

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-1402-AIR-E **TCEQ ID:** RN100224468 **CASE NO.:** 38263

RESPONDENT NAME: Firestone Polymers, LLC

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Firestone Polymers Orange Plant, 5713 Farm-to-Market Road 1006, Orange, Orange County</p> <p>TYPE OF OPERATION: Rubber manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2009-1933-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 25, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Raymond Marlow, P.G., Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8785; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Greg Defrates, Factory Manager, Firestone Polymers, LLC, P.O. Box 1269, Orange, Texas 77631 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 23, 2009</p> <p>Date of NOV/NOE Relating to this Case: August 21, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failure to prevent unauthorized emissions during one emissions event reported as Incident Nos. 122766, 124293, 122700, 122827, and 122825. Specifically, an emissions event occurred when the Regenerative Thermal Oxidizer ("RTO") tripped 18 times from April 11 to 13, 2009 due to a bad limit switch on the hydraulic valve, releasing 408.27 pounds ("lbs") of Volatile Organic Compounds ("VOCs") from the North Crumb Spiral Conveyor Vent (E-NSPIRAL) and 302.93 lbs of VOCs from the Third Crumb Dewatering Screen Vent (E-TCDWS) over 27 hours and 55 minutes. Since this event could have been avoided by better operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 122.143(4), 116.715(a) and (c)(7), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") O-01271, General Terms and Conditions ("GTC") and Special Condition ("SC") 10, and Air Permit No. 292, SC 1].</p> <p>2) Failure to properly report an emissions event reported as Incident Nos. 122766, 124293, 122700, 122827 and 122825. Specifically, the incident was discovered on April 11, 2009 but was not initially reported until April 13, 2009 and the final report was due on April 27, 2009 but was</p>	<p>Total Assessed: \$6,531</p> <p>Total Deferred: \$1,306 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$5,225</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. Replaced the limit switch on the valve for the RTO and performed an engineering evaluation on September 11, 2009; and</p> <p>b. Trained Plant personnel in proper reporting procedures on June 16, 2009.</p>

<p>not received until April 29, 2009 [30 TEX. ADMIN. CODE §§ 101.201(a) and (c), 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP O-01271, GTC and SC 2F].</p>		
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Additional ID No(s): OC0010U

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)PCW Revision October 30, 2008

DATES	Assigned	25-Aug-2009	Screening	25-Aug-2009	EPA Due	21-May-2010
	PCW	23-Sep-2009				

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

CASE INFORMATION			
Enf./Case ID No.	38269	No. of Violations	2
Docket No.	2009-1402-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Raymond Marlow, P.G.
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section			
TOTAL BASE PENALTY (Sum of violation base penalties)	<i>Subtotal 1</i>		\$2,700
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>			
Compliance History	153.0% Enhancement	<i>Subtotals 2, 3, & 7</i>	\$4,131
Notes	Penalty enhancement for seven same or similar NOV's, eleven unrelated NOV's and five agreed orders with denial of liability. Penalty reduction due to two Notices of Intended Audit and one Disclosure of Violations.		
Culpability	No 0.0% Enhancement	<i>Subtotal 4</i>	\$0
Notes	The Respondent does not meet the culpability criteria.		
Good Faith Effort to Comply Total Adjustments		<i>Subtotal 5</i>	\$300
Economic Benefit	0.0% Enhancement*	<i>Subtotal 6</i>	\$0
Total EB Amounts	\$421	<small>*Capped at the Total EB \$ Amount</small>	
Approx. Cost of Compliance	\$14,700		
SUM OF SUBTOTALS 1-7		<i>Final Subtotal</i>	\$6,531
OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	<i>Adjustment</i>	\$0
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>			
Notes			
		<i>Final Penalty Amount</i>	\$6,531
STATUTORY LIMIT ADJUSTMENT		<i>Final Assessed Penalty</i>	\$6,531
DEFERRAL	20.0% Reduction	<i>Adjustment</i>	-\$1,306
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>			
Notes	Deferral offered for expedited settlement.		
PAYABLE PENALTY			\$5,225

Screening Date 25-Aug-2009

Docket No. 2009-1402-AIR-E

PCW

Respondent Firestone Polymers, LLC

Policy Revision 2 (September 2002)

Case ID No. 38263

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100224468

Media [Statute] Air

Enf. Coordinator Raymond Marlow, P.G.

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	7	35%
	Other written NOVs	11	22%
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>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	2	-2%
	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) 153%

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

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Penalty enhancement for seven same or similar NOVs, eleven unrelated NOVs and five agreed orders with denial of liability. Penalty reduction due to two Notices of Intended Audit and one Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 153%

Screening Date: 25-Aug-2009	Docket No.: 2009-1402-AIR-E	PCW		
Respondent: Firestone Polymers, LLC	<i>Policy Revision 2 (September 2002)</i>			
Case ID No.: 38263	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No.: RN100224468				
Media [Statute]: Air				
Enf. Coordinator: Raymond Marlow, P.G.				
Violation Number: 1				
Rule Cite(s):	30 Tex. Admin. Code §§ 122.143(4), 116.715(a) and (c)(7), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit (FOP) O-01271, General Terms and Conditions ("GTC") and Special Condition ("SC") 10, and Air Permit No. 292, SC 1			
Violation Description:	Failed to prevent unauthorized emissions during one emissions event reported as Incident Nos. 122766, 124293, 122700, 122627 and 122825. Specifically, an emissions event occurred when the Regenerative Thermal Oxidizer ("RTO") tripped 18 times from April 11 to 13, 2009 due to a bad limit switch on the hydraulic valve, releasing 408.27 pounds ("lbs") of Volatile Organic Compounds ("VOCs") from the North Crumb Spiral Conveyor Vent (E-NSPIRAL) and 302.83 lbs of VOCs from the Third Crumb Dewatering Screen Vent (E-TCDWS) over 27 hours and 55 minutes. Since this event could have been avoided by better operational and/or maintenance practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.			
Base Penalty	\$10,000			
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			x
	Potential			
				Percent 25%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				Percent 0%
Matrix Notes	Human health and the environment has been exposed to an insignificant amount of pollutants which do not exceed levels that are protective.			
Adjustment			\$7,500	
			\$2,500	
Violation Events				
	Number of Violation Events	1	2	Number of violation days
mark only one with an x	daily			
	weekly			
	monthly			
	quarterly		x	
	semiannual			
	annual			
	single event			
One quarterly event is recommended based on the emissions event which began on April 11, 2009.			Violation Base Penalty \$2,500	
Good Faith Efforts to Comply			10.0% Reduction \$250	
		Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary				
Ordinary			x	
N/A			(mark with x)	
Notes	The Plant performed an engineering evaluation which was completed on September 11, 2009 following the NOE but prior to the settlement offer.			
Violation Subtotal			\$2,250	
Economic Benefit (EB) for this violation			Statutory Limit Test	
	Estimated EB Amount	\$417	Violation Final Penalty Total	\$6,075
This violation Final Assessed Penalty (adjusted for limits)			\$6,075	

Economic Benefit Worksheet

Respondent: Firestone Polymers, LLC
Case ID No.: 38283
Reg. Ent. Reference No.: RN100224468
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$14,200	11-Apr-2009	11-Sep-2009	0.42	\$20	\$397	\$417
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to replace the limit switch on the valve for the RTO and perform an engineering evaluation. The date required is the date of the emissions event. The final date is the date that the engineering evaluation was completed.

Avoided Costs

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$14,200	TOTAL	\$417
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Screening Date: 25-Aug-2009	Docket No.: 2009-1402-AIR-E	PCW			
Respondent: Firestone Polymers, LLC	<small>Policy Revision 2 (September 2002)</small>				
Case ID No.: 38263	<small>PCW Revision October 30, 2008</small>				
Reg. Ent. Reference No.: RN100224468					
Media [Statute]: Air					
Enf. Coordinator: Raymond Marlow, P.G.					
Violation Number: 2					
Rule Cite(s):	30 Tex. Admin. Code §§ 101.201(a) and (c), 122.143(4), Tex. Health & Safety Code 382.066(b), FOP O-01271, GTC and SC 2F				
Violation Description:	Failed to properly report an emissions event. Specifically, the emissions event reported as Incident Nos. 122766, 124293, 122700, 122827 and 122825 was discovered on April 11, 2009 but was not initially reported until April 13, 2009. The final report was due on April 27, 2009 but was not received until April 29, 2009.				
Base Penalty		\$10,000			
>> Environmental, Property and Human Health Matrix					
OR	Harm			Percent	0%
	Major	Moderate	Minor		
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
>> Programmatic Matrix					
Matrix Notes	Falsification			Percent	1%
	Major	Moderate	Minor		
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
The Respondent met at least 70% of the rule requirement.					
Adjustment:					\$9,900
Violation Events					
Number of Violation Events		2	Number of violation days		4
<small>mark only one with an x</small>	daily	<input type="checkbox"/>			
	weekly	<input type="checkbox"/>			
	monthly	<input type="checkbox"/>			
	quarterly	<input type="checkbox"/>			
	semiannual	<input type="checkbox"/>			
	annual	<input type="checkbox"/>			
single event	<input checked="" type="checkbox"/>				
Violation Base Penalty					\$200
Two single events are recommended for the two late reports.					
Good Faith Efforts to Comply			25.0% Reduction	\$50	
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>				
Ordinary	<input checked="" type="checkbox"/>				
N/A	<input type="checkbox"/>	<small>(mark with x)</small>			
Notes	The Respondent completed corrective actions on June 18, 2009, prior to the August 21, 2009 NOE				
Violation Subtotal					\$150
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		\$4	Violation Final Penalty Total		\$458
This violation Final Assessed Penalty (adjusted for limits)					\$456

Economic Benefit Worksheet

Respondent: Firestone Polymers, LLC
Case ID No.: 38263
Reg. Ent. Reference No.: RN100224468
Media: Air
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	12-Apr-2009	16-Jun-2009	0.18	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to train personnel and ensure timely submittal of the two reports. The date required is the date that the first report was due. The final date is the date that corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$4

Compliance History Report

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

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	OC0010U
	AIR OPERATING PERMITS	PERMIT	1271
	WASTEWATER	PERMIT	WQ0000454000
	WASTEWATER	PERMIT	TPDES0002968
	WASTEWATER	PERMIT	TX0002968
	AIR NEW SOURCE PERMITS	AFS NUM	4836100004
	AIR NEW SOURCE PERMITS	PERMIT	292
	AIR NEW SOURCE PERMITS	PERMIT	2565
	AIR NEW SOURCE PERMITS	PERMIT	46032
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	OC0010U
	AIR NEW SOURCE PERMITS	AFS NUM	4836100004
	AIR NEW SOURCE PERMITS	REGISTRATION	89547
	AIR NEW SOURCE PERMITS	REGISTRATION	82804
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30581
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008073538
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30581
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1810014

Location: 5713 FM 1006, ORANGE, TX, 77630

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: August 25, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 24, 2004 to August 24, 2009

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

Name: Raymond Marlow, P.G. Phone: 409-899-8785

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 12/20/2004

Classification: Moderate

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

Rqmt Prov: 292, Special Condition 4 PERMIT

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

Effective Date: 02/05/2007

Classification: Moderate

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

Description: Failure to manifest hazardous waste.

Classification: Moderate

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

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

Effective Date: 03/19/2007

Classification: Moderate

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

Rqmt Prov: 1271/SC 10 OP
NSRP 2565 Special Condition 8 PERMIT

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

Classification: Minor

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

Rqmt Prov: FOP 1271/SC 1C OP

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

Classification: Minor

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

Rqmt Prov: FOP 1271 General Terms and Conditions OP

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

Classification: Moderate

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

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

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

Classification: Minor

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

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

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

Classification: Minor

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

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

Description: Failure to maintain temperature records for RTO Can # 1 and RTO Can # 2. B18

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.506(e)(6)(i)
5C THC Chapter 382, SubChapter D 382.085(b)

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

Description: Failure to submit Maximum Achievable Control Technology Subpart U periodic report in a timely manner.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(3)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP 1271 General Terms and Conditions OP

Description: Failure to maintain flow records for the DFTO Collection System and the RTO Collection System. A,8,c,2,B,i

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

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

Rqmt Prov: FOP 1271 General Terms and Conditions OP

Description: Failure to report a deviation on a Six Month Deviation Report and an Annual Compliance Report.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.144(1)(l)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Federal Operating Permit 1271, SC 10 OP
NSR Permit 292, SC 3 PERMIT

Description: Failure to maintain twelve month rolling emissions records. B18

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(i)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP 1271 General Terms and Conditions OP

Description: Failure to report a deviation on an Annual Compliance Certification Report. B18

Effective Date: 02/25/2008

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.7(g)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.504(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP 1271, General Terms and Conditions OP
FOP 1271, Special Condition 1D OP
FOP 1271, Special Condition 8D OP

Description: Failure to submit the initial compliance testing for M-600R in a timely manner. Mod (3)(C), EIC C3

Classification: Moderate

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

Rqmt Prov: FOP 1271 General Terms and Conditions OP

FOP 1271 Special Condition 10A OP

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.496(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.504(a)(5)
5C THC Chapter 382, SubChapter D 382.085(b)

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

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

Effective Date: 11/17/2008

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

Description: Failed to maintain closed lids on degreasers.

Classification: Moderate

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

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

NSR Permit 292 15 PERMIT

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THC Chapter 382, SubChapter D 382.085(b)

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

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

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	08/24/2004	(351781)
2	08/31/2004	(291657)
3	09/23/2004	(351782)
4	10/22/2004	(351783)
5	11/18/2004	(351784)
6	12/20/2004	(351785)
7	01/24/2005	(381680)
8	02/22/2005	(381678)
9	03/07/2005	(350860)
10	03/22/2005	(381679)
11	04/22/2005	(419476)
12	05/20/2005	(343356)
13	05/23/2005	(419477)
14	06/22/2005	(419478)
15	07/18/2005	(398318)
16	07/21/2005	(440627)
17	08/22/2005	(440628)
18	09/19/2005	(440629)
19	10/24/2005	(440630)
20	11/28/2005	(468107)
21	12/21/2005	(440251)
22	12/27/2005	(468108)
23	01/24/2006	(468109)
24	02/03/2006	(437331)
25	02/22/2006	(468103)
26	02/27/2006	(453985)
27	03/28/2006	(468104)
28	03/28/2006	(468105)
29	03/31/2006	(455452)
30	03/31/2006	(461289)
31	04/20/2006	(468106)
32	05/03/2006	(462716)
33	05/15/2006	(465053)
34	05/19/2006	(497977)
35	05/30/2006	(465287)
36	06/16/2006	(497978)
37	06/16/2006	(497979)
38	07/24/2006	(480227)
39	07/24/2006	(481733)
40	07/25/2006	(480474)
41	08/11/2006	(483260)
42	08/16/2006	(519993)
43	09/07/2006	(519995)
44	09/07/2006	(519996)
45	09/18/2006	(519994)
46	10/30/2006	(511039)
47	11/17/2006	(544240)
48	11/20/2006	(513938)
49	11/27/2006	(516300)
50	12/13/2006	(544241)
51	01/22/2007	(509446)
52	02/12/2007	(538872)
53	02/16/2007	(544239)
54	02/28/2007	(518614)
55	03/07/2007	(574869)
56	03/19/2007	(574865)
57	04/18/2007	(574866)
58	04/30/2007	(518508)

59 04/30/2007 (534862)
60 04/30/2007 (542628)
61 04/30/2007 (554420)
62 05/10/2007 (558294)
63 05/15/2007 (574867)
64 05/21/2007 (556553)
65 06/05/2007 (542859)
66 06/18/2007 (574868)
67 08/10/2007 (566249)
68 08/16/2007 (601469)
69 08/28/2007 (572341)
70 08/29/2007 (570659)
71 09/11/2007 (601472)
72 09/14/2007 (601470)
73 09/19/2007 (573194)
74 10/16/2007 (601471)
75 10/22/2007 (593583)
76 11/19/2007 (619385)
77 11/20/2007 (561449)
78 12/04/2007 (610080)
79 12/17/2007 (619386)
80 01/15/2008 (596401)
81 01/26/2008 (612617)
82 02/20/2008 (671881)
83 03/14/2008 (671882)
84 03/25/2008 (639467)
85 04/06/2008 (636760)
86 04/14/2008 (638121)
87 04/18/2008 (671883)
88 04/18/2008 (671884)
89 05/14/2008 (689809)
90 06/18/2008 (689810)
91 08/15/2008 (687016)
92 08/18/2008 (710565)
93 08/26/2008 (689011)
94 09/07/2008 (681135)
95 10/17/2008 (710566)
96 10/20/2008 (710567)
97 11/10/2008 (710568)
98 11/18/2008 (704897)
99 12/02/2008 (727364)
100 01/20/2009 (727365)
101 02/18/2009 (750094)
102 03/20/2009 (750095)
103 04/17/2009 (750096)
104 04/17/2009 (750097)
105 04/23/2009 (742589)
106 04/24/2009 (726877)
107 06/22/2009 (759522)
108 07/08/2009 (760577)
109 07/15/2009 (748375)
110 07/23/2009 (749896)
111 08/21/2009 (759576)

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

Date: 03/07/2005 (350860)
Self Report? NO
Citation: OpR 1 PERMIT

Classification: Minor

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

Self Report? NO Classification: Minor

Citation: OpR 1 PERMIT

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

Date: 05/20/2005 (343356)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
5C THC Chapter 382, SubChapter A 382.085(b)

Description: **Failure to repair 10 leaking valves within 5 days.**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
5C THC Chapter 382, SubChapter A 382.085(b)

Description: **Failure to complete repair of three leaking valves within 15 days.**

Date: 10/31/2005 (468107)

Self Report? YES Classification: Moderate

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

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

Date: 11/30/2005 (468108)

Self Report? YES Classification: Moderate

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

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

Date: 05/31/2006 (497978)

Self Report? YES Classification: Moderate

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

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

Date: 07/26/2006 (480474)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)(2)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: **Failure to submit an excess emissions report with the semi-annual nitrogen oxide emissions report.**

Date: 10/31/2006 (544240)

Self Report? YES Classification: Moderate

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

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

Date: 01/19/2007 (509446)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to maintain the pressure tank in Pressure Plane #1.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)

Description: Failure to maintain records of the amount of each chemical used each week.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)

Description: Failure to maintain records of the amount of water treated each week.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
Description: Failure to maintain records of the dates that dead ends were flushed.
Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
Description: Failure to perform the annual tank inspections on the pressure tanks.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(3)
Description: Failure to install the facilities to maintain the air-water-volume at the design water level and working pressure on the pressure tank at Plant #1.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(II)
Description: Failure to provide a pressure tank capacity of 220 gallons in Pressure Plane #2.
Self Report? NO **Classification:** Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)(2)
Description: Failure to submit plans and specifications to replace the pressure tank in Pressure Plane #1.

Date: 04/30/2007 (574867)

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

Date: 05/31/2007 (574868)

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

Date: 08/28/2007 (564084)

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

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.260
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)

40 CFR Part 63, Subpart H 63.168
 40 CFR Part 63, Subpart H 63.169
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-01271 General Terms and Conditions OP
 FOP O-01271 Special Condition 10 OP
 FOP O-01271 Special Condition 1D OP

Description: Failure to make a first attempt repair on a leaking component within five days.
 EIC B14 MOD 2(G)

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.260
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 63, Subpart H 63.163
 40 CFR Part 63, Subpart H 63.173
 40 CFR Part 63, Subpart U 63.502(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-01271 General Terms and Conditions OP
 FOP O-01271 Special Condition 1D OP

Description: Failure to maintain records of visual, weekly inspections of pumps and agitators.
EIC B(3) MOD 2(B)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart U 63.498(d)(5)(ii)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01271 General Terms and Conditions OP
FOP O-01271 Special Condition 1D OP

Description: Failure to maintain temperature records for RTO Can #1 and RTO Can #2.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01271 General Terms and Conditions OP
FOP O-01271 Special Condition 10 OP
NSR 2565 Special Conditions 8 and 9 PERMIT

Description: Failure to maintain Boiler B-110 below the maximum firing rate of 298 MMBtu/hr.
EIC B,18 MOD 2(G)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01271 General Terms and Conditions OP
FOP O-01271 Special Condition 10 OP
NSR Permit 2565 PERMIT

Description: Failure to maintain the firing rate of Boiler B111 below 110 MMBtu/hr. EIC B,18
MOD 2(G)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01271 General Terms and Conditions OP
FOP O-01271 Special Condition 3(B)(iii) OP

Description: Failure to conduct opacity monitoring while burning waste Hexane in Boiler B110.
EIC B,1 MOD 2(B)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter E 115.426(1)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01271 General Terms and Conditions OP
FOP O-01271 Special Condition 9 OP

Description: Failure to maintain records of solvent usage for the Pro-Paint area. EIC B,3 MOD
2(B)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2)

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

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

Date: 08/28/2007 (570659)

Self Report? NO Classification: Minor

Citation: M&RR 5 PERMIT

Description: Failure to ensure mechanical flow meter is calibrated as often as necessary to
ensure accuracy.

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

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

Self Report? NO Classification: Minor
Citation: PC 1a PERMIT
Description: Failure by Firestone Polymer to submit correct information in a report to the Executive Director.

Date: 11/20/2007 (561449)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01271 General Terms and Conditions OP
FOP O-01271 Special Condition 10 OP
NSR Permit 2565 Special Condition 5 PERMIT

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01271 General Terms and Conditions OP
FOP O-01271 Special Condition 10 OP
NSR Permit 2565 Special Condition 14F PERMIT

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

Date: 06/30/2008 (671884)

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 08/15/2008 (687016)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)
40 CFR Part 63, Subpart H 63.167
5C THSC Chapter 382 382.085(b)
FOP O-01271 Special Condition 10 OP
FOP O-01271 Special Condition 1D OP
FOP O-01271, General Terms and Condition OP
NSR Permit 292 Special Condition 4E PERMIT

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01271 General Terms and Conditions OP
FOP O-01271 Special Condition 10 OP
NSR Permit 292 Special Condition 15 PERMIT

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

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

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.260
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(c)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)
 5C THSC Chapter 382 382.085(b)
 FOP O-01271 General Terms and Conditions OP
 FOP O-01271 Special Condition 10 OP
 FOP O-01271 Special Condition 1D OP
 NSR Permit 292 Special Condition 4I PERMIT
 Description: Failure to make a first repair attempt concerning several pumps and agitators within five (5) days.

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

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 113, SubChapter C 113.260
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(d)(5)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)
 5C THSC Chapter 382 382.085(b)
 FOP O-01271 General Terms and Conditions OP
 FOP O-01271 Special Condition 1D OP
 Description: Failure to include a leaking component on the delay of repair list if not repaired within 15 calendar days after discovery of the leak.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(b)
 5C THSC Chapter 382 382.085(b)
 FOP O-01271 General Terms and Conditions OP
 FOP O-01271 Special Condition 10 OP
 FOP O-01271 Special Condition 7F OP
 Permit 2565 Special Condition 10B and C PERMIT
 Description: Failure to conduct the required daily calibrations of the continuous emissions monitoring system (CEMS).

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 FOP O-01271 General Terms and Conditions OP
 Description: Failure to report the occurrence of deviations in a semi-annual deviation report.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
FOP O-01271 General Terms and Conditions OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(6)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.484(a)
5C THSC Chapter 382 382.085(b)
FOP O-01271 General Terms and Conditions OP
FOP O-01271 Special Condition 1D OP

Description: Failure to notify the Commission at least 7 calendar days in advance of refilling Tank DF-138.

Date: 08/31/2008 (710566)

Self Report? YES Classification: Moderate

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

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

Date: 04/23/2009 (742589)

Self Report? NO Classification: Minor

Citation: M&RR 5 PERMIT

Description: Failure to ensure mechanical flow meter is calibrated as often as necessary to ensure accuracy.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
OpR 11a PERMIT

Description: Failure by Firestone Polymers, LLC to prevent an unauthorized discharge of wastes generated by the 200 Area Oil/Water Separator.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.4
OpR 11a PERMIT

Description: Failure by Firestone Polymers, LLC to prevent an unauthorized discharge.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
OpR1 PERMIT

Description: Failure by Firestone Polymers LLC., to properly maintain units of treatment.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.4
OpR 11a PERMIT

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
OpR 1 PERMIT

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

Date: 07/16/2009 (748375)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)
5C THSC Chapter 382 382.085(b)
O-01271 General Terms and Conditions OP

O-01271 Special Condition 1D OP
O-01271, Special Condition 11 OP
Permit 292 PERMIT

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

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.485(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.498(d)
5C THSC Chapter 382 382.085(b)
O-01271 General Terms and Conditions OP
O-01271 Special Condition 1D OP

Description: Failure to maintain pilot flame monitoring data.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)
40 CFR Part 63, Subpart H 63.167
5C THSC Chapter 382 382.085(b)
O-01271 General Terms and Conditions OP
O-01271 Special Condition 11 OP
Permit 292 Special Condition 4E PERMIT

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

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.497(c)
5C THSC Chapter 382 382.085(b)
O-01271 General Terms and Conditions OP
O-01271 Special Condition 10 OP
O-01271 Special Condition 1D OP
Permit 292, Special Condition 13A PERMIT

Description: Failure to maintain the daily average temperatures of RTO #1 and RTO #2 above the established limit.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.498(d)(5)(ii)
5C THSC Chapter 382 382.085(b)
O-01271 General Terms and Conditions OP
O-01271 Special Condition 10 OP
O-01271 Special Condition 1D OP
Permit 292, Special Condition 13A PERMIT

Description: Failure to maintain temperature records for RTO #1.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(f)
5C THSC Chapter 382 382.085(b)
O-01271 General Terms and Conditions OP
O-01271, Special Condition 6E OP
Permit 2565, Special Condition 1 PERMIT
Permit 2565, Special Condition 10 PERMIT

Description: Failure for the owner or operator of an affected facility subject to a NOX standard, to properly operate and maintain the Continuous Emissions Monitoring System (CEMS).

Self Report? NO **Classification:** Moderate

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

O-01271 General Terms and Conditions OP

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

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
O-01271 General Terms and Conditions OP

Description: Failure to accurately certify the Annual Compliance Certification for the period of March 10, 2008, through February 28, 2009.

F. Environmental audits.

Notice of Intent Date: 03/17/2006 (462848)

Disclosure Date: 06/19/2006

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.211
30 TAC Chapter 106, SubChapter K 106.263
30 TAC Chapter 116, SubChapter B 116.110

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

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

Rqmt Prov: PERMIT 292 SC 19

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

Viol. Classification: Minor

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

Rqmt Prov: PERMIT Permit 292 SC 8

Description: Flares not meeting required destruction efficiencies at all times

Viol. Classification: Minor

Rqmt Prov: PERMIT Permit 2565 SC 7

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

Viol. Classification: Minor

Rqmt Prov: PERMIT Permit 2565 SC 15

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

Viol. Classification: Moderate

Rqmt Prov: PERMIT Permit 2565 SC 13

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

Viol. Classification: Moderate

Rqmt Prov: PERMIT Permit 2565 SC 13.E

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

Viol. Classification: Minor

Rqmt Prov: PERMIT Permit 2565 SC 15.A

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

Viol. Classification: Moderate

Rqmt Prov: OP 01271 Additional Monitoring Requirements

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

Viol. Classification: Minor

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

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

Viol. Classification: Minor

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

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

Viol. Classification: Minor

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

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

Viol. Classification: Moderate

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

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

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.38

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

Viol. Classification: Minor

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

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

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41

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

Viol. Classification: Minor

Rqmt Prov: PERMIT Permit 00454

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

Notice of Intent Date: 02/06/2008 (617837)

No DOV Associated

- G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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§
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§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2009-1402-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Firestone Polymers, LLC ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a rubber manufacturing plant at 5713 Farm-to-Market Road 1006 in Orange, Orange County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 26, 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 Six Thousand Five Hundred Thirty-One Dollars (\$6,531) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Two Hundred Twenty-Five Dollars (\$5,225) of the administrative penalty and One Thousand Three Hundred Six Dollars (\$1,306) is

deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. Replaced the limit switch on the valve for the Regenerative Thermal Oxidizer ("RTO") and performed an engineering evaluation on September 11, 2009; and
 - b. Trained Plant personnel in proper reporting procedures on June 16, 2009.
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 prevent unauthorized emissions during one emissions event reported as Incident Nos. 122766, 124293, 122700, 122827, and 122825, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4), 116.715(a) and (c)(7), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") O-01271, General Terms and Conditions ("GTC") and Special Condition ("SC") 10, and Air Permit No. 292, SC 1, as documented during an investigation conducted on June 23, 2009. Specifically, an emissions event occurred when the RTO tripped 18 times from April 11 to 13, 2009 due to a bad limit switch on the hydraulic valve, releasing 408.27 pounds ("lbs") of Volatile Organic Compounds ("VOCs") from the North Crumb Spiral Conveyor Vent (E-NSPIRAL) and 302.93 lbs of VOCs from the Third Crumb Dewatering Screen Vent (E-TCDWS) over 27 hours and 55 minutes. Since this event could have been avoided by better operational and/or maintenance practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

2. Failed to properly report an emissions event reported as Incident Nos. 122766, 124293, 122700, 122827 and 122825, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a) and (c), 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP O-01271, GTC and SC 2F, as documented during an investigation conducted on June 23, 2009. Specifically, the incident was discovered on April 11, 2009 but was not initially reported until April 13, 2009 and the final report was due on April 27, 2009 but was not received until April 29, 2009.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Firestone Polymers LLC, Docket No. 2009-1402-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

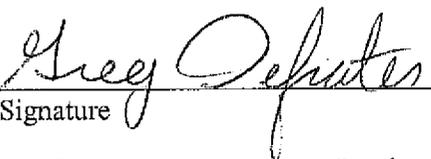
Date 1/19/2010

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:

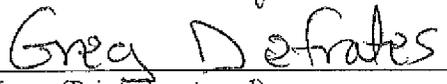
- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement 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 11/12/09



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

Title Factory Manager

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