

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2009-1854-AIR-E **TCEQ ID:** RN100211317 **CASE NO.:** 38710
RESPONDENT NAME: Rhodia Inc.

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: Rhodia Baytown Plant, 3439 Park Street, Baytown, Harris County</p> <p>TYPE OF OPERATION: Sulfuric acid manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2009-1450-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 12, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, R-13, (210) 403-4006; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Floyd Dickerson, Environmental Manager, Rhodia Inc., 8615 Manchester Street, Houston, Texas 77012-2142 Mr. William J. McConnell, Plant Manager, Rhodia Inc., 8615 Manchester Street, Houston, Texas 77012-2142 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 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 24, 2009 through August 5, 2009</p> <p>Date of NOE Relating to this Case: October 20, 2009</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>1) Failure to install the vapor combustor, emission point number ("EPN") DOCKVCSTK, by March 1, 2007, in order to control volatile organic compound ("VOC") emissions to a minimum of 98 percent from the outlet of the caustic scrubber [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit No. 56534, Special Condition 10, and Federal Operating Permit ("FOP") No. O-01610, Special Condition 10].</p> <p>2) Failed to operate the barge dock, EPN BARGE-DOCK, within the permitted emission rate of 1.53 pounds per hour for VOCs eight times between March 3, 2008 and April 9, 2008 [30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit No. 56534, General Condition 8 and Special Condition 1, and FOP No. O-01610, Special Condition 1.A].</p> <p>3) Failure to report a deviation in the semi-annual deviation ("SAD") report for the July 25, 2008 to January 24, 2009 SAD reporting period and in the annual compliance certification ("ACC") for the January 25, 2008 to January 24, 2009 ACC period. Specifically, a stack test performed on the barge dock vapor combustor, EPN</p>	<p>Total Assessed: \$26,163</p> <p>Total Deferred: \$5,232 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$20,931</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 installed the vapor combustor, EPN DOCKVCSTK, to control VOC emissions from the outlet of the caustic scrubber by July 31, 2008.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Implement measures designed to ensure that EPNs BARGE-DOCK and DOCKVCSTK are operating within permitted limits; and</p> <p>ii. Implement measures designed to ensure that deviations are reported in the SAD and ACC reports.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

<p>DOCKVCSTK, on August 11, 2008 was due to be submitted on October 10, 2008, but was not submitted until December 9, 2008, and was not reported as a deviation in the SAD or ACC reports submitted on February 23, 2009 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O-01610, General Terms and Conditions].</p>		
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Additional ID No(s): HG0696Q



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	26-Oct-2009	Screening	10-Nov-2009	EPA Due	N/A
	PCW	7-Jan-2010				

RESPONDENT/FACILITY INFORMATION			
Respondent	Rhodia Inc.		
Reg. Ent. Ref. No.	RN100211317		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	38710	No. of Violations	3
Docket No.	2009-1854-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Trina Grieco
		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** \$17,700

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 69.0% Enhancement **Subtotals 2, 3, & 7** \$12,213

Notes: Penalty enhancement due to three NOVs issued for same or similar violations, five NOVs issued for unrelated violations, one Agreed Order with a denial of liability issued, and one Agreed Order without a denial of liability issued. Penalty reduction due to a Notice of Audit letter submitted.

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

Notes: The Respondent does not meet the culpability criteria.

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

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

Total EB Amounts \$7,390
Approx. Cost of Compliance \$102,550
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$26,163

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$26,163

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$26,163

DEFERRAL 20.0% Reduction **Adjustment** -\$5,232

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 \$20,931

Screening Date 10-Nov-2009

Docket No. 2009-1854-AIR-E

PCW

Respondent Rhodia Inc.

Policy Revision 2 (September 2002)

Case ID No. 38710

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100211317

Media [Statute] Air

Enf. Coordinator Trina Grleco

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)	3	15%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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)	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)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 69%

>> 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 three NOVs issued for same or similar violations, five NOVs issued for unrelated violations, one Agreed Order with a denial of liability issued, and one Agreed Order without a denial of liability issued. Penalty reduction due to a Notice of Audit letter submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 69%

Screening Date 10-Nov-2009

Docket No. 2009-1854-AIR-E

PCW

Respondent Rhodia Inc.

Policy Revision 2 (September 2002)

Case ID No. 38710

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100211317

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review ("NSR") Permit No. 56534, Special Condition 10, and Federal Operating Permit ("FOP") No. O-01610 Special Condition 10

Violation Description Failed to install the vapor combustor, emission point number ("EPN") DOCKVCSTK, by March 1, 2007, in order to control volatile organic compound ("VOC") emissions to a minimum of 98 percent from the outlet of caustic scrubber.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
Human health or the environment was exposed to insignificant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.					0%

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 6 Number of violation days 985

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

Violation Base Penalty \$15,000

Six quarterly events are recommended from the date the combustor was required to be installed (March 1, 2007) to the date it was installed (July 31, 2008).

Good Faith Efforts to Comply

25.0% Reduction

\$3,750

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

Notes: The Respondent completed corrective actions by July 31, 2008 (prior to the October 20, 2009 NOE).

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7,096

Violation Final Penalty Total \$21,600

This violation Final Assessed Penalty (adjusted for limits) \$21,600

Economic Benefit Worksheet

Respondent Rhodia Inc.
Case ID No. 38710
Reg. Ent. Reference No. RN100211317
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment			0.00	\$0	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0	\$0
Land			0.00	\$0	n/a	n/a	\$0
Record Keeping System			0.00	\$0	n/a	n/a	\$0
Training/Sampling			0.00	\$0	n/a	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	n/a	\$0
Permit Costs			0.00	\$0	n/a	n/a	\$0
Other (as needed)	\$100,000	1-Mar-2007	31-Jul-2008	1.42	\$7,096	n/a	\$7,096

Notes for DELAYED costs

Estimated cost to install the vapor combustor. The date required is the date the combustor was required to be installed and the final date is the date corrective actions were completed (the vapor combustor was installed).

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100,000	TOTAL	\$7,096
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Screening Date 10-Nov-2009

Docket No. 2009-1854-AIR-E

PCW

Respondent Rhodia Inc.

Policy Revision 2 (September 2002)

Case ID No. 38710

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100211317

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(F) and (c), Tex. Health & Safety Code § 382.085(b), NSR Permit No. 56534, General Condition 8 and Special Condition 1, and FOP No. D-01610, Special Condition 1.A.

Violation Description Failed to operate the barge dock, EPN-BARGE-DOCK, within the permitted emission rate of 1.53 pounds per hour for VOCs eight times between March 3, 2008 and April 9, 2008 (see attached table for details on amounts and rates).

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 was exposed to insignificant amounts of pollutants which did not exceed levels 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

8 Number of violation days

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 for the quarter during which the violations occurred.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EOP/PR/ 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 \$291

Violation Final Penalty Total \$4,225

This violation Final Assessed Penalty (adjusted for limits) \$4,225

Economic Benefit Worksheet

Respondent Rhodia Inc.
Case ID No. 38710
Reg. Ent. Reference No. RN100211317
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description 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)	\$2,500	3-Mar-2008	1-Jul-2010	2.33	\$291	n/a

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure the two EPNs are operating within permitted limits. The date required is the date of the first exceedance and the final date is the date corrective actions are projected to be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500		TOTAL	\$291
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Screening Date 10-Nov-2009

Docket No. 2009-1854-AIR-E

PCW

Respondent Rhodia Inc.

Policy Revision 2 (September 2002)

Case ID No. 38710

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100211317

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), Tex. Health & Safety Code § 382.085(b), and FOP No. O-01610, General Terms and Conditions

Violation Description

Failed to report a deviation in the semi-annual deviation ("SAD") report for the July 25, 2008 to January 24, 2009 SAD reporting period and in the annual compliance certification ("ACC") for the January 25, 2008 to January 24, 2009 ACC period. Specifically, a stack test performed on the barge dock vapor combustor, EPN DOCKVCSTK, on August 11, 2008 was due to be submitted on October 10, 2008, but was not submitted until December 9, 2008, and was not reported as a deviation in the SAD or ACC reports submitted on February 23, 2009.

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

The Respondent failed to comply with approximately one percent (one of 76 deviations was not reported) of the rule requirements.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 2 Number of violation days 260

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$200

Two single events are recommended for the two deficient reports.

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 \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$338

This violation Final Assessed Penalty (adjusted for limits) \$338

Economic Benefit Worksheet

Respondent Rhodia Inc.
Case ID No. 38710
Reg. Ent. Reference No. RN100211317
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)	\$50	23-Feb-2009	1-Jul-2010	1.35	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost to implement measures designed to ensure that deviations are reported in the SAD and ACC reports. The date required is the date the deficient reports were submitted and the final date is the date corrective actions are projected to be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$3

Rhodia Inc.
Case No. 38710; Docket No. 2009-1854-AIR-E
Enforcement Coordinator: Trina Grieco
Corresponds to Violation No. 2

Date	Amount Released	Hours	Rate Permitted	Actual Rate	Amount Unauthorized
March 3, 2008	19.41 lbs	11.8 hrs	1.53 lbs/hr	1.64 lbs/hr	1.36 lbs
March 5, 2008	15.58 lbs	9.5 hrs	1.53 lbs/hr	1.64 lbs/hr	1.05 lbs
March 8, 2008	18.18 lbs	11.1 hrs	1.53 lbs/hr	1.55 lbs/hr	1.20 lbs
March 14, 2008	19.00 lbs	11.6 hrs	1.53 lbs/hr	1.64 lbs/hr	1.25 lbs
March 16, 2008	23.10 lbs	14.1 hrs	1.53 lbs/hr	1.64 lbs/hr	1.53 lbs
March 25, 2008	19.49 lbs	11.9 hrs	1.53 lbs/hr	1.64 lbs/hr	1.28 lbs
April 4, 2008	6.12 lbs	3.7 hrs	1.53 lbs/hr	1.65 lbs/hr	0.46 lbs
April 9, 2008	18.04 lbs	11.0 hrs	1.53 lbs/hr	1.64 lbs/hr	1.21 lbs

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600125330 Rhodia Inc.	Classification: AVERAGE	Rating: 4.83
Regulated Entity:	RN100211317 RHODIA BAYTOWN PLANT	Classification: AVERAGE	Site Rating: 18.75
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0696Q
	AIR OPERATING PERMITS	PERMIT	1610
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011077
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD082688896
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30708
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0696Q
	AIR NEW SOURCE PERMITS	PERMIT	12675
	AIR NEW SOURCE PERMITS	PERMIT	11660
	AIR NEW SOURCE PERMITS	PERMIT	9565
	AIR NEW SOURCE PERMITS	PERMIT	52339
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX695
	AIR NEW SOURCE PERMITS	AFS NUM	4820100038
	AIR NEW SOURCE PERMITS	PERMIT	56534
	AIR NEW SOURCE PERMITS	REGISTRATION	72458
	AIR NEW SOURCE PERMITS	REGISTRATION	74106
	AIR NEW SOURCE PERMITS	REGISTRATION	86388
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX695M2
	AIR NEW SOURCE PERMITS	REGISTRATION	91097
	AIR NEW SOURCE PERMITS	REGISTRATION	86786
	USED OIL	ID NUMBER	HOU00071
	WATER LICENSING	LICENSE	1011077
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0696Q

Location: 3439 PARK ST, BAYTOWN, TX, 77520

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: October 26, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 26, 2004 to October 26, 2009

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

Name: Trina Grieco Phone: (210) 403-4006

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: 11/06/2008

ADMINORDER 2008-0888-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the third quarter of 2005.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2005.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2007.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2008.

Effective Date: 12/04/2008

ADMINORDER 2008-0817-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(E)

30 TAC Chapter 115, SubChapter E 115.412(1)(C)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01610 S.T. and C. 6 OP

Description: Failure to post signage summarizing proper operating procedures to minimize emissions on or near the degreaser.

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: NSR 56534 General Condition 7 PERMIT

O-01610 S.T. and C. 6 OP

Description: Failure to provide sufficient documentation to demonstrate compliance with a permit special condition.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.354(b)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01610 S.T. and C. 10(A) OP

Description: Failure to submit a NOx final control plan.

Classification: Moderate

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

Rqmt Prov: NSR 9565 Special Condition 8 PERMIT

Description: Failure to conduct stack test of the acid plant stack for initial demonstration of compliance.

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	11/19/2004	(293357)
2	12/20/2004	(344712)
3	10/20/2005	(646355)
4	01/06/2006	(431862)
5	01/12/2006	(646423)
6	08/13/2007	(571028)
7	02/05/2008	(646426)
8	02/05/2008	(652068)
9	04/03/2008	(646427)
10	04/10/2008	(610705)
11	04/28/2008	(646663)
12	08/03/2009	(743318)
13	08/27/2009	(765054)
14	08/27/2009	(766655)
15	10/20/2009	(747378)

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

Date: 11/19/2004 (293357) CN600125330
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
Description: Failure to present an affirmative defense for five non-reportable emission events that occurred on 2/22/04, 03/04/04, 03/08/04, 03/26/04, and 05/21/04. These emission events were the direct result of improper maintenance and/or design.

Date: 10/20/2005 (646355) CN600125330
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes during the third quarter of 2005.

Date: 01/12/2006 (646423) CN600125330
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2005.

Date: 02/05/2008 (646426) CN600125330
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2007.

Date: 02/05/2008 (652068) CN600125330
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: TOTAL TRIHALOMETHANES

Date: 04/03/2008 (646427) CN600125330
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes during the first

quarter of 2008.

Date: 04/10/2008 (618887) CN600125330
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01610 S.T. and C. 3(A)(iii) OP
Description: Failure to conduct annual stationary vent opacity observations.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01610 S.T. and C. 6 OP
Description: Failure to comply with the hourly maximum allowable emission rate for SO2 from the acid plant stack.

Date: 08/03/2009 (743318) CN600125330
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter K 106.261
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THSC Chapter 382 382.085(b)
Description: Failure to comply with the maximum allowable emission rate for NOx in permit #9565 and PBR 106.261(Reg #72458).

F. Environmental audits.

Notice of Intent Date: 04/07/2009 (744273)
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
RHODIA INC.
RN100211317

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-1854-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 Rhodia Inc. ("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 sulfuric acid manufacturing plant at 3439 Park Street in Baytown, 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 October 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 Twenty-Six Thousand One Hundred Sixty-Three Dollars (\$26,163) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty Thousand Nine Hundred Thirty-One Dollars (\$20,931) of the administrative penalty and Five Thousand Two Hundred Thirty-Two Dollars

(\$5,232) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent installed the vapor combustor, emission point number ("EPN") DOCKVCSTK, to control volatile organic compound ("VOC") emissions from the outlet of the caustic scrubber by July 31, 2008.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to install the vapor combustor, EPN DOCKVCSTK, by March 1, 2007, in order to control VOC emissions to a minimum of 98 percent from the outlet of the caustic scrubber, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit No. 56534, Special Condition 10, and Federal Operating Permit ("FOP") No. O-01610 Special Condition 10, as documented during a record review conducted from July 24 to August 5, 2009.
2. Failed to operate the barge dock, EPN BARGE-DOCK, within the permitted emission rate of 1.53 pounds per hour for VOCs eight times between March 3, 2008 and April 9, 2008, as described in the table below, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and (c), TEX. HEALTH & SAFETY CODE § 382.085(b), NSR Permit No. 56534, General Condition 8 and Special Condition 1, and FOP No. O-01610, Special Condition 1.A., as documented during a record review conducted from July 24 to August 5, 2009.

Date	Amount Released	Hours	Rate Permitted	Actual Rate	Amount Unauthorized
March 3, 2008	19.41 lbs	11.8 hrs	1.53 lbs/hr	1.64 lbs/hr	1.36 lbs
March 5, 2008	15.58 lbs	9.5 hrs	1.53 lbs/hr	1.64 lbs/hr	1.05 lbs
March 8, 2008	18.18 lbs	11.1 hrs	1.53 lbs/hr	1.55 lbs/hr	1.20 lbs
March 14, 2008	19.00 lbs	11.6 hrs	1.53 lbs/hr	1.64 lbs/hr	1.25 lbs
March 16, 2008	23.10 lbs	14.1 hrs	1.53 lbs/hr	1.64 lbs/hr	1.53 lbs
March 25, 2008	19.49 lbs	11.9 hrs	1.53 lbs/hr	1.64 lbs/hr	1.28 lbs
April 4, 2008	6.12 lbs	3.7 hrs	1.53 lbs/hr	1.65 lbs/hr	0.46 lbs
April 9, 2008	18.04 lbs	11.0 hrs	1.53 lbs/hr	1.64 lbs/hr	1.21 lbs

3. Failed to report a deviation in the semi-annual deviation ("SAD") report for the July 25, 2008 to January 24, 2009 SAD reporting period and in the annual compliance certification ("ACC") for the January 25, 2008 to January 24, 2009 ACC period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O-01610, General Terms and Conditions, as documented during a record review conducted from July 24 to August 5, 2009. Specifically, a stack test performed on the barge dock vapor combustor, EPN DOCKVCSTK, on August 11, 2008 was due to be submitted on October 10, 2008, but was not submitted until December 9, 2008, and was not reported as a deviation in the SAD or ACC reports submitted on February 23, 2009.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Rhodia Inc., Docket No. 2009-1854-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. 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:

- i. Implement measures designed to ensure that EPNs BARGE-DOCK and DOCKVCSTK are operating within permitted limits; and
 - ii. Implement measures designed to ensure that deviations are reported in the SAD and ACC reports.
- 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. 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

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 Szolter
For the Executive Director

4/23/2010
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.

William J. McConnell
Signature

1/25/10
Date

William J. McConnell
Name (Printed or typed)
Authorized Representative of
Rhodia Inc.

Plant Manager
Title

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