

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-2073-AIR-E **TCEQ ID:** RN100221589 **CASE NO.:** 38895
RESPONDENT NAME: The Lubrizol Corporation

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

SITE WHERE VIOLATION(S) OCCURRED: Lubrizol Deer Park Plant, 41 Tidal Road, Deer Park, Harris County

TYPE OF OPERATION: Specialty chemical batch plant

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2009-1605-AIR-E.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on May 31, 2010. No comments were received.

CONTACTS AND MAILING LIST:
TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732
TCEQ Enforcement Coordinator: Ms. Audra Benoit, Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8799; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495
Respondent: Mr. Steven Oxley, General Manager, The Lubrizol Corporation, 41 Tidal Road, Deer Park, Texas 77536
 Mr. Anthony Shick, General Manager, The Lubrizol Corporation, 41 Tidal Road, Deer Park, Texas 77536
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 15, 2009</p> <p>Date of NOV/NOE Relating to this Case: December 15, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>1) Failure to report deviations and accurately certify the Annual Compliance Certification. Specifically, the Annual Compliance Certification report for the period of March 1, 2008 through February 28, 2009, did not include all instances of deviations and therefore was not accurately certified [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") O-01935, General Terms and Conditions ("GTC")].</p> <p>2) Failure to timely submit a semiannual deviation report. Specifically, one deviation report was submitted on March 30, 2009, to cover both the March 1, 2008 through August 31, 2008 and the September 1, 2008 through February 28, 2009 reporting periods [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(B), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP O-01935, GTC].</p>	<p>Total Assessed: \$8,970</p> <p>Total Deferred: \$1,794 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$3,588</p> <p>Total Paid to General Revenue: \$3,588</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>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, implement self audit procedures designed to identify all deviations and ensure submittal of timely and accurate Title V reports; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.</p>

Additional ID No(s): HG0459J

Attachment A
Docket Number: 2009-2073-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	The Lubrizol Corporation
Penalty Amount:	Seven Thousand One Hundred Seventy-Six Dollars (\$7,176)
SEP Offset Amount:	Three Thousand Five Hundred Eighty-Eight Dollars (\$3,588)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston Regional Monitoring Corporation – <i>HRMC Houston Area Air Monitoring</i>
Location of SEP:	Harris County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset 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 the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Houston Regional Monitoring Corporation** for the *HRMC Houston Area Air Monitoring* to be used as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used to supplement existing operation of a network of ambient air monitoring stations (designated HRM Sites 1, 3, 4, 7, 8, 10, Wallisville, and Lynchburg Ferry) that continuously measure and record concentrations of ambient air pollutants. Specifically, SEP Funds will be used to operate, maintain, and potentially expand portions of the existing ambient air quality monitoring network in the Houston area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives. SEP Funds may be used to operate a single monitoring site or multiple sites contingent upon the amount of SEP funds provided. 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 it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing data from the network which may be used to evaluate the effectiveness of current emission control strategies, track ambient concentration trends for key pollutants of interest, evaluate episodic emission events, conduct source attribution studies, and assess potential community exposure to toxic air contaminants. The SEP will provide collection of near real-time volatile organic compound ("VOC"), nitrogen oxides ("NOx"), ozone ("O₃"), and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, and to assess potential ambient community exposure to a limited number of air pollutants. Data from these monitors may also be publicly accessible through the TCEQ website and may be used in evaluating air quality in the area, including ozone forecasts, and ozone warnings. The public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness and indirectly benefit by providing data useful in addressing Houston's ozone non-attainment status.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset 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 Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Houston Regional Monitoring Corporation
c/o Christopher B. Amandes
Vinson & Elkins LLP First City Tower
1001 Fannin Street, Suite 2500
Houston, Texas 77002-6760

3. **Records and Reporting**

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

Litigation Division
Attention: SEP Coordinator, MC 175
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 expenditure of the SEP Offset 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 Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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 Offset Amount identified in this Agreed Order has not been, and shall not be, included as a 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)

TCEQ

DATES	Assigned	21-Dec-2009	Screening	22-Dec-2009	EPA Due	18-Sep-2010
	PCW	28-Jan-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	The Lubrizol Corporation
Reg. Ent. Ref. No.	RN100221589
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	38895	No. of Violations	2
Docket No.	2009-2073-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Audra Benoit
		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)	Subtotal 1	\$2,600
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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	245.0% Enhancement	Subtotals 2, 3, & 7	\$6,370
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Notes: Penalty enhancement due to 13 same or similar NOVs, 31 non-similar NOVs, four agreed orders with denial of liability, one agreed order without denial of liability, and one court order. Penalty reduction due to two notices of intended audit, one environmental management system and early compliance.

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	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$167
 Approx. Cost of Compliance \$1,500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,970
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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	\$8,970
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,970
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,794
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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	\$7,176
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Screening Date 22-Dec-2009

Docket No. 2009-2073-AIR-E

PCW

Respondent: The Lubrizol Corporation

Policy Revision 2 (September 2002)

Case ID No. 38895

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221589

Media [Statute] Air

Enf. Coordinator Audra Benoit

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)	13	65%
	Other written NOVs	31	62%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
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)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	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)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	Yes	-10%
	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	Yes	-5%

Adjustment Percentage (Subtotal 2) 245%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes Penalty enhancement due to 13 same or similar NOVs, 31 non-similar NOVs, four agreed orders with denial of liability, one agreed order without denial of liability, and one court order. Penalty reduction due to two notices of intended audit, one environmental management system and early compliance.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 245%

Screening Date: 22-Dec-2009

Docket No.: 2009-2073-AIR-E

PCW

Respondent: The Lubrizol Corporation

Policy Revision 2 (September 2002)

Case ID No.: 38895

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN100221589

Media [Statute]: Air

Enf. Coordinator: Audra Benoit

Violation Number: 1

Rule Cite(s): 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A); Tex. Health & Safety Code § 382.085(b); and Federal Operating Permit ("FOP") O-01935, General Terms and Conditions ("GTC")

Violation Description: Failed to report deviations and accurately certify the Annual Compliance Certification. Specifically, the Annual Compliance Certification report for the period of March 1, 2008 through February 28, 2009, did not include all instances of deviations and therefore was not accurately certified.

Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual:				0%
Potential:				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment: \$9,900

\$100

Violation Events

Number of Violation Events: 1 364 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	X	

Violation Base Penalty: \$100

One single event is recommended based on the one incomplete report.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal: \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$167

Violation Final Penalty Total: \$345

This violation Final Assessed Penalty (adjusted for limits): \$345

Economic Benefit Worksheet

Respondent: The Lubrizol Corporation
Case ID No.: 38895
Reg. Ent. Reference No.: RN100221589
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	\$1,500	1-Mar-2008	23-May-2010	2.23	\$167	n/a	\$167
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 costs to implement self-audit procedures designed to identify all deviations and ensure submittal of timely and accurate Title V reports. The date required is the beginning of the deviation reporting period. The final date is the estimated 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

\$167

Screening Date: 22-Dec-2009 **Docket No.:** 2009-2073-AIR-E **PCW**
Respondent: The Lubrizol Corporation *Policy Revision 2 (September 2002)*
Case ID No.: 38895 *PCW Revision October 30, 2008*
Reg. Ent. Reference No.: RN100221589
Media [Statute]: Air
Enf. Coordinator: Audra Benolt
Violation Number: 2
Rule Cite(s): 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(B); Tex. Health & Safety Code § 382.085(b), and FOP O-01935, GTC.
Violation Description: Failed to timely submit a semiannual deviation report. Specifically, one deviation report was submitted on March 30, 2009, to cover both the March 1, 2008 through August 31, 2008 and the September 1, 2008 through February 28, 2009 reporting periods.
Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				
	Potential				0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		X			
					25%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment: \$7,500

\$2,500

Violation Events

Number of Violation Events: 1 **Number of violation days:** 470

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty: \$2,500

One single event is recommended based on the one report not timely submitted.

Good Faith Efforts to Comply **0.0% Reduction** **\$0**

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

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal: \$2,500

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

Estimated EB Amount: \$0

Violation Final Penalty Total: \$8,625

This violation Final Assessed Penalty (adjusted for limits): \$8,625

Economic Benefit Worksheet

Respondent The Lubrizol Corporation
Case ID No. 38895
Reg. Ent. Reference No. RN100221589
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

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				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The Economic Benefit for this violation is included in that for Violation No. 1.

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

\$0

TOTAL

\$0

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600269617 The Lubrizol Corporation	Classification: AVERAGE	Rating: 3.05
Regulated Entity:	RN100221589 LUBRIZOL DEER PARK PLANT	Classification: AVERAGE	Site Rating: 4.93

ID Number(s):	Description	Type	ID/Reference
	AIR OPERATING PERMITS	PERMIT	1934
	AIR OPERATING PERMITS	PERMIT	1932
	AIR OPERATING PERMITS	PERMIT	1931
	AIR OPERATING PERMITS	PERMIT	1930
	AIR OPERATING PERMITS	PERMIT	1929
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0459J
	AIR OPERATING PERMITS	PERMIT	1933
	AIR OPERATING PERMITS	PERMIT	1935
	AIR OPERATING PERMITS	PERMIT	2191
	AIR OPERATING PERMITS	PERMIT	1581
	AIR OPERATING PERMITS	PERMIT	1929
	AIR OPERATING PERMITS	PERMIT	1930
	AIR OPERATING PERMITS	PERMIT	1931
	AIR OPERATING PERMITS	PERMIT	1932
	AIR OPERATING PERMITS	PERMIT	1934
	WASTEWATER	PERMIT	WQ0000639000
	WASTEWATER	PERMIT	TPDES0007048
	WASTEWATER	PERMIT	TX0007048
	AIR NEW SOURCE PERMITS	REGISTRATION	91830
	AIR NEW SOURCE PERMITS	REGISTRATION	71099
	AIR NEW SOURCE PERMITS	PERMIT	669
	AIR NEW SOURCE PERMITS	PERMIT	2757
	AIR NEW SOURCE PERMITS	PERMIT	3663
	AIR NEW SOURCE PERMITS	PERMIT	3921
	AIR NEW SOURCE PERMITS	PERMIT	5847
	AIR NEW SOURCE PERMITS	PERMIT	7577
	AIR NEW SOURCE PERMITS	PERMIT	10807
	AIR NEW SOURCE PERMITS	REGISTRATION	14714
	AIR NEW SOURCE PERMITS	PERMIT	19465
	AIR NEW SOURCE PERMITS	PERMIT	19487
	AIR NEW SOURCE PERMITS	PERMIT	19657
	AIR NEW SOURCE PERMITS	PERMIT	19804
	AIR NEW SOURCE PERMITS	PERMIT	21715
	AIR NEW SOURCE PERMITS	PERMIT	21933
	AIR NEW SOURCE PERMITS	PERMIT	22044

AIR NEW SOURCE PERMITS	PERMIT	22045
AIR NEW SOURCE PERMITS	PERMIT	22046
AIR NEW SOURCE PERMITS	PERMIT	22048
AIR NEW SOURCE PERMITS	PERMIT	22049
AIR NEW SOURCE PERMITS	PERMIT	22051
AIR NEW SOURCE PERMITS	PERMIT	22055
AIR NEW SOURCE PERMITS	PERMIT	22056
AIR NEW SOURCE PERMITS	PERMIT	22059
AIR NEW SOURCE PERMITS	PERMIT	22060
AIR NEW SOURCE PERMITS	PERMIT	22095
AIR NEW SOURCE PERMITS	PERMIT	22050
AIR NEW SOURCE PERMITS	PERMIT	23695
AIR NEW SOURCE PERMITS	REGISTRATION	38145
AIR NEW SOURCE PERMITS	REGISTRATION	39308
AIR NEW SOURCE PERMITS	REGISTRATION	40048
AIR NEW SOURCE PERMITS	REGISTRATION	46323
AIR NEW SOURCE PERMITS	REGISTRATION	46464
AIR NEW SOURCE PERMITS	REGISTRATION	46920
AIR NEW SOURCE PERMITS	REGISTRATION	49758
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0459J
AIR NEW SOURCE PERMITS	REGISTRATION	76173
AIR NEW SOURCE PERMITS	AFS NUM	4820100109
AIR NEW SOURCE PERMITS	PERMIT	71546
AIR NEW SOURCE PERMITS	REGISTRATION	50658
AIR NEW SOURCE PERMITS	REGISTRATION	73602
AIR NEW SOURCE PERMITS	REGISTRATION	74835
AIR NEW SOURCE PERMITS	REGISTRATION	76823
AIR NEW SOURCE PERMITS	REGISTRATION	77948
AIR NEW SOURCE PERMITS	REGISTRATION	84324
AIR NEW SOURCE PERMITS	REGISTRATION	87415
AIR NEW SOURCE PERMITS	REGISTRATION	47016
AIR NEW SOURCE PERMITS	REGISTRATION	84298
AIR NEW SOURCE PERMITS	PERMIT	84764
AIR NEW SOURCE PERMITS	REGISTRATION	83439
AIR NEW SOURCE PERMITS	REGISTRATION	87880
AIR NEW SOURCE PERMITS	REGISTRATION	89542
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30324

INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD041067638
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011526
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30324
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50077
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50077
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50077
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0459J

Location: 41 TIDAL RD, DEER PARK, TX, 77536

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 11, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 21, 2004 to December 21, 2009

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

Name: Audra Benoit Phone: (409) 899-8799

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 judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 08/07/2005

ADMINORDER 2004-1527-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)

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

Rqmt Prov: NSR Permit # 22048 PERMIT

Title V Permit # O-02191 OP

Description: Failure to operate as represented in the permit by operating the Plate & Frame (P&F) filter without a hood and blower.

Effective Date: 12/15/2005

ADMINORDER 2004-0674-IWD-E

Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permitted effluent limits.

Effective Date: 05/28/2006

ADMINORDER 2005-1020-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: Air Permit No. 22046, Special Cond No. 1 PERMIT

Description: Failed to prevent the unauthorized release of 1,200 pounds of butene from a valve plug on a liquid discharge line during an emissions event that occurred on September 19, 2004 and lasted for 36 hours.

Classification: Minor

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

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

Description: Failed to notify the TCEQ of the September 18, 2004 emissions event within 24 hours of discovery.

Effective Date: 06/15/2006

ADMINORDER 2005-1554-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 19465, SC 6 PERMIT

Description: Failed to route waste streams from Storage Tank Q-3 to the FI-02 Incinerator, resulting in the unauthorized emissions from January 15, 2002 to May 16, 2005, as reported in a July 28, 2005 deviation report.

Classification: Moderate

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

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

Description: Failed to amend the Title V Federal Operating Permit (FOP) O-01930 to include Emission Point Numbers covered by Air Permit No. 71546.

Effective Date: 08/21/2006

COURTORDER

Classification: Minor

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

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: MAERT PERMIT

Description: On February 3, 2005, Lubrizol emitted into the atmosphere a highly reactive volatile organic compound from their site.

Classification: Minor

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

2D TWC Chapter 26, SubChapter A 26.121(c)

Description: On July 14, 2005, Lubrizol discharged industrial and/or other waste into Patrick Bayou.

Effective Date: 05/03/2009

ADMINORDER 2008-1282-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)

30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.165(a)(7)

30 TAC Chapter 122, SubChapter B 122.165(a)(8)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01933 OP

Description: Failed to ensure that a responsible official certified the accuracy and completeness of the annual compliance certification submitted for the March 18, 2007 through March 17, 2008 annual compliance certification reporting period; and the semi-annual deviation reports submitted for the March 18, 2007 through September 17, 2007 and September 18, 2007 through March 17, 2008 semi-annual deviation reporting periods.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)

30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.165(a)(7)

30 TAC Chapter 122, SubChapter B 122.165(a)(8)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01931 General Terms and Conditions OP

Description: Failed to ensure that a responsible official certified the accuracy and completeness of the annual compliance certification submitted for the March 18, 2007 through March 17, 2008 annual compliance certification reporting period; and the semi-annual deviation reports submitted for the March 18, 2007 through September 17, 2007 and September 18, 2007 through March 17, 2008 semi-annual deviation reporting periods.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)

30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.165(a)(7)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failed to ensure that a responsible official certified the accuracy and completeness of the semi-annual deviation report submitted for the January 27, 2007 through July 26, 2007 semi-annual deviation reporting period.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)

30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.165(a)(7)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: GENERAL TERMS AND CONDITIONS OP

Description: Failed to ensure that a responsible official certified the accuracy and completeness of the semi-annual deviation report submitted for the March 12, 2007 through September 11, 2007 semi-annual deviation reporting period.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)

30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.165(a)(7)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failed to ensure that a responsible official certified the accuracy and completeness of the semi-annual deviation report submitted for the March 12, 2007 through September 11, 2007 semi-annual deviation reporting period.

Classification: Major

Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)

30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.165(a)(7)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP, O-02191, Gen Term & Cond. OP

Description: Failed to ensure that a responsible official certified the accuracy and completeness of the semi-annual deviation reports submitted for the March 1, 2007 through August 31, 2007 semi-annual deviation reporting period.

Classification: Major

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

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 22048, Gen. Cond. 9 PERMIT

O-02191, Special Term & Cond. 5 OP

Description: Failed to maintain the thermal oxidizer, EPN FI-07, in good working order.

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	12/27/2004	(381991)
2	02/25/2005	(430053)
3	03/28/2005	(381990)
4	04/18/2005	(430054)
5	05/26/2005	(342032)
6	06/03/2005	(430055)
7	06/23/2005	(430056)
8	07/15/2005	(399944)
9	07/18/2005	(399943)
10	07/21/2005	(430057)
11	07/25/2005	(371921)
12	07/26/2005	(399942)
13	08/10/2005	(396903)
14	08/23/2005	(401961)
15	08/23/2005	(404441)
16	08/23/2005	(404920)
17	08/23/2005	(440964)
18	08/24/2005	(403704)
19	08/25/2005	(403720)
20	08/25/2005	(406040)
21	08/30/2005	(399146)
22	08/30/2005	(407300)
23	09/01/2005	(403715)
24	09/20/2005	(440965)
25	09/20/2005	(440966)
26	10/21/2005	(418291)
27	10/24/2005	(468657)
28	12/08/2005	(438073)
29	12/20/2005	(468658)
30	01/24/2006	(468659)
31	02/13/2006	(468654)
32	02/22/2006	(436030)
33	02/22/2006	(455180)
34	02/23/2006	(455875)
35	02/23/2006	(455899)
36	02/25/2006	(456961)
37	02/25/2006	(457099)
38	02/27/2006	(457163)
39	02/27/2006	(457166)
40	02/28/2006	(456744)
41	02/28/2006	(457146)
42	02/28/2006	(457155)
43	03/09/2006	(457679)
44	03/23/2006	(468656)
45	04/20/2006	(498351)
46	05/11/2006	(498352)
47	05/11/2006	(498354)
48	05/24/2006	(457271)
49	05/30/2006	(451682)
50	05/30/2006	(451683)
51	05/30/2006	(452323)

52 05/31/2006 (461636)
53 06/12/2006 (457300)
54 06/15/2006 (498353)
55 06/16/2006 (457349)
56 06/20/2006 (460607)
57 07/05/2006 (484702)
58 08/21/2006 (520363)
59 08/25/2006 (457352)
60 08/28/2006 (457312)
61 08/28/2006 (479896)
62 08/30/2006 (479887)
63 09/20/2006 (512786)
64 09/29/2006 (520364)
65 10/20/2006 (544701)
66 10/20/2006 (544702)
67 10/31/2006 (515469)
68 10/31/2006 (515868)
69 10/31/2006 (515877)
70 12/15/2006 (544703)
71 01/22/2007 (544704)
72 01/24/2007 (537230)
73 02/23/2007 (575607)
74 03/12/2007 (575608)

75 04/05/2007 (593183)
76 05/13/2007 (575609)
77 05/16/2007 (575610)
78 05/31/2007 (560002)
79 06/18/2007 (575611)
80 07/03/2007 (593184)
81 07/18/2007 (575612)
82 08/14/2007 (568549)
83 08/15/2007 (601706)
84 08/17/2007 (568659)
85 08/17/2007 (568681)
86 08/17/2007 (568779)
87 08/17/2007 (568798)
88 08/21/2007 (571104)
89 08/22/2007 (566797)
90 08/27/2007 (571102)
91 08/31/2007 (568678)
92 09/24/2007 (601707)
93 09/27/2007 (574135)
94 10/05/2007 (593429)
95 10/05/2007 (595350)
96 10/25/2007 (619635)
97 11/26/2007 (619636)
98 01/14/2008 (672162)
99 02/04/2008 (672163)
100 02/25/2008 (672161)
101 03/31/2008 (597321)
102 04/03/2008 (690068)
103 04/07/2008 (639677)
104 04/22/2008 (636227)
105 04/23/2008 (690069)
106 04/29/2008 (636620)
107 04/30/2008 (636878)
108 05/15/2008 (657083)
109 05/22/2008 (690070)

110 06/05/2008 (690072)
111 06/14/2008 (434921)
112 06/15/2008 (681639)
113 06/23/2008 (690071)
114 07/21/2008 (680059)
115 07/21/2008 (686152)
116 07/22/2008 (680031)
117 07/25/2008 (686128)
118 07/25/2008 (686620)
119 07/25/2008 (686985)
120 08/18/2008 (680047)
121 08/19/2008 (710854)
122 08/29/2008 (680040)
123 08/29/2008 (701700)
124 09/26/2008 (710855)
125 09/26/2008 (710857)
126 10/29/2008 (710856)
127 11/20/2008 (727565)
128 12/18/2008 (727566)
129 01/05/2009 (709045)
130 02/19/2009 (722564)
131 02/20/2009 (750377)
132 03/09/2009 (750378)
133 03/18/2009 (519307)

134 04/16/2009 (768439)
135 05/05/2009 (740258)
136 06/04/2009 (741922)
137 06/15/2009 (749167)
138 06/23/2009 (747483)
139 07/30/2009 (764029)
140 08/06/2009 (764551)
141 08/06/2009 (764561)
142 08/06/2009 (764570)
143 08/06/2009 (764576)
144 08/06/2009 (764585)
145 08/06/2009 (764599)
146 08/06/2009 (764602)
147 08/12/2009 (759265)
148 08/17/2009 (747040)
149 09/03/2009 (747045)
150 09/03/2009 (747486)
151 10/06/2009 (747526)
152 10/16/2009 (747488)
153 12/15/2009 (747824)

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

Date: 02/28/2005 (381990) CN600269617
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: 07/26/2005 (399942) CN600269617
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)
Permit # 22050 General Condition 2 PA
Description: Failure to obtain authorization for the use of Flare FL-MMB as back-up to

Incinerator FI-03, prior to using it for such purposes.

Date: 07/31/2005 (440964) CN600269617
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: 08/30/2005 (407300) CN600269617
Self Report? NO Classification: Moderate
Citation: 21933 Special Condition 6 C PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Lubrizol failed to prevent the build up of nitrogen in the butadiene railcars.

Date: 09/30/2005 (468657) CN600269617
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: 10/21/2005 (418291) CN600269617
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
No. 22046, Special Condition No. 1 PERMIT
Description: Lubrizol failed to prevent the IOB relief valves from over-pressurizing.

Date: 12/31/2005 (468659) CN600269617
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2006 (468654) CN600269617
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: 06/13/2006 (457300) CN600269617
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02191, SC 6 OP
Permit 22048, SC 5 PERMIT
Description: Failure to maintain the incinerator firebox exit temperature at a minimum of 1400 F on five occasions.

Date: 06/16/2006 (457349) CN600269617
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
O-01931, SC 10 OP
Description: Failure to provide a complete list of the storage tanks covered by PBR 30 TAC 106.473.

Date: 06/30/2006 (498354) CN600269617

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: 07/31/2006 (520363) CN600269617
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: 08/25/2006 (457352) CN600269617
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.165(a)(7)
30 TAC Chapter 122, SubChapter B 122.165(a)(8)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failed to provide a responsible official signature on the Form OP-CR01 for the annual Permit Compliance Certification report for the period of March 12, 2005 to March 11, 2006.

Date: 08/29/2006 (457312) CN600269617
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.165(a)(7)
30 TAC Chapter 122, SubChapter B 122.165(a)(8)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failed to provide certification signatures for the annual Permit Compliance Certification and the semi-annual deviation reports were submitted for the period of March 18, 2005 to March 17, 2006.

Date: 08/30/2006 (479887) CN600269617
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.165(a)(7)
30 TAC Chapter 122, SubChapter B 122.165(a)(8)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to provide signature (Form OP-CRO1) when the deviation reports and the Annual Compliance Certification were submitted.

Self Report? NO 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 A 382.085(b)
OP, O-01934 OP
Description: Failure to provide a complete deviation report. The regulated entity failed to report a recordable event in the deviation report

Date: 08/31/2006 (520364) CN600269617
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 09/01/2006 (479896) CN600269617
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.165(a)(8)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to submit Permit Compliance Certification duly signed by a responsible official.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.165(a)(7)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to submit Semiannual Deviation Reports duly signed by a responsible official.

Date: 04/05/2007 (593183) CN600269617
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 05/31/2007 (575611) CN600269617
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: 07/03/2007 (593184) CN600269617
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 07/31/2007 (601706) CN600269617
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: 08/17/2007 (568681) CN600269617
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01930 General Terms and Conditions OP
Description: Failure to submit the permit compliance certification within 30 days of the end of the reporting period

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01930 General Terms and Conditions OP
Description: Failure to submit the semiannual deviation report within 30 days of the end of the deviation reporting period.

Date: 08/17/2007 (568659) CN600269617
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01581 General Terms and Conditions OP
Description: Failure to submit the permit compliance certification within 30 days of the end of the reporting period.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01581 General Terms and Conditions OP
Description: Failure to submit semiannual deviation report within 30 days of end of deviation reporting period.

Date: 08/17/2007 (568779) CN600269617
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)

5C THC Chapter 382, SubChapter D 382.085(b)
O-01931 General Terms and Conditions OP

Description: Failure to submit the semiannual deviation report within 30 days of the end of the deviation reporting period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01931 General Terms and Conditions OP

Description: Failure to submit the permit compliance certification within 30 days of the end of the reporting period.

Date: 08/17/2007 (568798) CN600269617

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02191 General Terms and Conditions OP

Description: Failure to submit the permit compliance certification within 30 days of the end of the reporting period.

Date: 08/21/2007 (571104) CN600269617

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter D 382.085(b)
General Terms and Conditions OP

Description: Failure to submit the permit compliance certification within 30 days of the end of the reporting period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THC Chapter 382, SubChapter D 382.085(b)
General Terms and Conditions OP

Description: Failure to submit the semiannual deviation report within 30 days of the end of the deviation reporting period.

Date: 08/23/2007 (566797) CN600269617

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(3)(D)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to conduct monitoring checks of safety relief devices.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.726(c)(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to maintain records of the quarterly monitoring of the safety relief devices.

Date: 08/27/2007 (571102) CN600269617

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter D 382.085(b)
General Terms and Conditions OP

Description: Failure to submit the permit compliance certification within 30 days of the end of the reporting period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
General Terms and Conditions OP

Description: Failure to submit the semiannual deviation report within 30 days of the end of the deviation reporting period.

Date: 08/31/2007 (568678) CN600269617
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failure to submit the Permit Compliance Certification within the required time frame.

Date: 08/31/2007 (601707) CN600269617
 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: 09/30/2007 (619635) CN600269617
 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: 10/31/2007 (619636) CN600269617
 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: 06/30/2008 (690072) CN600269617
 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: 07/31/2008 (710854) CN600269617
 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: 08/29/2008 (680040) CN600269617
 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-02191, Gen Term & Cond. OP
 Description: Failure to report, in writing, to the executive director all instances of deviations, the probable cause of the deviations, and any corrective actions or preventative measures taken for each emission unit addressed in the permit.

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)
 O-02191, Special Term & Cond. 5 OP
 Special Condition, 11E PERMIT
 Special Condition, 11F PERMIT
 Description: Failure to monitor line segment for Leak, Detection, and Repair (LDAR).

Date: 08/31/2008 (710855) CN600269617
 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: 09/30/2008 (710856) CN600269617
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 01/05/2009 (709045) CN600269617
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition #1 PERMIT
Description: Failure to prevent unauthorized emissions.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THSC Chapter 382 382.085(b)
Description: Failure to include the permit number in the report.

Date: 06/04/2009 (741922) CN600269617
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
EL&MR, Pages 2-2c, Nos. 1-2 PERMIT
Description: Failure to maintain compliance with the permit limits for pH, oil and grease (O&G),
total zinc, and carbonaceous biochemical oxygen demand (CBOD).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
M&RR, P. 5, No. 7c PERMIT
Description: Failure to provide adequate effluent violation notification letters in accordance
with the permit requirements and applicable State regulations.

Date: 06/23/2009 (747483) CN600269617
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Term & Condition 5 OP
Description: Failure to comply within the maximum allowable annual VOC & CO emissions
rates relating to the FI-07 thermal oxidizer (EPN FI-07) for the year of 2007.
(Category B18 Violation)

Date: 09/03/2009 (747045) CN600269617
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(3)
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)
Special Condition 3E PERMIT
Special Term and Condition 1A OP
Special Term and Condition 8 OP
Description: Failure to conduct a weekly AVO inspection for the week of April 12, 2008.
(Category C1 violation)
Self Report? NO Classification: Minor
Citation: 5C THSC Chapter 382 382.085(b)
SC 12B PERMIT
Description: Failure to continuously record pilot flame monitoring data for the FL-177 Flare.
The deviation report dated April 16, 2009 states recorded data was missing for
January 2008 (0.8 hrs), February 2008 (1.8 hrs), June 2008 (1.8 hrs), October
2008 (0.5 hrs), and February 2009 (0.3 hrs). During the investigation, Lubrizol
was unable to provide documentation indicating that the pilot flame was
continuously monitored. (Category C1 violation)

Date: 10/06/2009 (747526) CN600269617
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 7F PERMIT
ST&C 10 OP
Description: Failure to monitor 34 components applicable to the LDAR program. (Category C4)

Date: 10/16/2009 (747488) CN600269617
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THSC Chapter 382 382.085(b)
Description: Failure to control emission or operate in a manner so not to exceed the permitted annual emission rates established in the MAERT for each of its NSR Permits, #22050, #22060 and #21933.

Date: 12/15/2009 (747824) CN600269617
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.764(b)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Condition #1A OP
Description: Failure to collect a monthly HRVOC sample from the cooling tower, EPN: POLY-CT-9. (Category C3 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.355(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)(1)
Special Condition #9(F) PERMIT

Description: Special Terms and Condition #1A OP
Special Terms and Condition #7 OP
Failure to conduct Method 21 monitoring to 261 components in HRVOC service for the first quarter of 2008. (Category B1 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition #9H PERMIT
Special Terms and Condition #1A OP
Special Terms and Condition #7 OP

Description: Failure to repair sixteen (16) leaking components in VOC service, within 15 days. (Category B3 violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition #3 PERMIT
Special Terms and Condition #7 OP

Description: The Flare, EPN: Poly-FL-1, pilot temperature data was not continuously recorded and the PI historian server was down on March 9, June 14, and December 23, 2008. (Category C1 violation)

F. Environmental audits.

Notice of Intent Date: 09/22/2006 (515252)

No DOV Associated

Notice of Intent Date: 07/30/2009 (790720)

No DOV Associated

G. Type of environmental management systems (EMSs).

11/30/2007 11/30/2010 ENVIRONMENTAL MANAGEMENT SYSTEM

NON 30 TAC CH 90 CERTIFIED

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

Date Achieved	Description
05/01/2006	implemented calculations required by 40CFR 63.245; 2455; and 2460.

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
THE LUBRIZOL CORPORATION
RN100221589

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§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2009-2073-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 The Lubrizol Corporation ("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 specialty chemical batch plant at 41 Tidal Road in Deer Park, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 20, 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 Eight Thousand Nine Hundred Seventy Dollars (\$8,970) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Five Hundred Eighty-Eight Dollars (\$3,588) of the administrative penalty and One Thousand Seven Hundred Ninety-Four Dollars

(\$1,794) 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. Three Thousand Five Hundred Eighty-Eight Dollars (\$3,588) 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 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.
10. 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.
11. 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 report deviations and accurately certify the Annual Compliance Certification, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") O-01935, General Terms and Conditions ("GTC"), as documented during a record review conducted on July 15, 2009. Specifically, the Annual Compliance Certification report for the period of March 1, 2008 through February 28, 2009, did not include all instances of deviations and therefore was not accurately certified.
2. Failed to timely submit a semiannual deviation report, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(B), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP O-01935, GTC, as documented during a record review conducted on July 15, 2009. Specifically, one deviation report was submitted on March 30, 2009, to cover both the March 1, 2008 through August 31, 2008 and the September 1, 2008 through February 28, 2009 reporting periods.

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: The Lubrizol Corporation, Docket No. 2009-2073-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, Three Thousand Five Hundred Eighty-Eight Dollars (\$3,588) 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 conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provision of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement self audit procedures designed to identify all deviations and ensure submittal of timely and accurate Title V reports; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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 Szolter
For the Executive Director

4/26/2010
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.

[Signature]
Signature

3/24/10
Date

ANTHONY SHICK
Name (Printed or typed)
Authorized Representative of
The Lubrizol Corporation

GENERAL 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: 2009-2073-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	The Lubrizol Corporation
Penalty Amount:	Seven Thousand One Hundred Seventy-Six Dollars (\$7,176)
SEP Offset Amount:	Three Thousand Five Hundred Eighty-Eight Dollars (\$3,588)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston Regional Monitoring Corporation – <i>HRMC Houston Area Air Monitoring</i>
Location of SEP:	Harris County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset 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 the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Houston Regional Monitoring Corporation** for the *HRMC Houston Area Air Monitoring* to be used as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP funds will be used to supplement existing operation of a network of ambient air monitoring stations (designated HRM Sites 1, 3, 4, 7, 8, 10, Wallisville, and Lynchburg Ferry) that continuously measure and record concentrations of ambient air pollutants. Specifically, SEP Funds will be used to operate, maintain, and potentially expand portions of the existing ambient air quality monitoring network in the Houston area in order to continue to provide information on data quality and trends to the public, TCEQ, and industry representatives. SEP Funds may be used to operate a single monitoring site or multiple sites contingent upon the amount of SEP funds provided. 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 it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing data from the network which may be used to evaluate the effectiveness of current emission control strategies, track ambient concentration trends for key pollutants of interest, evaluate episodic emission events, conduct source attribution studies, and assess potential community exposure to toxic air contaminants. The SEP will provide collection of near real-time volatile organic compound ("VOC"), nitrogen oxides ("NOx"), ozone ("O₃"), and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, and to assess potential ambient community exposure to a limited number of air pollutants. Data from these monitors may also be publicly accessible through the TCEQ website and may be used in evaluating air quality in the area, including ozone forecasts, and ozone warnings. The public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness and indirectly benefit by providing data useful in addressing Houston's ozone non-attainment status.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset 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 Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Houston Regional Monitoring Corporation
c/o Christopher B. Amandes
Vinson & Elkins LLP First City Tower
1001 Fannin Street, Suite 2500
Houston, Texas 77002-6760

3. Records and Reporting

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

Litigation Division
Attention: SEP Coordinator, MC 175
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 expenditure of the SEP Offset 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 Offset Amount.

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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

