

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO. 2009-1605-AIR-E RN100221589 CASE NO. 38476
RESPONDENT NAME: THE LUBRIZOL CORPORATION

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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 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 VIOLATIONS OCCURRED: 41 Tidal Road, Deer Park, Harris County

TYPE OF OPERATION: Chemical manufacturing plant

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

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

COMMENTS RECEIVED: The *Texas Register* comment period expired July 5, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Laurencia Fasoyiro, Litigation Division, MC R-12, (713) 422-8914
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400

TCEQ Enforcement Coordinator: Mr. Todd Huddleson, Air Enforcement Section, MC 149, (512) 239-2541

TCEQ Regional Contacts: Mr. Manuel Bautista, Houston Regional Office, MC R-12, (713) 767-3678
 Mr. Jason Harris, Houston Regional Office, MC R-12, (713) 767-3609

TCEQ SEP Coordinator: Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223

Respondent: Mr. Ronald J. Sears, Principal Engineer, The Lubrizol Corporation, P.O. Box 158, Deer Park, Texas 77536

Respondent's Attorney: Ms. Karen L. Walter, Counsel, The Lubrizol Corporation, 29400 Lakeland Boulevard, Wickliffe, Ohio 44092

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: August 4, 2009 and August 6, 2009</p> <p>Dates of NOEs Relating to this Case: September 3, 2009 and October 16, 2009</p> <p>Background Facts: The EDPRP was filed on February 19, 2010. Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and the agreed order was signed on May 3, 2010.</p> <p>Current Compliance Status: Respondent has not yet submitted documentation certifying compliance.</p> <p>AIR:</p> <ol style="list-style-type: none"> Failed to submit a timely deviation report for the emissions units in Federal Operating Permit ("FOP") No. O-01933 [30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A) and (C), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O-01933, General Terms and Conditions]. Failed to comply with permitted emissions limits [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Special Condition 1 of New Source Review Permit ("NSRP") Nos. 21715, 22051, 22059 and 19465]. Failed to submit a timely and complete deviation report for the emissions units in FOP No. O-01934 [30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A), and (C), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O-01934, General Terms and Conditions] Failed to submit a complete deviation report for the emissions units in FOP No. O-01934 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O-01934, General Terms and Conditions]. 	<p>Total Assessed: \$143,460</p> <p>Total Deferred: \$71,730 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input checked="" type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid to General Revenue: \$71,730</p> <p>Respondent paid \$71,730 of the administrative penalty. The remaining amount of \$71,730 shall be conditionally offset by the completion of a Supplemental Environmental Project (SEP).</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>Findings Order Justification: Three or more enforcement actions in the previous 5-year period.</p>	<p>Corrective Actions Taken: The Executive Director recognizes that Respondent provided a new Health, Safety, Environmental, and Security compliance database tracking system with the ability to:</p> <ol style="list-style-type: none"> Schedule report due dates; Assign action items to personnel in advance of the due date; and Track the progress towards completion of action items. <p>Ordering Provisions: Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Implement and complete a SEP (<i>Houston Regional Air Monitoring</i>); Within 90 days, submit an administratively complete request to amend NSR Permit Nos. 19465, 21715, 22051, and 22059; Respond completely and adequately to all requests for information concerning the amendment request within 30 days after the date of such requests, or by any other deadline specified in writing; Within 105 days, submit written certification demonstrating compliance; with Ordering Provision No. 2; and Within 270 days, submit written certification that either authorization to construct and operate EPNs F1-01, F1-02, H-56, LS-2, and HHO-15 has been obtained or that construction/operation has ceased until such time that appropriate authorization is obtained.

Attachment A
Docket Number: 2009-1605-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: **The Lubrizol Corporation**

Penalty Amount: One hundred forty-three thousand four hundred sixty dollars (\$143,460)

SEP Offset Amount: Seventy-one thousand seven hundred thirty dollars (\$71,730)

Type of SEP: Pre-approved

Third-Party Recipient: **Houston Regional Monitoring Corporation** – *HRMC Houston Area Air Monitoring*

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. 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 (“NO_x”), 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 make the check payable to "Houston Regional Monitoring Corporation" and mail a copy of the Agreed Order with the contribution check 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)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	8-Sep-2009			
	PCW	5-Mar-2010	Screening	22-Oct-2009	EPA Due 21-May-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.	38476	No. of Violations	4		
Docket No.	2009-1605-AIR-E	Order Type	Findings		
Media Program(s)	Air	Government/Non-Profit	No		
Multi-Media		Enf. Coordinator	Terry Murphy		
		EC's Team	Enforcement Team 4		
Admin. Penalty \$ Limit	Minimum	\$0	Maximum	\$10,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$40,100
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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	260.0% Enhancement	Subtotals 2, 3, & 7	\$104,260
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Notes: The penalty was enhanced by four 1660-style agreed orders, one findings agreed order, one court order, 16 same or similar NOVs, and 26 dissimilar NOVs; and reduced by two NOAs and early compliance with a federal government environmental requirement.

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	\$900
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$1,364
 Approx. Cost of Compliance \$15,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$143,460
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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 \$143,460

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$143,460
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$143,460
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Screening Date 22-Oct-2009

Docket No. 2009-1605-AIR-E

PCW

Respondent The Lubrizol Corporation

Policy Revision 2 (September 2002)

Case ID No. 38476

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221589

Media [Statute] Air

Enf. Coordinator Terry Murphy

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	16	80%
	Other written NOVs	26	52%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<i>number of judgements or consent decrees meeting criteria</i>)	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 (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	Yes	-5%

Adjustment Percentage (Subtotal 2) 260%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty was enhanced by four 1660-style agreed orders, one findings agreed order, one court order, 16 same or similar NOVs, and 26 dissimilar NOVs; and reduced by two NOAs and early compliance with a federal government environmental requirement.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 260%

Screening Date 22-Oct-2009 **Docket No.** 2009-1605-AIR-E **PCW**
Respondent The Lubrizol Corporation *Policy Revision 2 (September 2002)*
Case ID No. 38476 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN100221589
Media [Statute] Air
Enf. Coordinator Terry Murphy

Violation Number
Rule Cite(s) Federal Operating Permit ("FOP") No. O-01933, General Terms and Conditions, 30 Tex. Admin. Code §§ 122.143(4), 122.145(2)(A), and 122.145(2)(C), and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to submit a timely deviation report for the emissions units in FOP No. O-01933, as documented during an investigation conducted on August 4, 2009. Specifically, deviations occurred during the March 18, 2008 through September 17, 2008 reporting period, and were required to be reported by October 17, 2008, but were not reported until April 16, 2009.
Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="25%"/>
Matrix Notes	The Respondent failed to comply with 100% of the rule.				
	Adjustment				<input type="text" value="\$7,500"/>

Violation Events

Number of Violation Events Number of violation days
mark only one with an x
 daily
 weekly
 monthly
 quarterly
 semiannual
 annual
 single event
Violation Base Penalty
 One single event is recommended, based on the one late and incomplete report.

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDRP/Settlement
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input checked="" type="text" value="x"/>
N/A	<input type="text"/>	(mark with x)
Notes	The Respondent returned to compliance by September 24, 2009. The NOE is dated September 3, 2009, and the settlement offer is dated November 17, 2009.	
Violation Subtotal <input type="text" value="\$2,250"/>		

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

Estimated EB Amount **Violation Final Penalty Total**
This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent The Lubrizol Corporation
Case ID No. 38476
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	\$5,000	11-Oct-2008	24-Sep-2009	0.95	\$238	n/a	\$238
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 improve the Title V reporting system to ensure timely and complete reports. The Date Required is the date the first report was due (Violation 4), and the Final Date is the date the Respondent completed improvements to the reporting system.

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

\$5,000

TOTAL

\$238

Screening Date	22-Oct-2009	Docket No.	2009-1605-AIR-E	PCW
Respondent	The Lubrizol Corporation			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	38476			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN100221589			
Media [Statute]	Air			
Enf. Coordinator	Terry Murphy			
Violation Number	2			
Rule Cite(s)	Special Condition 1 of New Source Review Permit ("NSRP") Nos.: 21715, 22051, 22059, and 19465; 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to comply with permitted emissions limits, as documented during an investigation conducted on August 4, 2009. See Tables 1 and 2 for details.			
	Base Penalty	\$10,000		

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0%
Matrix Notes	Human health or the environment were exposed to insignificant amounts of pollutants not exceeding levels protective of human health or environmental receptors.				
	Adjustment	\$7,500			

\$2,500

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input checked="" type="text" value="x"/>
	single event	<input type="text"/>

Violation Base Penalty

Fourteen annual events are recommended, based on the two years of violations from each of the seven EPNs.

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)
Notes	The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Violation #2
Table nos. 1 and 2

The Lubrizol Corporation, RN100221589, Docket No. 2009-1605-AIR-E

Table 1 - 2007					Table 2 - 2008				
EPN	Permit	limit	reported	exceedance	EPN	Permit	limit	reported	exceedance
Contaminant		(tons per year)	emissions (tons)	amount (tons)	Contaminant		(tons per year)	emissions (tons)	amount (tons)
FI-01	21715				FI-01	21715			
PM10		0.018	0.097	0.079	PM10		0.018	0.098	0.080
H2S		0.026	0.049	0.023	H2S		0.026	0.049	0.023
CO		0.174	1.077	0.903	CO		0.174	1.0804	0.906
FI-02*	21715				FI-02*	21715			
PM10		0.001	0.26	0.259	PM10		0.001	0.2365	0.2355
NOx		1.041	3.411	2.370	NOx		1.041	3.113	2.072
FI-02*	22051				FI-02*	22051			
NOx		1.041	3.411	2.370	NOx		1.041	3.113	2.072
FI-02*	22059				FI-02*	22059			
PM		0.08	0.26	0.18	PM		0.08	0.24	0.16
NOx		1.041	3.411	2.370	NOx		1.041	3.113	2.072
H-56	21715				H-56	21715			
VOC		0.348	0.35	0.002	VOC		0.348	0.377	0.029
LS-2	21715				LS-2	21715			
VOC		0.004	0.011	0.007	VOC		0.004	0.011	0.007
HHO-15	21715				HHO-15	21715			
VOC		0.001	0.008	0.007	VOC		0.001	0.01	0.009

Abbreviations:

PM10 = particulate matter, 10 microns or less VOC = volatile organic compounds

CO = carbon monoxide

NOx = oxides of nitrogen

*note: FI-02 abates emissions from facilities covered under NSRP Nos. 19465, 21715, 22051, and 22059.

Each of those permits has a separate limit, but the Respondent reported the NOx exceedances based on the aggregate limits and exceedances from three permits: 21715, 22051, and 22059.

Economic Benefit Worksheet

Respondent The Lubrizol Corporation
Case ID No. 38476
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

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)	\$10,000	31-Dec-2007	1-Apr-2010	2.25	\$1,126	n/a	\$1,126

Notes for DELAYED costs

Estimated costs to ensure compliance with permitted limits. The Date Required is the last day of 2007, and the Final Date is the date the Respondent is expected to return to 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

\$10,000

TOTAL

\$1,126

Screening Date 22-Oct-2009 **Docket No.** 2009-1605-AIR-E **PCW**
Respondent The Lubrizol Corporation *Policy Revision 2 (September 2002)*
Case ID No. 38476 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN100221589
Media [Statute] Air
Enf. Coordinator Terry Murphy

Violation Number 3
Rule Cite(s) FOP No. O-01934, General Terms and Conditions, 30 Tex. Admin. Code §§ 122.143(4), 122.145(2)(A), and 122.145(2)(C), and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to submit a timely and complete deviation report for the emissions units in FOP No. O-01934, as documented during an investigation conducted on August 6, 2009. Specifically, deviations occurred during the March 12, 2008 through September 11, 2008 reporting period, and were required to be reported by October 11, 2008, but were not reported until April 13, 2009, and did not include visible emissions from Flare EPN FL-MMB and Thermal Oxidizer EPN-F1-03.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual			
	Potential			0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			
					25%

Matrix Notes The Respondent failed to comply with 100% of the rule.

Adjustment \$7,500
 \$2,500

Violation Events

Number of Violation Events 1 184 Number of violation days
 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 late and incomplete report.

Good Faith Efforts to Comply 25.0% Reduction \$625

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

Notes The Respondent returned to compliance by September 24, 2009, and the NOE is dated October 16, 2009.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$0	Violation Final Penalty Total \$8,375
This violation Final Assessed Penalty (adjusted for limits) \$8,375	

Economic Benefit Worksheet

Respondent The Lubrizol Corporation
Case ID No. 38476
Reg. Ent. Reference No. RN100221589
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$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

Economic benefits for this violation are included in Violation 1.

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

\$0

TOTAL

\$0

Screening Date 22-Oct-2009 **Docket No.** 2009-1605-AIR-E **PCW**
Respondent The Lubrizol Corporation *Policy Revision 2 (September 2002)*
Case ID No. 38476 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN100221589
Media [Statute] Air
Enf. Coordinator Terry Murphy

Violation Number 4
Rule Cite(s) FOP No. O-01934, General Terms and Conditions, 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to submit a complete deviation report for the emissions units in FOP No. O-01934, as documented during an investigation conducted on August 6, 2009. Specifically, deviations were not reported for permit exceedances associated with NSRP Nos. 22050, 22060, and 21933 that occurred during the September 12, 2008 through March 11, 2009 reporting period.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				x	1%
The Respondent reported less than 30% of the required information.					
Adjustment					\$9,900

Adjustment \$9,900 \$100

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	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 Reduction \$25

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)
Notes	The Respondent returned to compliance by September 24, 2009, and the NOE is dated October 16, 2009.	
Violation Subtotal \$75		

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

Estimated EB Amount \$0 **Violation Final Penalty Total** \$335
This violation Final Assessed Penalty (adjusted for limits) \$335

Economic Benefit Worksheet

Respondent The Lubrizol Corporation
Case ID No. 38476
Reg. Ent. Reference No. RN100221589
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefits for this violation are included in Violation 1.

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

\$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):	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	EPA ID		TXD041067638

GENERATION		
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: September 23, 2004 to September 23, 2009

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

Name: Terry Murphy Phone: (512) 239-5025

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	10/11/2004	(334998)	54	02/28/2006	(457155)	109	11/26/2007	(619636)
2	10/18/2004	(335657)	55	03/09/2006	(457679)	110	01/14/2008	(672162)
3	10/18/2004	(352463)	56	03/23/2006	(468656)	111	02/04/2008	(672163)
4	10/19/2004	(335299)	57	04/20/2006	(498351)	112	02/25/2008	(672161)
5	10/22/2004	(293188)	58	05/11/2006	(498352)	113	03/31/2008	(597321)
6	10/25/2004	(291777)	59	05/11/2006	(498354)	114	04/03/2008	(690068)
7	11/11/2004	(289533)	60	05/24/2006	(457271)	115	04/07/2008	(639677)
8	11/23/2004	(352464)	61	05/30/2006	(451682)	116	04/22/2008	(636227)
9	11/23/2004	(352465)	62	05/30/2006	(451683)	117	04/23/2008	(690069)
10	11/29/2004	(339571)	63	05/30/2006	(452323)	118	04/29/2008	(636620)
11	12/13/2004	(339096)	64	05/31/2006	(461636)	119	04/30/2008	(636878)
12	12/16/2004	(339083)	65	06/12/2006	(457300)	120	05/15/2008	(657083)
13	12/27/2004	(381991)	66	06/15/2006	(498353)	121	05/22/2008	(690070)
14	02/25/2005	(430053)	67	06/16/2006	(457349)	122	06/05/2008	(690072)
15	03/28/2005	(381990)	68	06/20/2006	(460607)	123	06/14/2008	(434921)
16	04/18/2005	(430054)	69	07/05/2006	(484702)	124	06/15/2008	(681639)
17	05/26/2005	(342032)	70	08/21/2006	(520363)	125	06/23/2008	(690071)
18	06/03/2005	(430055)	71	08/25/2006	(457352)	126	07/21/2008	(680059)
19	06/23/2005	(430056)	72	08/28/2006	(457312)	127	07/21/2008	(686152)
20	07/15/2005	(399944)	73	08/28/2006	(479896)	128	07/22/2008	(680031)
21	07/18/2005	(399943)	74	08/30/2006	(479887)	129	07/25/2008	(686128)
22	07/21/2005	(430057)	75	09/20/2006	(512786)	130	07/25/2008	(686620)
23	07/25/2005	(371921)	76	09/29/2006	(520364)	131	07/25/2008	(686985)
24	07/26/2005	(399942)	77	10/20/2006	(544701)	132	08/18/2008	(680047)
25	08/10/2005	(396903)	78	10/20/2006	(544702)	133	08/19/2008	(710854)
26	08/23/2005	(401961)	79	10/31/2006	(515469)	134	08/29/2008	(680040)
27	08/23/2005	(404441)	80	10/31/2006	(515868)	135	08/29/2008	(701700)
28	08/23/2005	(404920)	81	10/31/2006	(515877)	136	09/26/2008	(710855)
29	08/23/2005	(440964)	82	12/15/2006	(544703)	137	09/26/2008	(710857)
30	08/24/2005	(403704)	83	01/22/2007	(544704)	138	10/29/2008	(710856)
31	08/25/2005	(403720)	84	01/24/2007	(537230)	139	11/20/2008	(727565)
32	08/25/2005	(406040)	85	02/23/2007	(575607)	140	12/18/2008	(727566)
33	08/30/2005	(399146)	86	03/12/2007	(575608)	141	01/05/2009	(709045)
34	08/30/2005	(407300)	87	04/05/2007	(593183)	142	02/19/2009	(722564)
35	09/01/2005	(403715)	88	05/13/2007	(575609)	143	02/20/2009	(750377)
36	09/20/2005	(440965)	89	05/16/2007	(575610)	144	03/09/2009	(750378)
37	09/20/2005	(440966)	90	05/31/2007	(560002)	145	03/18/2009	(519307)
38	10/21/2005	(418291)	91	06/18/2007	(575611)	146	04/16/2009	(768439)
39	10/24/2005	(468657)	92	07/03/2007	(593184)	147	05/05/2009	(740258)
40	12/08/2005	(438073)	93	07/18/2007	(575612)	148	06/04/2009	(741922)
41	12/20/2005	(468658)	94	08/14/2007	(568549)	149	06/15/2009	(749167)
42	01/24/2006	(468659)	95	08/15/2007	(601706)	150	06/23/2009	(747483)
43	02/13/2006	(468654)	96	08/17/2007	(568659)	151	07/30/2009	(764029)
44	02/22/2006	(436030)	97	08/17/2007	(568681)	152	08/06/2009	(764551)
45	02/22/2006	(455180)	98	08/17/2007	(568779)	153	08/06/2009	(764561)
46	02/23/2006	(455875)	99	08/17/2007	(568798)	154	08/06/2009	(764570)
47	02/23/2006	(455899)	100	08/21/2007	(571104)	155	08/06/2009	(764576)
48	02/25/2006	(456961)	101	08/22/2007	(566797)	156	08/06/2009	(764585)
49	02/25/2006	(457099)	102	08/27/2007	(571102)	157	08/06/2009	(764599)
50	02/27/2006	(457163)	103	08/31/2007	(568678)	158	08/06/2009	(764602)
51	02/27/2006	(457166)	104	09/24/2007	(601707)	159	08/12/2009	(759265)

52	02/28/2006	(456744)	105	09/27/2007	(574135)	160	08/17/2009	(747040)
53	02/28/2006	(457146)	106	10/05/2007	(593429)	161	09/03/2009	(747045)
			107	10/05/2007	(595350)	162	09/03/2009	(747486)
			108	10/25/2007	(619635)			

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

Date: 11/30/2004 (381991) 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: 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)

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).

N/A

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
5/1/2006	implemeneted calculatlons required by 40CFR 63.245; 2455; and 2460.

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
THE LUBRIZOL CORPORATION;	§	
RN100221589	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-1605-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding The Lubrizol Corporation (“Respondent”) under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Karen L. Walter, Counsel, The Lubrizol Corporation, presented this agreement to the Commission.

Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent owns and operates a chemical manufacturing plant located at 41 Tidal Road, 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. During an investigation conducted on August 4, 2009, a TCEQ Houston Regional Office investigator documented that Respondent:

- a. Failed to submit a timely deviation report for the emissions units in Federal Operating Permit (“FOP”) No. O-01933. Specifically, deviations occurred during the March 18, 2008 through September 17, 2008 reporting period, and were required to be reported by October 17, 2008, but were not reported until April 16, 2009; and
- b. Failed to comply with permitted emissions limits; See Tables 1 and 2 below for details:

Table 1 - 2007					Table 2 - 2008				
EPN	Permit	limit	reported	exceedence	EPN	Permit	limit	reported	exceedence
Contaminant		(tons per year)	emissions (tons)	amount (tons)	Contaminant		(tons per year)	emissions (tons)	amount (tons)
FI-01	21715				FI-01	21715			
PM10		0.018	0.097	0.079	PM10		0.018	0.098	0.080
H2S		0.026	0.049	0.023	H2S		0.026	0.049	0.023
CO		0.174	1.077	0.903	CO		0.174	1.0804	0.906
FI-02*	21715				FI-02*	21715			
PM10		0.001	0.26	0.259	PM10		0.001	0.2365	0.2355
NOx		1.041	3.411	2.370	NOx		1.041	3.113	2.072
FI-02*	22051				FI-02*	22051			
NOx		1.041	3.411	2.370	NOx		1.041	3.113	2.072
FI-02*	22059				FI-02*	22059			
PM		0.08	0.26	0.18	PM		0.08	0.24	0.16
NOx		1.041	3.411	2.370	NOx		1.041	3.113	2.072
H-56	21715				H-56	21715			
VOC		0.348	0.35	0.002	VOC		0.348	0.377	0.029
LS-2	21715				LS-2	21715			
VOC		0.004	0.011	0.007	VOC		0.004	0.011	0.007
HHO-15	21715				HHO-15	21715			
VOC		0.001	0.008	0.007	VOC		0.001	0.01	0.009

Abbreviations:

PM10 = particulate matter, 10 microns or less VOC = volatile organic compounds
CO = carbon monoxide NOx = oxides of nitrogen
H2S = hydrogen sulfide PM = particulate matter

*note: FI-02 abates emissions from facilities covered under New Source Review Permit (“NSRP”) Nos. 19465, 21715, 22051, and 22059. Each of those permits has a separate limit, but Respondent reported the NOx exceedances based on the aggregate limits and exceedances from three permits: 21715, 22051, and 22059.

4. During an investigation conducted on August 6, 2009, a TCEQ Houston Regional Office investigator documented that Respondent:
 - a. Failed to submit a timely and complete deviation report for the emissions units in FOP No. O-01934. Specifically, deviations occurred during the March 12, 2008 through September 11, 2008 reporting period, and were required to be reported by October 11, 2008, but were not reported until April 13, 2009, and did not include visible emissions from Flare EPN FL-MMB and Thermal Oxidizer EPN-F1-03; and
 - b. Failed to submit a complete deviation report for the emissions units in FOP No. O-01934. Specifically, deviations were not reported for permit exceedences associated with NSRP Nos. 22050, 22060, and 21933 that occurred during the September 12, 2008 through March 11, 2009 reporting period.
5. Respondent received notice of the violations in Finding of Fact No. 3 on or about September 8, 2009, and the violations in Finding of Fact No. 4 on or about October 21, 2009.
6. The Executive Director recognizes that Respondent completed the following corrective actions by September 24, 2009, in order to ensure that deviation reports are timely and complete: Provided a new Health, Safety, Environmental, and Security compliance database tracking system with the ability to:
 - a. Schedule report due dates;
 - b. Assign action items to personnel in advance of the due date; and
 - c. Track the progress towards completion of action items.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Respondent failed to submit a timely deviation report for the emissions units in FOP No. O-01933, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A) and (C), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O-01933, General Terms and Conditions.
3. As evidenced by Finding of Fact No. 3.b, Respondent failed to comply with permitted emissions limits, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Special Condition 1 of NSRP Nos. 21715, 22051, 22059, and 19465.

4. As evidenced by Finding of Fact No. 4.a, Respondent failed to submit a timely and complete deviation report for the emissions units in FOP No. O-01934, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4), 122.145(2)(A) and (C), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O-01934, General Terms and Conditions.
5. As evidenced by Finding of Fact No. 4.b., Respondent failed to submit a complete deviation report for the emissions units in FOP No. O-01934, 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-01934, General Terms and Conditions.
6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of one hundred forty-three thousand four hundred sixty dollars (\$143,460.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Respondent paid seventy-one thousand seven hundred thirty dollars (\$71,730.00) of the administrative penalty. Pursuant to TEX. WATER CODE § 7.067, seventy-one thousand seven hundred thirty dollars (\$71,730.00) of the administrative penalty shall be conditionally offset by Respondent's completion of a Supplemental Environmental Project (SEP) as defined in Attachment A, incorporated herein by reference. Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Respondent is assessed an administrative penalty in the amount of one hundred forty-three thousand four hundred sixty dollars (\$143,460.00) as set forth in Conclusion of Law No. 7 for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here.
2. Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Conclusion of Law No. 7, seventy-one thousand seven hundred thirty dollars (\$71,730.00) of the assessed administrative penalty shall be offset with the condition that Respondent implement the SEP defined in Attachment A, incorporated herein by reference. Respondent's obligation to pay the conditionally offset portion of the

administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. Administrative penalty payments for any portion of the administrative penalty not offset by a Supplemental Environmental Project or for any portion of the Supplemental Environmental Project deemed by the Executive Director as not complete shall be made payable to “Texas Commission on Environmental Quality” and shall be sent with the notation “Re: The Lubrizol Corporation; Docket No. 2009-1605-AIR-E; Enforcement ID No. 38476” to:

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

4. Respondent shall undertake the following technical requirements:
 - a. Within 90 days after the effective date of this Agreed Order, Respondent shall submit an administratively complete request to amend NSR Permit Nos. 19465, 21715, 22051, and 22059, in order to achieve compliance with permitted, tons per year, emissions limits from the EPN FI-01 incinerator for PM10, CO, and H2S; from the EPN FI-02 incinerator for NOx, PM, and PM10; and from storage tanks, EPNs H-56, LS-2, and HHO-15, for VOC;
 - b. Respondent shall respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the amendment request within 30 days after the date of such requests, or by any other deadline specified by TCEQ in writing;
 - c. Within 105 days after the effective date of this Agreed Order, Respondent shall submit written certification of compliance with Ordering Provision No. 4.a.
 - d. Within 270 days after the effective date of this Agreed Order, Respondent shall submit written certification that either authorization to construct and operate EPNs FI-01, FI-02, H-56, LS-2, and HHO-15 has been obtained or that construction/operation has ceased until such time that appropriate authorization is obtained;
 - e. Respondent shall submit written certification as described in Ordering Provision Nos. 4.c. and 4.d., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.

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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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 Respondent shall submit copies of documentation necessary to demonstrate compliance with these Ordering Provisions 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:

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

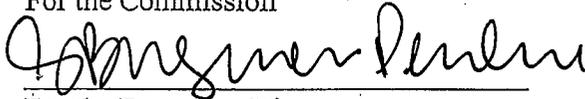
5. The provisions of this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
6. If Respondent fails to comply with any of the Ordering 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, Respondent's failure to comply is not a violation of this Agreed Order. Respondent has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent

- receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
8. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas (“OAG”) for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
 9. 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.
 10. This Agreed Order, issued by the Commission, shall not be admissible against 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.
 11. 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.
 12. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV’T CODE § 2001.142, the effective date is the date of hand-delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

6/25/2010

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of The Lubrizol Corporation. I represent that I am authorized to agree to the attached Agreed Order on behalf of The Lubrizol Corporation, and do agree to the specified terms and conditions. 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 in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on Respondent's compliance history;
- Greater scrutiny of any permit applications submitted by Respondent;
- 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 against Respondent;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Respondent; and
- TCEQ seeking other relief as authorized by law.

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

Signature



Name (printed or typed)

Authorized Representative

The Lubrizol Corporation

Date

5/13/2010

GENERAL MANAGER

Title

Attachment A
Docket Number: 2009-1605-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: **The Lubrizol Corporation**

Penalty Amount: One hundred forty-three thousand four hundred sixty dollars (\$143,460)

SEP Offset Amount: Seventy-one thousand seven hundred thirty dollars (\$71,730)

Type of SEP: Pre-approved

Third-Party Recipient: **Houston Regional Monitoring Corporation** – *HRMC Houston Area Air Monitoring*

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. 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 (“NO_x”), 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 make the check payable to "Houston Regional Monitoring Corporation" and mail a copy of the Agreed Order with the contribution check 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.