

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-1933-AIR-E **TCEQ ID:** RN100224468 **CASE NO.:** 38778
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: Synthetic rubber 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. 2009-1402-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 April 19, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Ms. Heather Podlipny, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2603; Ms. Laurie Baves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Neil Amedee, Regulatory Affairs Manager, Firestone Polymers, LLC, 5713 Farm-to-Market Road 1006, Orange, Texas 77630-8041 Mr. Greg Defrates, Factory Manager, Firestone Polymers, LLC, 5713 Farm-to-Market Road 1006, Orange, Texas 77630-8041 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: August 5, 2009</p> <p>Date of NOE Relating to this Case: November 20, 2009</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failure to prevent unauthorized emissions during an event that occurred on July 24, 2009. Specifically, the Respondent released 60 pounds ("lbs") of unauthorized 1,3 butadiene ("butadiene") emissions, 20.13 lbs of unauthorized carbon monoxide emissions, and 2.79 lbs of unauthorized nitrogen oxide emissions from the South Flare (Emission Point No. E-M600R) into the atmosphere during the forty-five minute event (Incident No. 127233). The event occurred after the Respondent had installed new level instruments on June 29, 2009 on Tanks Nos. F720A and F720B. Initial tests indicated the new instruments were functioning properly, however, it was later discovered that a programming error during configuration resulted in the level instruments reading 50% of the actual tank levels, causing a ruptured disc on the butadiene sphere tank, leading to the emissions event. Since the emissions event was avoidable by implementing better operational practices, it does not meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.715(a) and (c)(7) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O-01271, Special Terms and Conditions 10, and Flexible Permit No. 292, Special Conditions 1].</p>	<p>Total Assessed: \$6,450</p> <p>Total Deferred: \$1,290 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$2,580</p> <p>Total Paid to General Revenue: \$2,580</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, following the emissions event on December 8, 2009, modified their management of change process to include a line item that clarifies what is needed during loop checks.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A.)</p>

Attachment A
Docket Number: 2009-1933-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Firestone Polymers, LLC
Payable Penalty Amount:	Five Thousand One Hundred Sixty Dollars (\$5,160)
SEP Amount:	Two Thousand Five Hundred Eighty Dollars (\$2,580)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")-Abandoned Tire Clean-Up
Location of SEP:	Orange County

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

1. Project Description

A. Project

The Respondent shall contribute to the SEP offset amount to the Third-Party Recipient named above. The contribution will be to Texas Association of Resource Conservation and Development Areas, Inc. to be used for the RC&D Abandoned Tire Clean-Up Program as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to clean-up sites where tires have been disposed of illegally. Eligible sites will be limited to those where a responsible party cannot be found and where reasonable efforts have been made to prevent the dumping. SEP monies will be used to pay for the direct cost of collecting and disposing of tires. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing for the proper disposal of tires and by reducing health threats associated with illegally dumped tires. Illegal tire dumpsites can become breeding grounds for mosquitoes and rodents which carry disease. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of surface water, ground water, and soil.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	24-Nov-2009	Screening	1-Dec-2009	EPA Due	17-Aug-2010
	PCW	1-Dec-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.	38778	No. of Violations	1
Docket No.	2009-1933-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Heather Podlipny
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1
 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	168.0% Enhancement	Subtotals 2, 3, & 7	\$4,200
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Notes: The penalty was enhanced due to four NOVs for similar violations, sixteen NOVs for dissimilar violations and six 1660-style orders. The penalty was reduced due to two NOIs and one DOV.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$250
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$28
 Approx. Cost of Compliance: \$1,500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$6,450
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$6,450**

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$6,450
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,290
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$5,160
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Screening Date 1-Dec-2009

Docket No. 2009-1933-AIR-E

PCW

Respondent Firestone Polymers, LLC

Policy Revision 2 (September 2002)

Case ID No. 38778

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100224468

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	4	20%
	Other written NOVs	16	32%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%
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) 168%

>> 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

The penalty was enhanced due to four NOV's for similar violations, sixteen NOV's for dissimilar violations and six 1660-style orders. The penalty was reduced due to two NOIs and one DOV.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 168%

Screening Date 1-Dec-2009

Docket No. 2009-1933-AIR-E

PCW

Respondent Firestone Polymers, LLC

Policy Revision 2 (September 2002)

Case ID No. 38778

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN100224468

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.715(a) and (c)(7) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit No. O-01271, Special Terms and Conditions 10, and Flexible Permit No. 292, Special Conditions 1

Violation Description

Failed to prevent unauthorized emissions during an event that occurred on July 24, 2009, as documented during an investigation conducted on August 5, 2009. Specifically, the Respondent released 60 pounds ("lbs") of unauthorized 1,3 butadiene ("butadiene") emissions, 20.13 lbs of unauthorized carbon monoxide emissions, and 2.79 lbs of unauthorized nitrogen oxide emissions from the South Flare (Emission Point No. E-M600R) into the atmosphere during the forty-five minute event (Incident No. 127233). The event occurred after the Respondent had installed new level instruments on June 29, 2009 on Tanks Nos. F720A and F720B. Initial tests indicated the new instruments were functioning properly, however, it was later discovered that a programming error during configuration resulted in the level instruments reading 50% of the actual tank levels, causing a ruptured disc on the butadiene sphere tank, leading to the emissions event. Since the emissions event was avoidable by implementing better operational practices, it does not meet the demonstration for an affirmative defense in 30 Tex. Admin. Code § 101.222.

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 as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

Number of violation days 1

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended based on the emissions event.

Good Faith Efforts to Comply

10.0% Reduction

\$250

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

Notes

On December 8, 2009, the Respondent modified their management of change process to include a line item which clarifies what is needed during loop checks.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$28

Violation Final Penalty Total \$6,450

This violation Final Assessed Penalty (adjusted for limits) \$6,450

Economic Benefit Worksheet

Respondent: Firestone Polymers, LLC
Case ID No.: 38778
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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	24-Jul-2009	8-Dec-2009	0.38	\$28	n/a	\$28

Notes for DELAYED costs

Estimated cost for additional oversight and management practices designed to ensure proper operation, equipment calibration, testing, and maintenance practices are followed. The Date Required is based on the date of the emissions event and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$28

Compliance History Report

Customer/Respondent/Owner-Operator: CN601590789 Firestone Polymers, LLC Classification: AVERAGE Rating: 7.22
 Regulated Entity: RN100224468 FIRESTONE POLYMERS ORANGE PLANT Classification: AVERAGE Site Rating: 11.43

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
	AIR NEW SOURCE PERMITS	REGISTRATION	90817
	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
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	OC0010U

Location: 5713 FM 1006, ORANGE, TX, 77630

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: November 24, 2009

Agency Decision Requiring Compliance History: Enforcement

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

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

Name: Heather Podlipny Phone: 239 - 2603

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: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 12/20/2004

ADMINORDER 2003-1480-AIR-E

Classification: Moderate

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

Rqmt Prov: 292, Special Condition 4 PERMIT

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

Effective Date: 02/05/2007

ADMINORDER 2006-0754-IHW-E

Classification: Moderate

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

Description: Failure to manifest hazardous waste.

Classification: Moderate

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

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

Effective Date: 03/19/2007

ADMINORDER 2006-1308-AIR-E

Classification: Moderate

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

Rqmt Prov: 1271/SC 10 OP

NSRP 2565 Special Condition 8 PERMIT

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

Classification: Minor

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

Rqmt Prov: FOP 1271/SC 1C OP

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

Classification: Minor

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

Rqmt Prov: FOP 1271 General Terms and Conditions OP

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

Classification: Moderate

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

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

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

Classification: Minor

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

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

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

Classification: Minor

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

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

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

Classification: Moderate

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

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

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

Classification: Minor

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

Rqmt Prov: FOP 1271 General Terms and Conditions OP

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

Classification: Minor

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

Rqmt Prov: FOP 1271 General Terms and Conditions OP

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

Classification: Moderate

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

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

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

Classification: Minor

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

Rqmt Prov: FOP 1271 General Terms and Conditions OP

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

Effective Date: 02/25/2008

ADMINORDER 2007-0767-AIR-E

Classification: Moderate

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

5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP 1271, General Terms and Conditions OP
FOP 1271, Special Condition 1D OP
FOP 1271, Special Condition 8D OP
Description: Failure to submit the initial compliance testing for M-600R in a timely manner. Mod (3)(C),
EIC C3

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

Rqmt Prov: FOP 1271 General Terms and Conditions OP
FOP 1271 Special Condition 10A OP

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

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

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

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

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

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

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

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

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

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

Effective Date: 11/17/2008

ADMINORDER 2007-1598-AIR-E

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

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

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

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

30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart U 63.502(n)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP O-01271 General Terms and Conditions OP
FOP O-01271 Special Condition 1D OP

Description: Failed to monitor Cooling Tower DK-801 on a quarterly basis using EPA Method 624.
Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)
30 TAC Chapter 115, SubChapter E 115.412(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP O-01271 General Terms and Conditions OP
FOP O-01271 Special Condition 10 OP

Description: Failed to maintain closed lids on degreasers.
Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP O-01271 General Terms and Conditions OP
FOP O-01271 Special Condition 10 OP
NSR Permit 292 15 PERMIT

Description: Failed to conduct residual volatile organic compounds (VOC) sampling at the exit of the dryer of Crumb Unit Three.
Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart U 63.506(e)(5)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP O-01271 General Terms and Conditions OP
Special Terms and Conditions 10 OP

Description: Failed to submit a Notification of Compliance Status Report.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart U 63.494(a)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP O-01271 General Terms and Conditions OP
FOP O-01271 Special Condition 1D OP

Description: Failed to demonstrate compliance with the residual organic hazardous air pollutant limitations set forth in NESHAP Emissions: Group I Polymers and Resins.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP O-01271 General Terms and Conditions OP
FOP O-01271 Special Condition 10 OP
SC 7B PERMIT

Description: Failed to properly monitor Cooling Tower DK-801.
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP O-01271 General Terms and Conditions OP
FOP O-01271 Special Condition 3,B,iii OP

Description: Failed to perform annual opacity observations of all stationary vents.
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)

5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP O-01271 General Terms and Conditions OP
Description: Failed to report the occurrence of deviations in semi-annual deviation reports and to accurately certify compliance in an Annual Compliance Certification.

Effective Date: 08/31/2009

ADMINORDER 2009-0623-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 113, SubChapter C 113.100
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)(7)
30 TAC Chapter 116, SubChapter G 116.715(c)(9)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Condition 11 OP

Special Conditions 1 and 8 PERMIT

Description: Failure to prevent unauthorized emissions and maintain a flare pilot flame. Specifically, 55 pounds of 1,3-butadiene were released from the South Flare, due to the flare's pilot flame not being lit. EIC A8(c)(2)(A)(ii) MOD(2)(D)

Violation Track No. 356015 is considered to be a cascading violation as it deals with a flare that was without a lit pilot and has been combined with violation Track No. 355993 which deals with an EE which resulted from the flare not being lit.

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	12/20/2004	(351785)
2	01/24/2005	(381680)
3	02/22/2005	(381678)
4	03/07/2005	(350860)
5	03/22/2005	(381679)
6	04/22/2005	(419476)
7	05/20/2005	(343356)
8	05/23/2005	(419477)
9	06/22/2005	(419478)
10	07/18/2005	(398318)
11	07/21/2005	(440627)
12	08/22/2005	(440628)
13	09/19/2005	(440629)
14	10/24/2005	(440630)
15	11/28/2005	(468107)
16	12/21/2005	(440251)
17	12/27/2005	(468108)
18	01/24/2006	(468109)
19	02/03/2006	(437331)
20	02/22/2006	(468103)
21	02/27/2006	(453985)
22	03/28/2006	(468104)
23	03/28/2006	(468105)
24	03/31/2006	(455452)

25	03/31/2006	(461289)
26	04/20/2006	(468106)
27	05/03/2006	(462716)
28	05/15/2006	(465053)
29	05/19/2006	(497977)
30	05/30/2006	(465287)
31	06/16/2006	(497978)
32	06/16/2006	(497979)
33	07/24/2006	(480227)
34	07/24/2006	(481733)
35	07/25/2006	(480474)
36	08/11/2006	(483260)
37	08/16/2006	(519993)
38	09/07/2006	(519995)
39	09/07/2006	(519996)
40	09/18/2006	(519994)
41	10/30/2006	(511039)
42	11/17/2006	(544240)
43	11/20/2006	(513938)
44	11/27/2006	(516300)
45	12/13/2006	(544241)
46	01/22/2007	(509446)
47	02/12/2007	(538872)
48	02/16/2007	(544239)
49	02/28/2007	(518614)
50	03/07/2007	(574869)
51	03/19/2007	(574865)
52	04/18/2007	(574866)
53	04/30/2007	(518508)
54	04/30/2007	(534862)
55	04/30/2007	(542628)
56	04/30/2007	(554420)
57	05/10/2007	(558294)
58	05/15/2007	(574867)
59	05/21/2007	(556553)
60	06/05/2007	(542859)
61	06/18/2007	(574868)
62	08/10/2007	(566249)
63	08/16/2007	(601469)
64	08/28/2007	(572341)
65	08/29/2007	(570659)
66	09/11/2007	(601472)
67	09/14/2007	(601470)
68	09/19/2007	(573194)
69	10/16/2007	(601471)
70	10/22/2007	(593583)
71	11/19/2007	(619385)
72	11/20/2007	(561449)
73	12/04/2007	(610080)
74	12/17/2007	(619386)
75	01/15/2008	(596401)
76	01/26/2008	(612617)
77	02/20/2008	(671881)
78	03/14/2008	(671882)
79	03/25/2008	(639467)
80	04/06/2008	(636760)
81	04/14/2008	(638121)
82	04/18/2008	(671883)
83	04/18/2008	(671884)

84 05/14/2008 (689809)
 85 06/18/2008 (689810)
 86 08/15/2008 (687016)
 87 08/18/2008 (710565)
 88 08/26/2008 (689011)
 89 09/07/2008 (681135)
 90 10/17/2008 (710566)
 91 10/20/2008 (710567)
 92 11/10/2008 (710568)
 93 11/18/2008 (704897)
 94 12/02/2008 (727364)
 95 01/20/2009 (727365)
 96 02/18/2009 (750094)
 97 03/20/2009 (750095)
 98 04/17/2009 (750096)
 99 04/17/2009 (750097)
 100 04/23/2009 (742589)
 101 04/24/2009 (726877)
 102 05/20/2009 (768250)
 103 06/15/2009 (768251)
 104 06/22/2009 (759522)
 105 07/08/2009 (760577)
 106 07/15/2009 (748375)
 107 07/23/2009 (749896)
 108 08/21/2009 (759576)
 109 08/28/2009 (760758)
 110 10/12/2009 (775810)
 111 11/20/2009 (765353)

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

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

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

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

Date: 11/30/2005 (468108) CN601590789
 Self Report? YES Classification: Moderate

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

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

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

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

Date: 01/19/2007 (509446) CN601590789
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to maintain the pressure tank in Pressure Plane #1.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
Description: Failure to maintain records of the amount of each chemical used each week.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)
Description: Failure to maintain records of the amount of water treated each week.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
Description: Failure to maintain records of the dates that dead ends were flushed.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
Description: Failure to perform the annual tank inspections on the pressure tanks.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(3)
Description: Failure to install the facilities to maintain the air-water-volume at the design water level and working pressure on the pressure tank at Plant #1.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(ii)
Description: Failure to provide a pressure tank capacity of 220 gallons in Pressure Plane #2.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)(2)
Description: Failure to submit plans and specifications to replace the pressure tank in Pressure Plane #1.

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

Date: 05/31/2007 (574868) CN601590789
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

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

Date: 08/28/2007 (564084) CN601590789

Self Report? NO Classification: Moderate

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

Description: Failure to maintain monitoring records Flares DM-801 and M-600R on an hourly basis.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)
40 CFR Part 63, Subpart H 63.168
40 CFR Part 63, Subpart H 63.169
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01271 General Terms and Conditions OP
FOP O-01271 Special Condition 10 OP
FOP O-01271 Special Condition 1D OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart H 63.163
40 CFR Part 63, Subpart H 63.173
40 CFR Part 63, Subpart U 63.502(a)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01271 General Terms and Conditions OP
FOP O-01271 Special Condition 1D OP

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-01271 General Terms and Conditions OP
 FOP O-01271 Special Condition 3(B)(iii) OP
Description: Failure to conduct opacity monitoring while burning waste Hexane in Boiler B110.
 EIC B,1 MOD 2(B)

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 115, SubChapter E 115.426(1)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-01271 General Terms and Conditions OP
 FOP O-01271 Special Condition 9 OP
Description: Failure to maintain records of solvent usage for the Pro-Paint area. EIC B,3 MOD
 2(B)

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

Date: 08/28/2007 (570659) **CN601590789**

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

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

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

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

Date: 11/20/2007 (561449) **CN601590789**

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-01271 General Terms and Conditions OP
 FOP O-01271 Special Condition 10 OP
 NSR Permit 2565 Special Condition 5 PERMIT
Description: Failure to limit the Sulfur Dioxide (SO₂) emissions from Boiler B-111 (EPN:
 EB-111) during the stack test conducted on November 4, 2004. EIC B(13)
 MOD 2(D)

Self Report? NO **Classification:** Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

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

NSR Permit 2565 Special Condition 14F PERMIT

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

Date: 06/30/2008 (671884) CN601590789
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/15/2008 (687016) CN601590789
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)
40 CFR Part 63, Subpart H 63.167
5C THSC Chapter 382 382.085(b)
FOP O-01271 Special Condition 10 OP
FOP O-01271 Special Condition 1D OP
FOP O-01271, General Terms and Condition OP
NSR Permit 292 Special Condition 4E PERMIT

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

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

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

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

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

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

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.260
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.169(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)
5C THSC Chapter 382 382.085(b)
FOP O-01271 General Terms and Conditions OP
FOP O-01271 Special Condition 1D OP

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(b)
5C THSC Chapter 382 382.085(b)
FOP O-01271 General Terms and Conditions OP
FOP O-01271 Special Condition 10 OP
FOP O-01271 Special Condition 7F OP
Permit 2565 Special Condition 10B and C PERMIT

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
FOP O-01271 General Terms and Conditions OP

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

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

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

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

Date: 08/31/2008 (710566) CN601590789

Self Report? YES Classification: Moderate

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

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

Date: 03/31/2009 (750096) CN601590789

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 04/23/2009 (742589) CN601590789
Self Report? NO Classification: Minor
Citation: M&RR 5 PERMIT
Description: Failure to ensure mechanical flow meter is calibrated as often as necessary to ensure accuracy.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
OpR 11a PERMIT
Description: Failure by Firestone Polymers, LLC to prevent an unauthorized discharge of wastes generated by the 200 Area Oil/Water Separator.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.4
OpR 11a PERMIT
Description: Failure by Firestone Polymers, LLC to prevent an unauthorized discharge.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
OpR1 PERMIT
Description: Failure by Firestone Polymers LLC., to properly maintain units of treatment.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.4
OpR 11a PERMIT
Description: Failure by Firestone Polymers, LLC to properly maintain the capped hazardous waste surface impoundment.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
OpR 1 PERMIT
Description: Failure by Firestone Polymers to properly maintain secondary containment structures.

Date: 04/30/2009 (768250) CN601590789
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 07/16/2009 (748375) CN601590789
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 CEMS RATA test in 3Q 2005 because facility was shut down for Hurricane Rita on date RATA tests normally conducted each quarter

Viol. Classification: Moderate
Rqmt Prov: PERMIT Permit 2565 SC 13.E

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

Viol. Classification: Minor
Rqmt Prov: PERMIT Permit 2565 SC 15.A

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

Viol. Classification: Moderate
Rqmt Prov: OP 01271 Additional Monitoring Requirements

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

Viol. Classification: Minor
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.496

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

Viol. Classification: Minor
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.496

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

Viol. Classification: Minor
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.503

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

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(A)

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

Viol. Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.38

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

Viol. Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)

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

Viol. Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41

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

Viol. Classification: Minor

Rqmt Prov: PERMIT Permit 00454

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

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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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-1933-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 synthetic rubber 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 November 25, 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 Four Hundred Fifty Dollars (\$6,450) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Five Hundred Eighty Dollars (\$2,580) of the

administrative penalty and One Thousand Two Hundred Ninety Dollars (\$1,290) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Two Thousand Five Hundred Eighty Dollars (\$2,580) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent, following the emissions event on December 8, 2009, modified their management of change process to include a line item that clarifies what is needed during loop checks.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions during an event that occurred on July 24, 2009, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a) and (c)(7) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O-01271, Special Terms and Conditions 10, and Flexible Permit No. 292, Special Conditions 1, as documented during an investigation conducted on August 5, 2009. Specifically, the Respondent released 60 pounds ("lbs") of unauthorized 1,3 butadiene ("butadiene") emissions, 20.13 lbs of unauthorized carbon monoxide emissions, and 2.79 lbs of unauthorized nitrogen oxide emissions from the South Flare (Emission Point No. E-M600R) into the atmosphere during the forty-five minute event (Incident No. 127233). The event occurred after the Respondent had installed new level instruments on June 29, 2009 on Tanks Nos. F720A and F720B. Initial tests indicated the new instruments were functioning properly, however, it was later discovered that a programming error during configuration resulted in the level instruments reading 50% of the actual tank levels, causing a ruptured disc on the butadiene sphere tank, leading to the emissions event. Since the emissions event was avoidable by implementing better operational practices, it does not meet the demonstration for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

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. 2009-1933-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Two Thousand Five Hundred Eighty Dollars (\$2,580) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Srdien
For the Executive Director

3/26/2010
Date

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

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

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

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

Greg Defratis
Signature

2/12/10
Date

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

Factory Manager
Title

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

Attachment A

Docket Number: 2009-1933-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Firestone Polymers, LLC
Payable Penalty Amount: Five Thousand One Hundred Sixty Dollars (\$5,160)
SEP Amount: Two Thousand Five Hundred Eighty Dollars (\$2,580)
Type of SEP: Pre-approved
Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")-Abandoned Tire Clean-Up
Location of SEP: Orange County

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

1. Project Description

A. Project

The Respondent shall contribute to the SEP offset amount to the Third-Party Recipient named above. The contribution will be to Texas Association of Resource Conservation and Development Areas, Inc. to be used for the RC&D Abandoned Tire Clean-Up Program as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to clean-up sites where tires have been disposed of illegally. Eligible sites will be limited to those where a responsible party cannot be found and where reasonable efforts have been made to prevent the dumping. SEP monies will be used to pay for the direct cost of collecting and disposing of tires. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing for the proper disposal of tires and by reducing health threats associated with illegally dumped tires. Illegal tire dumpsites can become breeding grounds for mosquitoes and rodents which carry disease. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of surface water, ground water, and soil.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

