EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2010-0210-IWD-E **TCEQ ID:** RN102177391 **CASE NO.:** 39130

RESPONDENT NAME: AKZO NOBEL CHEMICALS INC. and AKZO NOBEL POLYMER CHEMICALS LLC

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
X WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Akzo Nobel Chemicals Deer Park, east of and adjacent to State Highway ("S.H.") 134, approximately 2,500 feet north of the intersection of S.H. 134 and S.H. 225, in the extra-territorial jurisdiction of La Porte, La Porte, Harris County

TYPE OF OPERATION: Organometallic compound manufacturing facility with an associated wastewater treatment plant

SMALL BUSINESS: ___ Yes X 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 Respondents has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on July 12, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732
TCEQ Enforcement Coordinator: Ms. Evette Alvarado, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2573; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495
Respondent: Mr. Nick Stapel, General Manager, AKZO NOBEL CHEMICALS INC.., P.O. Box 600, Deer Park, Texas 77536
Mr. Gordon Martens, Site Manager, AKZO NOBEL POLYMER CHEMICALS LLC, P.O. Box 600, Deer Park, Texas 77536
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint _X_ Routine __ Enforcement Follow-up __ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** December 10, 2009 **Date of NOE Relating to this Case:** January 28, 2010 **Background Facts:** This was a routine investigation. **WATER** 1) Failure to maintain compliance with permitted effluent limits for fecalcoliform, carbonaceous biochemical oxygen demand, flow, temperature, enterococci, total suspended solids, and biochemical oxygen demand [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004119000, Effluent Limitations and Monitoring Requirements No.1, Outfalls 001 and 101]. 2) Failure to analyze for total residual chlorine using an approved method [30 TEX. ADMIN. CODE § 319.11(a) and (b) and TPDES Permit No. WQ0004119000, Monitoring and Reporting Requirements No. 2.a].	**Total Assessed:** $33,875 **Total Deferred:** $6,775 _X_Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $13,550 **Total Paid to General Revenue:** $13,550 **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** __ Yes __ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that, by December 18, 2009, the Respondents began analyzing for total residual chlorine using an approved method. **Ordering Provisions:** 1) The Order will require the Respondents to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A) 2) The Respondents will also be required to, within 120 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0004119000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.

Additional ID No(s).: WQ0004119000

Attachment A
Docket Number: 2010-0210-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondents:	**AKZO NOBEL CHEMICALS INC. and AKZO NOBEL POLYMER CHEMICALS LLC**
Payable Penalty Amount:	**Twenty-Seven Thousand One Hundred Dollars ($27,100)**
SEP Amount:	**Thirteen Thousand Five Hundred Fifty Dollars ($13,550)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Galveston Bay Foundation-"Marsh Mania"**
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 Respondents to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondents shall contribute to the SEP offset amount to the Third-Party Recipient named above. The contribution will be to Galveston Bay Foundation to be used for the Galveston Bay Foundation "Marsh Mania" as set forth in the agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to restore shoreline elevations, growing plants for shoreline restoration, and planting new habitat. Historic subsidence and erosion have resulted in shoreline elevations which are too low to support vegetation. This project will seek to raise elevations by scraping and terracing. Scraping involves the use of earthmoving equipment to grade an eroded, bluff-like shoreline so that it slopes gradually towards the water resulting in the ability of plant growth. Terracing uses earthmoving equipment to create small levees by burrowing and stacking sediment in shallow water. The high elevation can then be planted with emergent vegetation. SEP monies will be used to pay for the direct costs of the implementation of the project, including material, equipment, and labor costs.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing food and shelter for a variety of native fish, shellfish, birds, and mammals. The marshes will also result in the reduction of pollution by filtering particulates and excess nutrients from runoff. In addition, the new habitat will protect shorelines from erosion and will help reduce the effects of flooding.

C. Minimum Expenditure

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

2. Performance Schedule

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

Mr. Bob Stokes, President
Galveston Bay Foundation
17234-A Highway 3
Wester, Texas 77598

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

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

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondents 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 Respondents shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondents may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondents 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	1-Feb-2010				
PCW	30-Apr-2010	Screening	2-Feb-2010	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	AKZO NOBEL CHEMICALS INC. and AKZO NOBEL POLYMER CHEMICALS LLC		
Reg. Ent. Ref. No.	RN102177391		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	39130	No. of Violations	4
Docket No.	2010-0210-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Evette Alvarado
		EC's Team	Enforcement Team 1

Admin. Penalty $ Limit Minimum $0 Maximum $10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	*Subtotal 1*	$10,000
ADJUSTMENTS (+/-) TO SUBTOTAL 1		

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

Compliance History	263.0% Enhancement	*Subtotals 2, 3, & 7*	$26,300

Notes: Enhancement due to 41 self-reported monthly effluent violations, two NOVs with violations same or similar as those cited in this case, four unrelated NOVs, and two agreed orders with a denial of liability.

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

Notes: The Respondents do not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	*Subtotal 5*	$125
Economic Benefit	0.0% Enhancement* *Subtotal 6*	$0

Total EB Amounts $924
Approx. Cost of Compliance $10,302
**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7	*Final Subtotal*	$36,175
OTHER FACTORS AS JUSTICE MAY REQUIRE -6.4%	*Adjustment*	-$2,300

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction to prevent self-reported violations from overly impacting the penalty and to prevent double enhancement from self-reported violations.

	Final Penalty Amount	$33,875
STATUTORY LIMIT ADJUSTMENT	*Final Assessed Penalty*	$33,875
DEFERRAL 20.0% Reduction	*Adjustment*	-$6,775

Reduces the Final Assessed Penalty by the indicted percentage. *(Enter number only; e.g. 20 for 20% reduction.)*

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	$27,100

Screening Date 2-Feb-2010 **Docket No.** 2010-0210-IWD-E **PCW**

Respondent AKZO NOBEL CHEMICALS INC. and AKZO NOBEL PO

Policy Revision 2 (September 2002)

Case ID No. 39130

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102177391

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

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*)	43	215%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which notices were submitted*)	0	0%
	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) 263%

>> 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

Enhancement due to 41 self-reported monthly effluent violations, two NOVs with violations same or similar as those cited in this case, four unrelated NOVs, and two agreed orders with a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 263%

Screening Date 2-Feb-2010 **Docket No.** 2010-0210-IWD-E **PCW**

Respondent AKZO NOBEL CHEMICALS INC. and AKZO NOBEL POLYMER C *Policy Revision 2 (September 2002)*

Case ID No. 39130 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN102177391

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004119000, Effluent Limitations and Monitoring Requirements No.1, Outfall 001

Violation Description Failed to maintain compliance with permitted effluent limits, as documented during an investigation conducted on December 10, 2009, and shown in the attached table.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: A simplified model was used to evaluate carbonaceous biochemical oxygen demand ("CBOD") to determine if the discharged amounts of pollutants exceeded levels protective of human health and the environment. Fecal coliform, enterococci, and temperature were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed protective levels.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 4 244 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $4,000

Four quarterly events are recommended.

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 Respondents do not meet the good faith criteria for this violation.

Violation Subtotal $4,000

Economic Benefit (EB) for this violation

Estimated EB Amount $923

Statutory Limit Test

Violation Final Penalty Total $13,597

This violation Final Assessed Penalty (adjusted for limits) $13,597

Economic Benefit Worksheet

Respondent AKZO NOBEL CHEMICALS INC. and AKZO NOBEL POLYMER CHEMICALS LLC
Case ID No. 39130
Reg. Ent. Reference No. RN102177391
Media Water Quality
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
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-2008	5-Nov-2010	1.85	$923	n/a	$923

Notes for DELAYED costs: Estimated cost to determine the cause of noncompliance and take necessary corrective action to maintain compliance with permitted effluent limits. Date required is the first month of noncompliance. Final date is the expected date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/equipment				0.00	$0	$0	$0
Financial Assurance [2]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $10,000

TOTAL: $923

Screening Date 2-Feb-2010 **Docket No.** 2010-0210-IWD-E **PCW**

Respondent AKZO NOBEL CHEMICALS INC. and AKZO NOBEL POLYMER CH *Policy Revision 2 (September 2002)*

Case ID No. 39130 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN102177391

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number 2

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0004119000, Effluent Limitations and Monitoring Requirements No.1, Outfall 001

Violation Description Failed to maintain compliance with permitted effluent limits, as documented during an investigation conducted on December 10, 2009, and shown in the attached table.

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: Fecal coliform and flow were evaluated to determine if the discharged amounts of pollutants exceeded levels protective of human health and the environment. As a result of these discharges, human health or the environment have been exposed to significant amounts of pollutants which do not exceed protective levels.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 1 | 31 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One monthly event is recommended for the month of October 2009.

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 Respondents do not meet the good faith criteria for this violation.

Violation Subtotal $2,500

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $8,498

This violation Final Assessed Penalty (adjusted for limits) $8,498

Economic Benefit Worksheet

Respondent AKZO NOBEL CHEMICALS INC. and AKZO NOBEL POLYMER CHEMICALS LLC
Case ID No. 39130
Reg. Ent. Reference No. RN102177391
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	See economic benefit for violation no. 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 2-Feb-2010 **Docket No.** 2010-0210-IWD-E **PCW**

Respondent AKZO NOBEL CHEMICALS INC. and AKZO NOBEL POLYMER CH *Policy Revision 2 (September 2002)*

Case ID No. 39130 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN102177391

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number 3

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0004119000, Effluent Limitations and Monitoring Requirements No.1, Outfall 101

Violation Description Failed to maintain compliance with permitted effluent limits, as documented during an investigation conducted on December 10, 2009, and shown in the attached table.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes A simplified model was used to evaluate biochemical oxygen demand to determine if the discharged amounts of pollutants exceeded levels protective of human health and the environment. Total suspended solids were also considered.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 3 — 123 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $3,000

Three quarterly events are recommended.

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 Respondents do not meet the good faith criteria for this violation.

Violation Subtotal $3,000

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $10,198

This violation Final Assessed Penalty (adjusted for limits) $10,198

Economic Benefit Worksheet

Respondent AKZO NOBEL CHEMICALS INC. and AKZO NOBEL POLYMER CHEMICALS LLC
Case ID No. 39130
Reg. Ent. Reference No. RN102177391
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	See economic benefit for violation no. 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 2-Feb-2010 **Docket No.** 2010-0210-IWD-E **PCW**

Respondent AKZO NOBEL CHEMICALS INC. and AKZO NOBEL POLYMER CH *Policy Revision 2 (September 2002)*

Case ID No. 39130 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN102177391

Media [Statute] Water Quality

Enf. Coordinator Evette Alvarado

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 319.11(a) and (b) and TPDES Permit No. WQ0004119000, Monitoring and Reporting Requirements No. 2.a

Violation Description Failed to analyze for total residual chlorine using an approved method, as documented during an investigation conducted on December 10, 2009.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed protective levels as a result of this violation.

Adjustment $9,500

$500

Violation Events

Number of Violation Events 1 — 60 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $500

One single event is recommended based on the December 10, 2009, investigation.

Good Faith Efforts to Comply

25.0% Reduction $125

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

Notes: The Respondents returned to compliance by December 18, 2009.

Violation Subtotal $375

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $1,583

This violation Final Assessed Penalty (adjusted for limits) $1,583

Economic Benefit Worksheet

Respondent AKZO NOBEL CHEMICALS INC. and AKZO NOBEL POLYMER CHEMICALS LLC
Case ID No. 39130
Reg. Ent. Reference No. RN102177391
Media Water Quality
Violation No. 4

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	$302	10-Dec-2009	18-Dec-2009	0.02	$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	Actual cost to purchase an approved chlorine test kit and refill pack. Date required is the investigation date. Final date is the date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/equipment				0.00	$0	$0	$0
Financial Assurance [2]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $302

TOTAL $0

EFFLUENT VIOLATION TABLE									
AKZO NOBEL CHEMICALS INC. AND AKZO NOBEL POLYMER CHEMICALS LLC									
TPDES Permit No. WQ0004119000									
Docket No. 2010-0210-IWD-E									
	Monitoring Period End Date								
Permitted Effluent Limits	12/31/08	03/31/09	04/30/09	06/30/09	07/31/09	08/31/09	09/30/09	10/31/09	11/30/09
	Outfall 001								
Fecal Coliform Bacteria - daily max. Limit = 400 cfu/100	2,020	580	700	800	500	1,080	1,350	12,900	c
CBOD, daily avg. conc. Limit = 10 mg/L	c	11	c	c	c	c	c	c	c
CBOD, daily max. conc. Limit = 20 mg/L	c	40	c	c	c	c	c	c	c
Flow, dry weather Limit = 0.03 MGD	c	c	c	c	c	c	c	0.04	c
Temperature, daily max. Limit = 95 deg. F	c	c	c	101	c	c	c	c	c
Enterococci, daily avg. Limit = 35 cfu/100	*	*	*	*	*	*	*	*	36.3
Enterococci, daily max. Limit = 200 cfu/100	*	*	*	*	*	*	*	*	209.8
	Outfall 101								
BOD, daily max. conc. Limit = 65 mg/L	c	c	c	c	c	c	c	70	96
TSS, daily max. conc. Limit = 65 mg/L	c	96	c	88	c	c	c	c	c

cfu = colony forming units
CBOD = carbonaceous biochemical oxygen demand
TSS = total suspended solids
BOD = biochemical oxygen demand
avg. = average
* = enterococci limits effective 11/01/2009

MGD = million gallons per day
mg/L = milligrams per liter
max. = maximum
c = compliant
conc. = concentration
deg. F = degrees Fahrenheit

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600125488	AKZO NOBEL POLYMER CHEMICALS LLC	Classification: AVERAGE	Rating: 9.32
Regulated Entity:	RN102177391	AKZO NOBEL CHEMICALS DEER PARK	Classification: AVERAGE	Site Rating: 3.80

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0717K
AIR OPERATING PERMITS	PERMIT	3331
AIR OPERATING PERMITS	PERMIT	3331
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD057191199
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30281
WASTEWATER	PERMIT	WQ0004119000
WASTEWATER	PERMIT	TPDES0006688
AIR NEW SOURCE PERMITS	REGISTRATION	91610
AIR NEW SOURCE PERMITS	PERMIT	1505
AIR NEW SOURCE PERMITS	PERMIT	1506
AIR NEW SOURCE PERMITS	PERMIT	1885
AIR NEW SOURCE PERMITS	PERMIT	2300
AIR NEW SOURCE PERMITS	PERMIT	7381
AIR NEW SOURCE PERMITS	PERMIT	7407
AIR NEW SOURCE PERMITS	PERMIT	7700
AIR NEW SOURCE PERMITS	PERMIT	8149
AIR NEW SOURCE PERMITS	REGISTRATION	13887
AIR NEW SOURCE PERMITS	PERMIT	19545
AIR NEW SOURCE PERMITS	PERMIT	24066
AIR NEW SOURCE PERMITS	PERMIT	33000
AIR NEW SOURCE PERMITS	PERMIT	34028
AIR NEW SOURCE PERMITS	REGISTRATION	35804
AIR NEW SOURCE PERMITS	PERMIT	45065
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0717K
AIR NEW SOURCE PERMITS	REGISTRATION	76287
AIR NEW SOURCE PERMITS	AFS NUM	4820100052
AIR NEW SOURCE PERMITS	REGISTRATION	72468
AIR NEW SOURCE PERMITS	REGISTRATION	73260
AIR NEW SOURCE PERMITS	REGISTRATION	74129
AIR NEW SOURCE PERMITS	REGISTRATION	77777
AIR NEW SOURCE PERMITS	REGISTRATION	80475
AIR NEW SOURCE PERMITS	REGISTRATION	81498
AIR NEW SOURCE PERMITS	REGISTRATION	84558
USED OIL	ID NUMBER	HOU00034

	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1012160
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0717K

Location: East of and adj. to SH 134, approx. 2,500 ft. north of Intx. Of SH 134 and SH 225, in the ETJ of La Porte, Harris Co., Tx

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: February 02, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 02, 2005 to February 02, 2010

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

Name: Evette Alvarado Phone: 512 - 239 - 2573

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: 08/10/2007 ADMINORDER 2006-2232-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: TCEQ Permit #8149, GC #8 PERMIT
Description: Akzo Nobel failed to prevent an unauthorized emissions on February 7, 2006.

Effective Date: 10/04/2007 ADMINORDER 2006-2039-IHW-E

Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(2)
Description: Failure to submit a complete and correct 2004 Annual Waste Summary for waste stream 9416315H (metal alkyls).
Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)
40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(2)
Description: Failure to indicate wastewater or non-wasterwater on land disposal restriction form for waste stream 9416315H.
Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.192(g)
Description: Failure to have a tank certification by a professional engineer on file for tank T-1419 (NOR 023).
Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.10(b)(17)
30 TAC Chapter 335, SubChapter A 335.10(b)(22)

Description: Failure to properly complete the Texas Uniform Hazardous Waste Manifest.
Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.2

30 TAC Chapter 335, SubChapter C 335.69(a)

30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)

40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.195(b)

Description: Failure to receive a RCRA permit for storage of hazardous waste on-site for greater than 90 days.

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	02/22/2005	(440943)
2	03/09/2005	(372933)
3	03/21/2005	(381966)
4	03/28/2005	(375292)
5	03/29/2005	(341777)
6	04/20/2005	(374496)
7	04/21/2005	(378234)
8	04/22/2005	(440944)
9	05/20/2005	(440945)
10	05/26/2005	(392939)
11	06/09/2005	(373964)
12	06/23/2005	(440946)
13	07/22/2005	(440947)
14	08/24/2005	(440948)
15	08/25/2005	(405730)
16	09/22/2005	(440949)
17	10/24/2005	(468620)
18	11/21/2005	(468621)
19	12/08/2005	(435088)
20	01/23/2006	(468622)
21	02/07/2006	(452915)
22	02/22/2006	(468618)
23	02/28/2006	(457025)
24	03/22/2006	(468619)
25	04/24/2006	(498332)
26	05/22/2006	(498333)
27	05/26/2006	(467293)
28	05/26/2006	(467322)
29	05/26/2006	(467352)
30	05/26/2006	(467356)
31	06/21/2006	(498334)
32	07/24/2006	(520347)
33	08/21/2006	(520348)
34	09/21/2006	(520349)
35	10/19/2006	(512231)
36	10/23/2006	(544679)
37	11/27/2006	(544680)
38	12/08/2006	(455786)
39	01/10/2007	(575567)
40	01/22/2007	(575568)
41	02/21/2007	(575562)

42 03/21/2007 (575563)
43 04/23/2007 (575564)
44 05/15/2007 (559818)
45 05/21/2007 (575565)
46 06/21/2007 (559987)
47 06/21/2007 (575566)
48 07/23/2007 (601691)
49 08/21/2007 (572522)
50 08/21/2007 (601692)
51 08/24/2007 (572401)
52 09/24/2007 (601693)
53 10/22/2007 (619618)
54 11/13/2007 (619619)
55 12/20/2007 (619620)
56 01/16/2008 (672146)
57 01/30/2008 (616593)
58 02/19/2008 (672145)
59 03/17/2008 (690052)
60 04/16/2008 (690053)
61 04/30/2008 (637943)
62 05/20/2008 (690054)
63 06/18/2008 (682204)
64 06/20/2008 (682779)
65 06/20/2008 (710832)
66 07/08/2008 (680390)
67 07/21/2008 (710833)
68 08/21/2008 (710834)
69 09/22/2008 (710835)
70 10/02/2008 (699693)
71 10/21/2008 (727548)
72 11/17/2008 (727549)
73 12/18/2008 (727550)
74 01/20/2009 (750364)
75 02/17/2009 (750363)
76 03/20/2009 (768424)
77 04/20/2009 (768425)
78 04/30/2009 (740867)
79 05/20/2009 (768426)
80 07/01/2009 (741195)
81 08/06/2009 (759065)
82 01/28/2010 (785251)

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

Date: 02/28/2005 (381966)
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: 03/09/2005 (372933)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to comply with the permitted effluent parameters at Outfall 001 and Outfall 101.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
Description: Failure to comply with the permitted sampling requirements at Outfall 101.

Date: 03/29/2005 (341777)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.136(b)
Description: Failure to include the relevant information that was omitted in the permit within 60 days upon discovery.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter C 122.222(k)(2)
Description: Failure to provide written notification to the executive director for modifications authorized under Permit-By-Rule.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
Description: Failure to follow Test Method 21 for the leaking fugitive monitoring components.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
34028 PA
O-01569 Special Terms and Conditions 10 OP
Description: Failure to follow Test Method 21 for a leaking fugitive monitoring component.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
O-01569 Special Terms and Condition 10 OP
Permit No. 8149 SC No. 4F PA
Description: Failure to follow Test Method 21 for a leaking fugitive monitoring component.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
Description: Failure to report four (4) deviations for failure to follow Test Method 21 for the leaking fugitive monitoring components.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
45065 Special Condition 8F PA
O-01569 Special Terms and Condition 10 OP
Description: Failure to follow Test Method 21 for a leaking fugitive monitoring component.

Date: 03/31/2005 (440944)
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: 04/20/2005 (374496) CN600125488
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

5C THC Chapter 382, SubChapter A 382.085(b)
Description: Akzo Nobel failed to prevent an avoidable emissions event at the Tank Farm.

Date: 05/31/2005 (440946)
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: 06/09/2005 (373964) CN600125488
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
Description: The RE failed to create a final report 14 after the end of the emissions event.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
NSR Permit No. 7700, SC #1. PERMIT

Description: RE failed to prevent unauthorized emissions.

Date: 06/30/2005 (440947)
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: 07/31/2005 (440948)
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: 08/31/2005 (440949)
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: 09/30/2005 (468620)
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: 10/31/2005 (468621)
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 (468618)
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: 03/31/2006 (498332)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2006 (498334)
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 (520348)
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: 08/31/2006 (520349)
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: 12/31/2006 (575568)

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: 01/31/2007 (575562)

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: 03/31/2007 (575564)

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: 04/30/2007 (575565)

Self Report? YES Classification: Moderate

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

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

Date: 05/31/2007 (575566)

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: 06/20/2007 (559987)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
EL&MR, P. 2, No. 1 PERMIT

Description: Failure to maintain compliance with the permitted effluent limits for carbonaceous biochemical oxygen demand (CBOD) and fecal coliform.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
EL&MR, P. 2, No. 3 PERMIT

Description: Failure to sample and analyze for pH at Outfall 001 at the frequency specified in the permit.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
EL&MR, P. 2a, No. 2 PERMIT

Description: Failure to utilize valid dissolved oxygen (DO) results on the discharge monitoring reports (DMR) for Outfall 101 due to analyses not being conducted within holding times.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
M&RR, P. 6, No. 7c PERMIT

Description: Failure to provide effluent violation notification letters in accordance with the permit requirements and applicable State regulations.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
D&SPC, P. 4, No. 2e PERMIT

Description: Failure to accurately complete the discharge monitoring reports (DMR).

Date: 06/30/2007 (601691)

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: 07/31/2007 (601692)
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: 08/31/2007 (601693)
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 (619619)
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: 11/30/2007 (619620)
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: 01/31/2008 (672145)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2008 (690053)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2008 (690054)
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: 05/31/2008 (710832)
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: 06/17/2008 (682204)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
TCEQ Permit No. 2300, SC #1 PERMIT
Description: Akzo failed to prevent a fire at the loading/shipping station.

Date: 06/30/2008 (710833)

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: 08/31/2008 (710835)

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 (727548)

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: 10/31/2008 (727549)

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: 11/30/2008 (727550)

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: 12/31/2008 (750364)

Self Report? YES Classification: Moderate

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

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

Date: 03/31/2009 (768425)

Self Report? YES Classification: Moderate

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

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

Date: 04/30/2009 (768426)

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: 06/30/2009

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: 07/31/2009

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: 08/31/2009

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: 09/30/2009

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: 10/31/2009

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: 11/30/2009

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

F. Environmental audits.

N/A

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

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600125470	AKZO NOBEL CHEMICALS INC.	Classification: AVERAGE	Rating: 3.48
Regulated Entity:	RN102177391	AKZO NOBEL CHEMICALS DEER PARK	Classification: AVERAGE	Site Rating: 2.29

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0717K
AIR OPERATING PERMITS	PERMIT	3331
AIR OPERATING PERMITS	PERMIT	3331
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD057191199
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30281
WASTEWATER	PERMIT	WQ0004119000
WASTEWATER	PERMIT	TPDES0006688
WASTEWATER	PERMIT	TX0006688
AIR NEW SOURCE PERMITS	REGISTRATION	91610
AIR NEW SOURCE PERMITS	PERMIT	1505
AIR NEW SOURCE PERMITS	PERMIT	1506
AIR NEW SOURCE PERMITS	PERMIT	1885
AIR NEW SOURCE PERMITS	PERMIT	2300
AIR NEW SOURCE PERMITS	PERMIT	7381
AIR NEW SOURCE PERMITS	PERMIT	7407
AIR NEW SOURCE PERMITS	PERMIT	7700
AIR NEW SOURCE PERMITS	PERMIT	8149
AIR NEW SOURCE PERMITS	REGISTRATION	13887
AIR NEW SOURCE PERMITS	PERMIT	19545
AIR NEW SOURCE PERMITS	PERMIT	24066
AIR NEW SOURCE PERMITS	PERMIT	33000
AIR NEW SOURCE PERMITS	PERMIT	34028
AIR NEW SOURCE PERMITS	REGISTRATION	35804
AIR NEW SOURCE PERMITS	PERMIT	45065
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0717K
AIR NEW SOURCE PERMITS	REGISTRATION	76287
AIR NEW SOURCE PERMITS	AFS NUM	4820100052
AIR NEW SOURCE PERMITS	REGISTRATION	72468
AIR NEW SOURCE PERMITS	REGISTRATION	73260
AIR NEW SOURCE PERMITS	REGISTRATION	74129
AIR NEW SOURCE PERMITS	REGISTRATION	77777
AIR NEW SOURCE PERMITS	REGISTRATION	80475
AIR NEW SOURCE PERMITS	REGISTRATION	81498
AIR NEW SOURCE PERMITS	REGISTRATION	84558

	USED OIL	ID NUMBER	HOU00034
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1012160
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0717K

Location: East of and adj. to SH 134, approx. 2,500 ft. north of Intx. Of SH 134 and SH 225, in the ETJ of La Porte, Harris Co., Tx

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: February 08, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 08, 2005 to February 08, 2010

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

Name: Evette Alvarado Phone: 512 - 239 - 2573

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: 08/10/2007 ADMINORDER 2006-2232-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: TCEQ Permit #8149, GC #8 PERMIT
Description: Akzo Nobel failed to prevent an unauthorized emissions on February 7, 2006.

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 02/22/2005 (440943)
2 03/09/2005 (372933)
3 03/21/2005 (381966)
4 04/21/2005 (378234)
5 04/22/2005 (440944)
6 05/20/2005 (440945)
7 06/09/2005 (373964)
8 06/23/2005 (440946)
9 07/22/2005 (440947)
10 08/24/2005 (440948)
11 09/22/2005 (440949)
12 10/24/2005 (468620)

13	11/21/2005	(468621)
14	12/08/2005	(435088)
15	01/23/2006	(468622)
16	02/22/2006	(468618)
17	02/28/2006	(457025)
18	03/22/2006	(468619)
19	04/24/2006	(498332)
20	05/22/2006	(498333)
21	05/26/2006	(467293)
22	05/26/2006	(467322)
23	05/26/2006	(467352)
24	05/26/2006	(467356)
25	06/21/2006	(498334)
26	07/24/2006	(520347)
27	08/21/2006	(520348)
28	09/21/2006	(520349)
29	10/23/2006	(544679)
30	11/27/2006	(544680)
31	12/08/2006	(455786)
32	01/10/2007	(575567)
33	01/22/2007	(575568)
34	02/21/2007	(575562)
35	03/21/2007	(575563)
36	04/23/2007	(575564)
37	05/21/2007	(575565)
38	06/21/2007	(559987)
39	06/21/2007	(575566)
40	07/23/2007	(601691)
41	08/21/2007	(572522)
42	08/21/2007	(601692)
43	08/24/2007	(572401)
44	09/24/2007	(601693)
45	10/22/2007	(619618)
46	11/13/2007	(619619)
47	12/20/2007	(619620)
48	01/16/2008	(672146)
49	01/30/2008	(616593)
50	02/19/2008	(672145)
51	03/03/2008	(619056)
52	03/17/2008	(690052)
53	04/16/2008	(690053)
54	05/20/2008	(690054)
55	06/18/2008	(682204)
56	06/20/2008	(682779)
57	06/20/2008	(710832)
58	07/08/2008	(680390)
59	07/21/2008	(710833)
60	08/21/2008	(710834)
61	09/22/2008	(710835)
62	10/02/2008	(699693)
63	10/21/2008	(727548)
64	11/17/2008	(727549)
65	12/18/2008	(727550)
66	01/20/2009	(750364)
67	02/17/2009	(750363)
68	03/20/2009	(768424)
69	04/20/2009	(768425)
70	05/20/2009	(768426)
71	01/28/2010	(785251)

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

Date: 02/28/2005 (381966)
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: 03/09/2005 (372933)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to comply with the permitted effluent parameters at Outfall 001 and Outfall 101.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
Description: Failure to comply with the permitted sampling requirements at Outfall 101.

Date: 03/31/2005 (440944)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2005 (440946)
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: 06/09/2005 (373964)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
Description: The RE failed to create a final report 14 after the end of the emissions event.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)
NSR Permit No. 7700, SC #1. PERMIT
Description: RE failed to prevent unauthorized emissions.

Date: 06/30/2005 (440947)
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: 07/31/2005 (440948)
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: 08/31/2005 (440949)
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: 09/30/2005 (468620)

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: 10/31/2005 (468621)
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 (468618)
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: 03/31/2006 (498332)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2006 (498334)
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 (520348)
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: 08/31/2006 (520349)
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: 12/31/2006 (575568)
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: 01/31/2007 (575562)
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: 03/31/2007 (575564)
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: 04/30/2007 (575565)

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

Date: 05/31/2007 (575566)
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: 06/20/2007 (559987)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
EL&MR, P. 2, No. 1 PERMIT
Description: Failure to maintain compliance with the permitted effluent limits for carbonaceous biochemical oxygen demand (CBOD) and fecal coliform.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
EL&MR, P. 2, No. 3 PERMIT
Description: Failure to sample and analyze for pH at Outfall 001 at the frequency specified in the permit.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
EL&MR, P. 2a, No. 2 PERMIT
Description: Failure to utilize valid dissolved oxygen (DO) results on the discharge monitoring reports (DMR) for Outfall 101 due to analyses not being conducted within holding times.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
M&RR, P. 6, No. 7c PERMIT
Description: Failure to provide effluent violation notification letters in accordance with the permit requirements and applicable State regulations.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
D&SPC, P. 4, No. 2e PERMIT
Description: Failure to accurately complete the discharge monitoring reports (DMR).

Date: 06/30/2007 (601691)
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: 07/31/2007 (601692)
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: 08/31/2007 (601693)
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 (619619)
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: 11/30/2007 (619620)
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: 01/31/2008 (672145)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2008 (690053)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2008 (690054)
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: 05/31/2008 (710832)
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: 06/17/2008 (682204)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
TCEQ Permit No. 2300, SC #1 PERMIT
Description: Akzo failed to prevent a fire at the loading/shipping station.

Date: 06/30/2008 (710833)
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: 08/31/2008 (710835)
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 (727548)
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: 10/31/2008 (727549)
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: 11/30/2008 (727550)
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: 12/31/2008 (750364)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2009 (768425)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2009 (768426)
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: 06/30/2009
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: 07/31/2009
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: 08/31/2009
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: 09/30/2009
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: 10/31/2009
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: 11/30/2009
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

F. Environmental audits.

N/A

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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	
AKZO NOBEL CHEMICALS INC.	§	**TEXAS COMMISSION ON**
AND AKZO NOBEL POLYMER	§	
CHEMICALS LLC	§	
RN102177391	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2010-0210-IWD-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 AKZO NOBEL CHEMICALS INC. and AKZO NOBEL POLYMER CHEMICALS LLC ("the Respondents") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents appear before the Commission and together stipulate that:

1. The Respondents own and operate an organometallic compound manufacturing facility with an associated wastewater treatment plant located east of and adjacent to State Highway ("S.H.") 134, approximately 2,500 feet north of the intersection of S.H. 134 and S.H. 225, in the extra-territorial jurisdiction of La Porte in Harris County, Texas (the "Facility").

2. The Respondents have discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

3. The Commission and the Respondents agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondents is subject to the Commission's jurisdiction.

4. The Respondents received notice of the violations alleged in Section II ("Allegations") on or about February 2, 2010.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Thirty-Three Thousand Eight Hundred Seventy-Five Dollars ($33,875) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondents have paid Thirteen Thousand Five Hundred Fifty Dollars ($13,550) of the administrative penalty and Six Thousand Seven Hundred Seventy-Five Dollars ($6,775) is deferred contingent upon the Respondents' 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 Respondents fail to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondents to pay all or part of the deferred penalty. Thirteen Thousand Five Hundred Fifty Dollars ($13,550) shall be conditionally offset by the Respondents' completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and the Respondents 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, by December 18, 2009, the Respondents began analyzing for total residual chlorine using an approved method.

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 Respondents 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 Facility, the Respondents are alleged to have:

1. Failed to maintain compliance with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004119000, Effluent Limitations and Monitoring Requirements No.1, Outfalls 001 and 101, as documented during an investigation conducted on December 10, 2009, and shown in the following table:

EFFLUENT VIOLATION TABLE									
Permitted Effluent Limits	Monitoring Period End Date								
	12/31/08	03/31/09	04/30/09	05/31/09	07/31/09	08/31/09	09/30/09	10/31/09	11/30/09
	Outfall 001								
Fecal Coliform Bacteria, daily max. Limit = 400 cfu/100	2,020	580	700	800	500	1,080	1,350	12,900	c
CBOD, daily avg conc Limit = 10 mg/L	c	11	c	c	c	c	c	c	c
CBOD, daily max conc Limit = 20 mg/L	c	40	c	c	c	c	c	c	c
Flow, dry weather Limit = 0.03 MGD	c	c	c	c	c	c	c	0.04	c
Temperature, daily max Limit = 95 deg. F	c	c	c	101	c	c	c	c	c
Enterococci, daily avg Limit = 35 cfu/100	*	*	*	*	*	*	*	*	36.3
Enterococci, daily max Limit = 200 cfu/100	*	*	*	*	*	*	*	*	209.8
	Outfall 101								
BOD, daily max conc Limit = 65 mg/L	c	c	c	c	c	c	c	70	96
TSS, daily max conc Limit = 65 mg/L	c	96	c	88	c	c	c	c	c

cfu = colony forming units
CBOD = carbonaceous biochemical oxygen demand
TSS = total suspended solids
BOD = biochemical oxygen demand
avg. = average
* = enterococci limits effective 11/01/2009
MGD = million gallons per day
mg/L = milligrams per liter
max. = maximum
c = compliant
conc. = concentration
deg. F = degrees Fahrenheit

2. Failed to analyze for total residual chlorine using an approved method, in violation of 30 TEX. ADMIN. CODE § 319.11(a) and (b) and TPDES Permit No. WQ0004119000, Monitoring and Reporting Requirements No. 2.a, as documented during an investigation conducted on December 10, 2009.

III. DENIALS

The Respondents generally deny each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondents pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondents' 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: AKZO NOBEL CHEMICALS INC. and AKZO NOBEL POLYMER CHEMICALS LLC, Docket No. 2010-0210-IWD-E" to:

   Financial Administration Division, Revenues Section
   Attention: Cashier's Office, MC 214
   Texas Commission on Environmental Quality
   P.O. Box 13088
   Austin, Texas 78711-3088

2. The Respondents shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Thirteen Thousand Five Hundred Fifty Dollars ($13,550) of the assessed administrative penalty shall be offset with the condition that the Respondents implement the SEP defined in Attachment A, incorporated herein by reference. The Respondents' obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. The Respondents are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.

4. It is further ordered that, within 120 days after the effective date of this Agreed Order, the Respondents shall submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0004119000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall 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 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:

Water 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 the Respondents. The Respondents are ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

6. If the Respondents fail 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 Respondents' failure to comply is not a violation of this Agreed Order. The Respondents shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondents shall notify the Executive Director within seven days after the Respondents become 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 the Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondents 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.

9. 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.

10. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondents, or three days after the date on which the Commission mails notice of the Order to the Respondents, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

7/9/2010
Date

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

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

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

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

Signature

MAY 16, 2010
Date

NIEK STAPEL
Name (Printed or typed)
Authorized Representative of
AKZO NOBEL CHEMICALS INC.

General Manager
Title

Signature

May 18, 2010
Date

Gordon F. Martin
Name (Printed or typed)
Authorized Representative of
AKZO NOBEL POLYMER CHEMICALS LLC

Site Manager
Title

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

Attachment A
Docket Number: 2010-0210-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondents:	**AKZO NOBEL CHEMICALS INC. and AKZO NOBEL POLYMER CHEMICALS LLC**
Payable Penalty Amount:	**Twenty-Seven Thousand One Hundred Dollars ($27,100)**
SEP Amount:	**Thirteen Thousand Five Hundred Fifty Dollars ($13,550)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Galveston Bay Foundation-"Marsh Mania"**
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 Respondents to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondents shall contribute to the SEP offset amount to the Third-Party Recipient named above. The contribution will be to Galveston Bay Foundation to be used for the Galveston Bay Foundation "Marsh Mania" as set forth in the agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to restore shoreline elevations, growing plants for shoreline restoration, and planting new habitat. Historic subsidence and erosion have resulted in shoreline elevations which are too low to support vegetation. This project will seek to raise elevations by scraping and terracing. Scraping involves the use of earthmoving equipment to grade an eroded, bluff-like shoreline so that it slopes gradually towards the water resulting in the ability of plant growth. Terracing uses earthmoving equipment to create small levees by burrowing and stacking sediment in shallow water. The high elevation can then be planted with emergent vegetation. SEP monies will be used to pay for the direct costs of the implementation of the project, including material, equipment, and labor costs.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing food and shelter for a variety of native fish, shellfish, birds, and mammals. The marshes will also result in the reduction of pollution by filtering particulates and excess nutrients from runoff. In addition, the new habitat will protect shorelines from erosion and will help reduce the effects of flooding.

C. Minimum Expenditure

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

2. Performance Schedule

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

Mr. Bob Stokes, President
Galveston Bay Foundation
17234-A Highway 3
Wester, Texas 77598

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

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

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondents 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 Respondents shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondents may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

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