced. HR-1, HR-2, and HR-3 exceeded this limit intermittently during the period November 21, 2006 to May 20, 2007. The unauthorized emissions range was 0.210 to 51.50 pounds per ton of H<sub>2</sub>SO<sub>4</sub> produced [New Source Review Permit No. 751, Special Condition 6, 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and 40 CODE OF FEDERAL REGULATIONS § 60.82(a)].</p> <p>4) Failure to comply with the SO<sub>2</sub> hourly emissions limit of 434.9 pounds per hour. Specifically, the permit limit for SO<sub>2</sub> hourly emissions from HR-D stack is 434.9 pounds per hour. This limit was exceeded intermittently during the period May 21, 2006 through May 20, 2007 and the unauthorized emissions range was 66.54 to 4,721.1 pounds per hour [New Source Review Permit No. 751, Special Condition 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>		
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Additional ID No(s): HG0632T





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision February 29, 2008

<b>DATES</b>	Assigned	10-Mar-2008	Screening	20-Mar-2008	EPA Due	
	PCW	26-Mar-2008				

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

<b>CASE INFORMATION</b>				
Enf./Case ID No.	35303	No. of Violations	4	
Docket No.	2008-0156-AIR-E	Order Type	1660	
Media Program(s)	Air	Enf. Coordinator	Harvey Wilson	
Multi-Media		EC's Team	Enforcement Team 3	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 \$20,000

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

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

**Compliance History** 315% Enhancement Subtotals 2, 3, & 7 \$63,000

Notes: An enhancement is recommended because the Respondent has received two Final Court Orders with denial of liability, four Agreed Orders containing denial of liability, 24 NOVs for similar violations and 29 NOVs for violations that were not similar to the current violations within the past five years, and the Respondent submitted three Notices of Intent of an Audit.

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

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 10% Reduction Subtotal 5 \$2,000

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

Notes: The Respondent returned to compliance on May 8, 2008.

**Total EB Amounts** 0% Enhancement\* Subtotal 6 \$0  
 Approx. Cost of Compliance \$1,271 \*Capped at the Total EB \$ Amount  
\$20,000

**SUM OF SUBTOTALS 1-7** Final Subtotal \$81,000

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Final Penalty Amount \$81,000

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty \$81,000

**DEFERRAL** 20% Reduction Adjustment -\$16,200

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** \$64,800

Screening Date 20-Mar-2008

Docket No. 2008-0156-AIR-E

PCW

Respondent Rohm and Haas Texas Incorporated

Policy Revision 2 (September 2002)

Case ID No. 35303

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN100223205

Media [Statute] Air

Enf. Coordinator Harvey Wilson

### 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)	24	120%
	Other written NOVs	29	58%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	4	80%
	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)	2	60%
	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)	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 315%

>> 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

An enhancement is recommended because the Respondent has received two Final Court Orders with denial of liability, four Agreed Orders containing denial of liability, 24 NOVs for similar violations and 29 NOVs for violations that were not similar to the current violations within the past five years, and the Respondent submitted three Notices of Intent of an Audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 315%

**Screening Date** 20-Mar-2008 **Docket No.** 2008-0156-AIR-E **PCW**  
**Respondent** Rohm and Haas Texas Incorporated *Policy Revision 2 (September 2002)*  
**Case ID No.** 35303 *PCW Revision February 29, 2008*  
**Reg. Ent. Reference No.** RN100223205  
**Media [Statute]** Air  
**Enf. Coordinator** Harvey Wilson  
**Violation Number** 1  
**Rule Cite(s)** New Source Review Permit No. 8838, Special Condition 1, 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to comply with carbon monoxide ("CO") limits. Specifically, the results from the stack test conducted on November 10, 2006 measured the CO emissions from the D-train Start-up Furnace ("EPN HT-32") at 6.03 pounds per hour and the Maximum Allowable Emission Rate in Permit No. 8838 for EPN HT-32 is 4.54 pounds per hour.  
**Base Penalty** \$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	25%
Potential				

**>> Programmatic Matrix**

Matrix Notes	Falsification			Percent
	Major	Moderate	Minor	
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.				0%

**Adjustment** \$7,500

\$2,500

**Violation Events**

Number of Violation Events 2 Number of violation days 545

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

**Violation Base Penalty** \$5,000

Two annual events are recommended from the date of the stack test on November 10, 2006, until the screening date on March 20, 2008.

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

**Estimated EB Amount** \$373 **Violation Final Penalty Total** \$20,250

**This violation Final Assessed Penalty (adjusted for limits)** \$20,250

## Economic Benefit Worksheet

**Respondent** Rohm and Haas Texas Incorporated  
**Case ID No.** 35303  
**Reg. Ent. Reference No.** RN100223205  
**Media** Air  
**Violation No.** 1

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

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

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	10-Nov-2006	8-May-2008	1.5	\$373	n/a	\$373

Notes for DELAYED costs

The estimated additional cost of complying with the carbon monoxide emissions limits in Permit No. 8838, Special Condition 1. Date Required is the date the non-compliance occurred. Final Date is the date of compliance.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$373



**Screening Date** 20-Mar-2008

**Docket No.** 2008-0156-AIR-E

**PCW**

**Respondent** Rohm and Haas Texas Incorporated

Policy Revision 2 (September 2002)

**Case ID No.** 35303

PCW Revision February 29, 2008

**Reg. Ent. Reference No.** RN100223205

**Media [Statute]** Air

**Enf. Coordinator** Harvey Wilson

**Violation Number**

**Rule Cite(s)**

New Source Review Permit No. 751, Special Condition 1, 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)

**Violation Description**

Failed to comply with nitrogen oxide ("NOx") hourly maximum limits for pre-heaters HR-2 and HR-3. Specifically, the permit limit for NOx emissions is 9.60 pounds per hour. HR-2 exceeded this limit intermittently during the period November 21, 2006 to May 20, 2007. The unauthorized emissions range was 0.48 to 1.93 pounds per hour and the excess emission percentage rate was 5.02% to 20.10%. HR-3 exceeded this limit intermittently during the period of November 21, 2006 to May 20, 2007. The unauthorized emissions range was 0.48 to 3.54 pounds per hour and the excess emissions percentage rate was 5.01% to 36.90%.

**Base Penalty**

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

**Matrix Notes**

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.

**Adjustment**

**Violation Events**

**Number of Violation Events**

**Number of violation days**

mark only one with an x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="checkbox"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

Two quarterly events are recommended.

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent:** Rohm and Haas Texas Incorporated  
**Case ID No.:** 35303  
**Reg. Ent. Reference No.:** RN100223205  
**Media:** Air  
**Violation No.:** 2

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

Item Description	Item Cost	Date Required	Final Date	Yrs.	Interest Saved	Onetime Costs	EB Amount
<i>No commas or \$</i>							
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	21-Nov-2006	20-Aug-2007	0.7	\$186	n/a	\$186

**Notes for DELAYED costs**  
 The estimated additional cost of complying with the NOx hourly maximum emissions rates for HR-2 and HR-3 preheaters in Permit No. 751, Special Condition 1. Date Required is the beginning date of the non-compliance. Final Date is the date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**      \$5,000      **TOTAL**      \$186

PCW

Screening Date 20-Mar-2008

Docket No. 2008-0156-AIR-E

Respondent Rohm and Haas Texas Incorporated

Policy Revision 2 (September 2002)

Case ID No. 35303

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN100223205

Media [Statute] Air

Enf. Coordinator Harvey Wilson

Violation Number 3

Rule Cite(s) New Source Review Permit No. 751, Special Condition 6, 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and 40 Code of Federal Regulations § 60.82(a)

Violation Description Failed to comply with sulfur dioxide ("SO2") production limit for HR-1, HR-2, and HR-3. Specifically, the permit limit is 4 pounds of SO2 per ton of sulfuric acid ("H2SO4") produced. HR-1, HR-2, and HR-3 exceeded this limit intermittently between November 21, 2006 through May 20, 2007. The unauthorized emissions range was 0.210 to 51.50 pounds per ton of H2SO4 produced.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

180 Number of violation days

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$5,000

Two quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$305

Violation Final Penalty Total \$20,250

This violation Final Assessed Penalty (adjusted for limits) \$20,250

## Economic Benefit Worksheet

**Respondent** Rohm and Haas Texas Incorporated

**Case ID No.** 35303

**Reg. Ent. Reference No.** RN100223205

**Media** Air

**Violation No.** 3

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				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	21-Nov-2006	9-Feb-2008	1.2	\$305	n/a	\$305

Notes for DELAYED costs

The estimated additional cost of complying with the SO2 production limit for HR-1, HR-2, and HR-3 in Permit No. 751, Special Condition 6. Date Required is the beginning date of the non-compliance. Final Date is the date of compliance.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$305

Screening Date 20-Mar-2008

Docket No. 2008-0156-AIR-E

PCW

Respondent Rohm and Haas Texas Incorporated

Policy Revision 2 (September 2002)

Case ID No. 35303

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN100223205

Media [Statute] Air

Enf. Coordinator Harvey Wilson

Violation Number 4

Rule Cite(s) New Source Review Permit No. 751, Special Condition 1, 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the SO2 hourly emissions limit of 434.9 pounds per hour. Specifically, the permit limit for SO2 hourly emissions from HR-D stack is 434.9 pounds per hour. This limit was exceeded intermittently during the period of May 21, 2006 through May 20, 2007 with the exceedances over the permitted limit ranging from 66.54 to 4,721.1 pounds per hour.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	25%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes 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.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2 180 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$407

Violation Final Penalty Total \$20,250

This violation Final Assessed Penalty (adjusted for limits) \$20,250

## Economic Benefit Worksheet

**Respondent:** Rohm and Haas Texas Incorporated  
**Case ID No.:** 35303  
**Reg. Ent. Reference No.:** RN100223205  
**Media:** Air  
**Violation No.:** 4

Percent Interest:	Years of Depreciation:
5.0	15

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

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	28-Jun-2006	9-Feb-2008	1.6	\$407	n/a	\$407

Notes for DELAYED costs

The estimated cost of complying with the SO2 hourly emissions limit from HR-D stack. Date Required is the beginning date of the non-compliance. Final Date is the date of compliance.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$5,000

TOTAL \$407

# Compliance History

Customer/Respondent/Owner-Operator:	CN600131395	Rohm and Haas Texas Incorporated	Classification: AVERAGE	Rating: 10.16
Regulated Entity:	RN100223205	ROHM AND HAAS TEXAS DEER PARK PLANT	Classification: AVERAGE	Site Rating: 4.65
ID Number(s):				
	AIR OPERATING PERMITS		ACCOUNT	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	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	30041
			REGISTRATION #	
	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	32069
	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	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	HG0632T
AIR NEW SOURCE PERMITS	REGISTRATION	79126
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	83418
AIR NEW SOURCE PERMITS	REGISTRATION	82947
AIR NEW SOURCE PERMITS	REGISTRATION	82957
AIR NEW SOURCE PERMITS	REGISTRATION	83810
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011717
IHW CORRECTIVE ACTION	SOLID WASTE	30041
	REGISTRATION #	
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50102
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE	PERMIT	50102
PLANS		

Location: 1900 TIDAL RD, DEER PARK, TX, 77536 Rating Date: September 01 07  
Repeat Violator: No

TCEQ Region: REGION 12 - HOUSTON  
Date Compliance History Prepared: January 22, 2008  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: January 23, 2002 to January 23, 2007

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

Name: Harvey Wilson Phone: 239-0321

**Site Compliance History Components**

1. Has the site been in existence and/or operation for the full five year compliance period? Y
2. Has there been a (known) change in ownership of the site during the compliance period?
3. If Yes, who is the current owner? N/A



4. If Yes, who was/were the prior owner(s)?

N/A

5. When did the change(s) in ownership occur?

N/A

**Components (Multimedia) for the Site :**

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

Effective Date: 10/10/2003

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Part 60, Subpart NNN 60.665(l)

Rqmt Prov: SC 2C PERMIT

Description: Failure to submit the semi annual reports for the distillation column in the BMA unit for 1996-2000 and the first semi annual report for 2001.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Part 60, Subpart VV 60.487(a)

Rqmt Prov: SC 2B SP VV PERMIT

Description: Failure to submit the semi annual reports for fugitive monitoring of the BMA unit for 1996-2000 and the first semi annual report for 2001.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130  
40 CFR Part 63, Subpart H 63.181(c)

Description: Failure to maintain records of weekly visual inspections of the agitators.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.105(b)

Description: Failure to properly prepare a description of maintenance procedures for the management of wastewater generated from the emptying and purging of the MMA column.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.241  
Description: Failure to install a Stage II vapor recovery system.

Effective Date: 01/08/2005

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

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

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

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

Classification: Moderate

Citation:

Description: Failure to prevent unauthorized emissions

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	01/24/2002	(158815)
2	02/19/2002	(158776)
3	02/25/2002	(103877)
4	02/25/2002	(103878)
5	03/06/2002	(103879)
6	03/22/2002	(158779)
7	03/28/2002	(103880)
8	04/16/2002	(103881)
9	04/17/2002	(103882)
10	04/24/2002	(158784)
11	05/03/2002	(103883)
12	05/07/2002	(103884)
13	05/18/2002	(103885)
14	05/18/2002	(103886)
15	05/18/2002	(103887)
16	05/21/2002	(1342)
17	05/21/2002	(1361)
18	05/23/2002	(103888)
19	05/24/2002	(158788)
20	05/28/2002	(103889)
21	05/30/2002	(103890)

22 06/04/2002 (2089)  
23 06/13/2002 (1389)  
24 06/24/2002 (158791)  
25 07/12/2002 (103891)  
26 07/25/2002 (158795)  
27 07/31/2002 (2589)  
28 08/01/2002 (3434)  
29 08/15/2002 (2324)  
30 08/19/2002 (2317)  
31 08/20/2002 (158798)  
32 08/28/2002 (2333)  
33 08/28/2002 (2327)  
34 08/29/2002 (5864)  
35 08/30/2002 (10276)  
36 09/03/2002 (3436)  
37 09/17/2002 (158801)  
38 10/16/2002 (158804)  
39 10/31/2002 (14324)  
40 11/20/2002 (158808)  
41 12/13/2002 (13575)  
42 12/17/2002 (16788)  
43 12/17/2002 (13042)  
44 12/19/2002 (14732)  
45 12/30/2002 (158812)  
46 01/27/2003 (158816)  
47 02/03/2003 (18613)  
48 02/03/2003 (18762)  
49 02/03/2003 (18816)  
50 02/24/2003 (11315)  
51 02/28/2003 (158777)  
52 03/03/2003 (21762)  
53 03/07/2003 (21378)  
54 03/12/2003 (28504)  
55 03/24/2003 (22902)  
56 03/25/2003 (158780)  
57 03/28/2003 (23431)  
58 03/28/2003 (23409)  
59 03/28/2003 (23412)  
60 04/01/2003 (25900)  
61 04/10/2003 (27120)  
62 04/21/2003 (158785)  
63 05/02/2003 (31406)  
64 05/19/2003 (295659)  
65 06/05/2003 (27380)  
66 06/18/2003 (158792)  
67 06/20/2003 (31926)  
68 07/13/2003 (35393)  
69 07/13/2003 (37899)  
70 07/21/2003 (295674)  
71 07/21/2003 (295665)  
72 08/07/2003 (9883)  
73 08/12/2003 (9872)  
74 08/23/2003 (112801)  
75 08/25/2003 (9892)  
76 08/25/2003 (295667)  
77 08/27/2003 (152220)  
78 09/22/2003 (295669)  
79 10/01/2003 (248901)  
80 10/21/2003 (295671)  
81 10/21/2003 (295673)  
82 11/17/2003 (295672)

83	11/18/2003	(253653)
84	01/30/2004	(259388)
85	01/30/2004	(259393)
86	01/30/2004	(258824)
87	03/09/2004	(260143)
88	03/19/2004	(295656)
89	03/31/2004	(295654)
90	04/22/2004	(295657)
91	05/25/2004	(295660)
92	05/27/2004	(250191)
93	06/16/2004	(295662)
94	06/18/2004	(274191)
95	06/25/2004	(250192)
96	07/15/2004	(272466)
97	07/15/2004	(272468)
98	07/15/2004	(272394)
99	07/21/2004	(352218)
100	07/23/2004	(249701)
101	07/23/2004	(250189)
102	07/30/2004	(271912)
103	07/30/2004	(271899)
104	08/11/2004	(288434)
105	08/13/2004	(249700)
106	08/23/2004	(352219)
107	08/31/2004	(292541)
108	08/31/2004	(291114)
109	09/20/2004	(352220)
110	09/30/2004	(287515)
111	09/30/2004	(288333)
112	10/05/2004	(334482)
113	10/22/2004	(291603)
114	10/26/2004	(352221)
115	10/26/2004	(352223)
116	10/26/2004	(292548)
117	11/11/2004	(287014)
118	11/11/2004	(289842)
119	11/14/2004	(274431)
120	11/14/2004	(274450)
121	11/14/2004	(274440)
122	11/19/2004	(341406)
123	11/29/2004	(352222)
124	12/09/2004	(341434)
125	12/16/2004	(283988)
126	12/16/2004	(283962)
127	12/16/2004	(287555)
128	12/17/2004	(334284)
129	12/17/2004	(334282)
130	12/17/2004	(334283)
131	12/27/2004	(284899)
132	12/27/2004	(284888)
133	12/28/2004	(288285)
134	12/30/2004	(338299)
135	01/03/2005	(288453)
136	01/04/2005	(285144)
137	01/05/2005	(338809)
138	01/12/2005	(346448)
139	01/21/2005	(381891)
140	02/23/2005	(381889)
141	03/08/2005	(350487)
142	03/21/2005	(381890)
143	03/31/2005	(374351)

144	04/06/2005	(374353)
145	04/06/2005	(374352)
146	04/22/2005	(378240)
147	04/22/2005	(575399)
148	05/19/2005	(392626)
149	05/23/2005	(575401)
150	06/13/2005	(575403)
151	07/25/2005	(575406)
152	07/25/2005	(399258)
153	07/25/2005	(400493)
154	07/27/2005	(400167)
155	07/28/2005	(400627)
156	08/05/2005	(397806)
157	08/15/2005	(397447)
158	08/18/2005	(404307)
159	08/19/2005	(575409)
160	08/23/2005	(401938)
161	08/23/2005	(404914)
162	08/25/2005	(405924)
163	08/29/2005	(418394)
164	08/30/2005	(418292)
165	09/23/2005	(575411)
166	10/24/2005	(575413)
167	10/24/2005	(575417)
168	11/04/2005	(435818)
169	12/29/2005	(434384)
170	01/09/2006	(440229)
171	01/24/2006	(575419)
172	02/02/2006	(575415)
173	02/21/2006	(455168)
174	02/23/2006	(455895)
175	02/25/2006	(456937)
176	02/26/2006	(575395)
177	02/27/2006	(456637)
178	02/28/2006	(457142)
179	02/28/2006	(451371)
180	02/28/2006	(457254)
181	03/21/2006	(575397)
182	03/23/2006	(454725)
183	03/24/2006	(457097)
184	03/28/2006	(457110)
185	03/28/2006	(452624)
186	04/24/2006	(575400)
187	04/28/2006	(457469)
188	05/01/2006	(460108)
189	05/04/2006	(457447)
190	05/09/2006	(461424)
191	05/09/2006	(460949)
192	05/11/2006	(460513)
193	05/11/2006	(463554)
194	05/11/2006	(460471)
195	05/11/2006	(460733)
196	05/11/2006	(458324)
197	05/11/2006	(460912)
198	05/11/2006	(460844)
199	05/11/2006	(460393)
200	05/22/2006	(575402)
201	05/25/2006	(374855)
202	05/25/2006	(374902)
203	05/26/2006	(459923)
204	05/31/2006	(457270)

205 06/22/2006 (575404)  
 206 07/24/2006 (575407)  
 207 07/25/2006 (457457)  
 208 07/25/2006 (457453)  
 209 07/25/2006 (406106)  
 210 07/26/2006 (486614)  
 211 07/27/2006 (462714)  
 212 08/11/2006 (462093)  
 213 08/14/2006 (464411)  
 214 08/22/2006 (575410)  
 215 08/24/2006 (488546)  
 216 08/30/2006 (489426)  
 217 08/31/2006 (449984)  
 218 09/25/2006 (575412)  
 219 09/29/2006 (513039)  
 220 10/03/2006 (513582)  
 221 10/03/2006 (513239)  
 222 10/13/2006 (515313)  
 223 10/23/2006 (575414)  
 224 10/23/2006 (575418)  
 225 10/23/2006 (512670)  
 226 11/22/2006 (575416)  
 227 11/29/2006 (532188)  
 228 12/01/2006 (517786)  
 229 01/05/2007 (514335)  
 230 01/22/2007 (575420)

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

Date	04/18/2002	(103881)		
Self Report?	NO		Classification:	Moderate
Citation:	5C THC Chapter 382, SubChapter A 382.085(a)			
Description:	UNAUTH EMISSIONS CIVIL			
Date	04/30/2002	(158788)		
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	05/03/2002	(103883)		
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(1)			
Description:	ERMITS AFTER 081694			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter A 101.6			
Description:	NOTIFICA MAJOR UPSETS			
Date	05/31/2002	(103889)		
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter C 115.242(10)			
Description:	CHANGE OPS STAT STAGE			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Rqmt Prov:	OP PP2C			
Description:	PERMIT SPECIAL CONDITI			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Rqmt Prov:	OP PP#2B #2C			
Description:	PERMIT SPECIAL CONDIIT			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Rqmt Prov:	OP PP#2B			
Description:	PERMIT SPECIAL CONDITI			
Self Report?	NO		Classification:	Moderate

Citation:	30 TAC Chapter 113, SubChapter C 113.130		
Description:	MACT EQUIPMENT LAKES		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 113, SubChapter C 113.110		
Description:	SOCMI-GEN STDS		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter C 115.247(2)		
Description:	EXEMPTIONS NC		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter C 115.241		
Description:	VOC STAGE II VRU REQ		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.116(a)		
Rqmt Prov:	OP PP1		
Description:	PERMIT AMENDMENTS		
Date	09/04/2002 (3436)		
Self Report?	NO	Classification:	Minor
Citation:	40 CFR Part 63, Subpart G 63.118(f)(5)		
Description:	Failed to include the times and durations of flame outage on several flares on a HON semi-annual periodic report.		
Date	10/17/2002 (14324)		
Self Report?	NO	Classification:	Minor
Citation:	40 CFR Part 63, Subpart G 63.118(f)(5)		
Description:	Failed to include the times and durations of flame outage on several flares on a HON semi-annual periodic report.		
Date	12/31/2002 (158816)		
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	01/27/2003 (11315)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.6		
	30 TAC Chapter 319, SubChapter A 319.9(c)		
Description:	Failure to maintain documentation of laboratory quality control.		
Date	02/28/2003 (158780)		
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	03/12/2003 (21378)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.222(b)(3)		
	30 TAC Chapter 116, SubChapter B 116.115(b)(2)		
Description:	Failure to control emissions.		
Date	03/21/2003 (22902)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.222(b)(3)		
	5C THC Chapter 382, SubChapter A 382.085(a)		
Description:	Failed to prevent an emissions event which resulted in unauthorized emissions.		
Date	03/31/2003 (23412)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 101, SubChapter F 101.222(b)(3)		
	5C THC Chapter 382, SubChapter A 382.085(b)		
Description:	Failure to close bleed valve which caused unauthorized emissions.		
Date	03/31/2003 (23409)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)		
Description:	Failure to report emissions event in a timely manner.		
Date	03/31/2003 (158785)		
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** 04/30/2003 (295659)  
**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** 05/31/2003 (158792)  
**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** 08/07/2003 (9883)  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(d)(5)

**Description:** Failure to include reason for delay of repair for the leaking fugitive monitoring component.  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)

**Description:** Failure to conduct fugitive monitoring of 65 pumps during March 22, 2002.  
**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)

**Description:** Failure to conduct fugitive monitoring of 5 agitators during March 2002.  
**Date** 08/31/2003 (295669)  
**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** 09/30/2003 (295671)  
**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** 11/30/2003 (295673)  
**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** 12/31/2003 (295674)  
**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** 01/31/2004 (295654)  
**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** 04/30/2004 (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)		
Rqmt Prov:	PA 48921 SC No. 6E		
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)		
Rqmt Prov:	PA TCEQ Air Permit No. 48922 SC No. 8		
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)		
Rqmt Prov:	PA 723 & PSD-TX-828 SC No. 9B		
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)		
Rqmt Prov:	PERMIT No. 8838, GC #8		
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)		

Description: 5C THC Chapter 382, SubChapter A 382.085(b)  
 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)  
 Rqmt Prov: PERMIT 723 Special Condition 1  
 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)  
 Rqmt Prov: PA Permit No. 8838, GC #8  
 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)  
 Rqmt Prov: PA Permit No. 8838, GC No. 8  
 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)  
 Rqmt Prov: PA Permit No. 8838  
 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)  
 Rqmt Prov: PERMIT V.A.1.  
 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)  
 Rqmt Prov: PERMIT No. 723/PSD-TX-828-M1  
 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)  
 Rqmt Prov: PA NSR Permit No. 43803 Special Condition 1  
 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: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 Rqmt Prov: PA 17392 SC No. 4  
 OP O-02235 SC no. 8  
 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)  
 Rqmt Prov: OP O-02235 SC 8  
 PA TCEQ Permit No. 17392 SC 8  
 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)  
 Rqmt Prov: PA SC no. 8 of NSR permit no. 29010  
 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)  
 Rqmt Prov: PA SC no. 1 of NSR permit no. 29010  
 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)  
 Rqmt Prov: PA NSR permit no. 29010  
 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)		
Rqmt Prov:	PA NSR permit no. 29010		
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)		
Rqmt Prov:	PERMIT No. 8838		
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)		
Rqmt Prov:	OP Operating Permit No. O-02232 PA TCEQ Air Permit No. 48921 SC 6E		
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)		
Rqmt Prov:	PERMIT No. 8838, Special Condition 1		
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)		
Rqmt Prov:	OP O-01583		
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)		
Rqmt Prov:	PA SC no. 1 of Air Permit No. 751		
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)		
Rqmt Prov:	OP O-01583		
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)

Rqmt Prov: OP O-01583  
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)  
Rqmt Prov: PA SC No. 8 of TCEQ Air Permit No. 1257A  
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)  
Rqmt Prov: OP O-01583  
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)  
Rqmt Prov: OP O-01583  
Description: failure to conduct AVO pump inspection for 23 pumps in the B4 unit from May 20, 2004 through August 1, 2004.

F. Environmental audits.

Notice of Intent Date: 01/15/2004 (263315)  
No DOV Associated  
Notice of Intent Date: 06/14/2004 (350744)  
No DOV Associated  
Notice of Intent Date: 09/15/2005 (434800)  
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  
**REGULATED ENTITY:** ROHM & HAAS TEXAS INCORPORATED  
**REG. ENTITY ADDRESS:** 1900 TIDAL RD.  
**REG. ENTITY CITY:** DEER PARK

**CUSTOMER NO.:** CN600131395  
**REG. ENTITY NO.:** RN100223205

**Violations**

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

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

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

<b>EPA CASE NO:</b>	06-1999-0944	<b>CLASSIFICATION:</b>	MODERATE
<b>ORDER ISSUED DATE (YYYYMMDD):</b>	20060810	<b>STATUTE:</b> RCRA	<b>SECT. OF STATUTE:</b>
<b>ENFORCEMENT ACTION TYPE:</b>	Consent Decree/Court Order	<b>CITATION:</b>	<b>CITE PART:</b> <b>CITE SECT.:</b>
<b>CASE RESULT:</b>	Final Order With Penalty	<b>PROGRAM:</b>	
		<b>VIOLATION TYPE:</b>	Open waste containers/No accum. date

<b>EPA CASE NO:</b>	06-1999-0944	<b>CLASSIFICATION:</b>	MODERATE
<b>ORDER ISSUED DATE (YYYYMMDD):</b>	20060810	<b>STATUTE:</b> RCRA	<b>SECT. OF STATUTE:</b>
<b>ENFORCEMENT ACTION TYPE:</b>	Consent Decree/Court Order	<b>CITATION:</b>	<b>CITE PART:</b> <b>CITE SECT.:</b>
<b>CASE RESULT:</b>	Final Order With Penalty	<b>PROGRAM:</b>	
		<b>VIOLATION TYPE:</b>	Failure to implement schedule for Insp.

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

<b>EPA CASE NO:</b>	06-1999-0944	<b>CLASSIFICATION:</b>	MINOR
<b>ORDER ISSUED DATE (YYYYMMDD):</b>	20060810	<b>STATUTE:</b> CAA	<b>SECT. OF STATUTE:</b>
<b>ENFORCEMENT ACTION TYPE:</b>	Consent Decree/Court Order	<b>CITATION:</b>	<b>CITE PART:</b> <b>CITE SECT.:</b>
<b>CASE RESULT:</b>	Final Order With Penalty	<b>PROGRAM:</b>	
		<b>VIOLATION TYPE:</b>	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. 2008-0156-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 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 March 26, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eighty-One Thousand Dollars (\$81,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Sixty-Four Thousand Eight Hundred Dollars (\$64,800) of the administrative

penalty and Sixteen Thousand Two Hundred Dollars (\$16,200) 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:
  - a. Programming controls were installed in August of 2007 to address the nitrogen oxide ("NO<sub>x</sub>") problem;
  - b. Additional programming to the Davy Scrubber controls to address the sulfur dioxide ("SO<sub>2</sub>") problem were installed by February 29, 2008;
  - c. The D-Train was in compliance by February 22, 2008; and
  - d. A stack test conducted on May 8, 2008, verified that all pollutants were within the permitted limits.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to comply with carbon monoxide ("CO") limits, in violation of New Source Review Permit No. 8838, Special Condition 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 7, 2008. Specifically, the results from the stack test conducted on November 10, 2006 measured the CO emissions from the D-train Start-up Furnace ("EPN HT-32") at 6.03 pounds per hour and the Maximum Allowable Emission Rate in Permit No. 8838 for EPN HT-32 is 4.54 pounds per hour.

2. Failed to comply with NO<sub>x</sub> hourly maximum limits for pre-heaters HR-2 and HR-3, in violation of New Source Review Permit No. 751, Special Condition 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on January 7, 2008. Specifically, the permit limit for NO<sub>x</sub> emissions is 9.60 pounds per hour. HR-2 exceeded this limit intermittently during the period November 21, 2006 to May 20, 2007. The unauthorized emissions range was 0.48 to 1.93 pounds per hour and the excess emissions percentage rate was 5.02% to 20.10%. HR-3 exceeded this limit intermittently during the period of November 2, 2006 to May 20, 2007. The unauthorized emissions range was 0.48 to 3.54 pounds per hour and the excess emissions percentage rate was 5.01% to 36.90%.
3. Failed to comply with SO<sub>2</sub> production limit for HR-1, HR-2, and HR-3, in violation of New Source Review Permit No. 751, Special Condition 6, 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and 40 CODE OF FEDERAL REGULATIONS § 60.82(a) as documented during a record review conducted on January 7, 2008. Specifically, the permit limit is 4 pounds of SO<sub>2</sub> per ton of sulfuric acid ("H<sub>2</sub>SO<sub>4</sub>") produced. HR-1, HR-2, and HR-3 exceeded this limit intermittently during the period November 21, 2006 to May 20, 2007. The unauthorized emissions range was 0.210 to 51.50 pounds per ton of H<sub>2</sub>SO<sub>4</sub> produced.
4. Failed to comply with the SO<sub>2</sub> hourly emissions limit of 434.9 pounds per hour, in violation of New Source Review Permit No. 751, Special Condition 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during a record review conducted on January 7, 2008. Specifically, the permit limit for SO<sub>2</sub> hourly emissions from HR-D stack is 434.9 pounds per hour. This limit was exceeded intermittently during the period May 21, 2006 through May 20, 2007 and the unauthorized emissions range was 66.54 to 4,721.1 pounds per hour.

### 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. 2008-0156-AIR-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

John S. ...  
For the Executive Director

12/1/2009  
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.

Larry E. Schimid  
Signature

JUNE 17, 2008  
Date

LARRY E. SCHIMID  
Name (Printed or typed)  
Authorized Representative of  
Rohm and Haas Texas Incorporated

PLANT 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.

