

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-1116-AIR-E TCEQ ID: RN100223205 CASE NO.: 37935

RESPONDENT NAME: Rohm and Haas Texas Incorporated

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 AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Rohm and Haas Texas Deer Park Plant, 1900 Tidal Road, Deer Park, Harris County</p> <p>TYPE OF OPERATION: Chemical manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 12, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Ms. Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Ms. Danielle Lincoln, EH&S Leveraged Delivery Leader, Rohm and Haas Texas Incorporated, 1900 Tidal Road, Deer Park, Texas 77536 Mr. Harry Engelhardt, Jr., President, Rohm and Haas Texas Incorporated, 1900 Tidal Road, Deer Park, Texas 77536 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 5, March 4, April 28 and 29, and June 30, 2009</p> <p>Date of NOV/NOE Relating to this Case: July 1, July 24, July 30, and August 21, 2009 (NOB)</p> <p>Background Facts: These were routine investigations.</p> <p>AIR</p> <p>1) Failure to prevent unauthorized emissions. Specifically, 325,498.50 pounds ("lbs") of propylene and 17,131.50 lbs of propane were released from the Acrylates Unit, when the Respondent failed to prevent improper fuse termination causing a vent valve to open, resulting in an excessive emissions event which began on November 2, 2008, and lasted for 357 hours and 40 minutes (Incident No. 116764.) Since the emissions event was excessive and avoidable by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 8838, Special Condition No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to prevent unauthorized emissions. Specifically, a total of 246.17 lbs of unauthorized sulfur dioxide ("SO₂") emissions were released five times from August 2, 2007 to October 6, 2007 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Air Permit No. 751, Special Condition No. 1, Federal Operating Permit ("FOP") No. 1583, Special Terms and Conditions No. 8 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$542,251</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$271,125</p> <p>Total Paid to General Revenue: \$271,126</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 Orders Justification: This case involves unauthorized emissions which have been deemed excessive.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. The Corrective Action Plan ("CAP") for excessive emissions event Incident No. 116764 was submitted on September 2, 2009;</p> <p>b. On November 18, 2008, vent valves were added to each shift round to verify the vent valve is in the "closed" position when propylene is flowing (Incident No. 116764);</p> <p>c. On November 20, 2008, the control logic was modified to ensure that the oxidation train is shut down if the vent valve does not show "closed" as expected (Incident No. 116764);</p> <p>d. On October 5, 2009, the submitted CAP for Incident No. 116764 was approved. All corrective actions in the CAP had already been completed at the time of approval;</p> <p>e. On May 1, 2009, the analyzer tubing lines were inspected and repairs and replacements were made. In addition, upgrades were made on the heat tracing to help prevent moisture from the analyzer sample lines, in order to ensure that the SO₂ hourly emission rate stays within the permitted limits;</p> <p>f. On August 1, 2008, changed procedures to check spikes and verify if data is credible to ensure that acid production rate is limited to the amount specified in the permit;</p> <p>g. On June 12, 2009, updated the procedure to ensure that emissions are not released from unlit flares, and on August 1, 2009, set up a team to improve the reliability of natural gas to the flare;</p> <p>h. On August 14, 2009, reported the twelve recordable emissions events that had not been reported in the previous deviation reports;</p>

<p>3) Exceeded the permitted acid production rate. Specifically, from May 27, 2007 to November 12, 2007, the Respondent produced a total of 38.13 lbs/ton of acid in excess of the permitted limit [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Air Permit No. 751, Special Condition No. 6, FOP No. 1583, Special Terms and Conditions No. 8 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failure to prevent unauthorized emissions. Specifically, on August 27, 2008, October 2, 2008, October 6, 2008, November 8, 2008 and March 30, 2009, emissions totaling 184.7 lbs of volatile organic compounds ("VOCs"), 29.9 lbs of acrylic acid, 0.4 lbs of carbon disulphide, 4.0 lbs of carbon monoxide and 0.1 lbs of waste acetic acid were released from unlit flares, Emission Point Numbers HT-4 and SVG HT-1 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 63.11(b)(5), Air Permit No. 8838, Special Condition Nos. 10A and 16 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5) Failure to report deviations in the semi-annual deviation reports. Specifically, twelve recordable emissions events which occurred from April 1, 2008 to January 19, 2009, were not reported in the deviation reporting periods for January 19, 2008 to July 18, 2008 and July 19, 2008 to January 18, 2009 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. 2236, General Terms and Conditions and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6) Failure to prevent unauthorized emissions. Specifically, from April 1, 2008 to April 1, 2009, there were seven recordable emissions events in the Sulfuric Acid Unit, five in the Methyl Methacrylate and Methacrylic Acid (B-3) Unit and five in the Acetylene Unit due to pipe corrosion, resulting in the release of emissions totaling 43.99 lbs of VOCs, 20.38 lbs of carbon monoxide, 22.5 lbs of sulfur trioxide, 36 lbs of SO₂, 0.008 lb of sulfuric acid and 0.3 lb of methyl formate [30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 751, Special Condition No. 1, Air Permit No. 1257A, Special Condition No. 1 and Air Permit No. 48921, Special Condition No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>7) Failure to prevent unauthorized emissions. Specifically, 617.96 lbs of</p>		<p>i. On March 25, 2009, the casing on the blower was replaced and on April 14, 2009, the exchanger was repaired, to prevent small leaks from pipe corrosion;</p> <p>j. On March 1, 2009, added an alarm to the SVG stack flow meter and completed operator training (Incident No. 119128);</p> <p>k. On April 30, 2009, developed procedures to verify correct valve position after installation/modification (Incident No. 119128); and</p> <p>l. On September 18, 2009, submitted a CAP for the excessive emissions event Incident No. 119128.</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, implement recommendations made by the Plant staff team which has been formed to improve the reliability of natural gas to flares HT-4 and SVG HT-1 so they are not operated unlit;</p> <p>b. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the submitted CAP for (Incident No. 119128) within 15 days after the date of such requests, or by any other deadline specified in writing;</p> <p>c. Upon Commission approval, implement the CAP, in accordance with the approved schedule;</p> <p>d. Upon completion of CAP implementation, submit written certification to demonstrate compliance with Ordering Provisions Nos. 2.b. through 2.c.; and</p> <p>e. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.</p>
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acetylaldehyde, 546.22 lbs of acetic acid, 2,250.35 lbs of acrolein, 1,387.60 lbs of acrylic acid, 2,899.66 lbs of butene, 4,168.85 lbs of butyl acetate, 23,834.25 lbs of butyl acrylate, 842.24 lbs of sec-butyl alcohol, 3,835.24 lbs of butyl ether, 55.76 lbs of ethyl acetate, 55.76 lbs of ethyl acrylate, 614.94 lbs of formaldehyde, 56,318.21 lbs of isopropyl acetate, 332.75 lbs of propane, 453.75 lbs of propylene and 4,282.50 lbs of toluene were released from the Acrylates ("HT") Unit, when the Respondent failed to fully close the flare isolation valve on the Suction Vent Header ("SVG") leading to in process gas being vented to the SVG-HT-1 Flare while unlit, resulting in an excessive emissions event which began on January 20, 2009, and lasted for 721 hours (Incident No. 119128). Since the emissions event was excessive and avoidable by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [30 TEX. ADMIN. CODE §§ 116.115(c) and 101.221(a), 40 CFR § 63.11(b)(3), Air Permit No. 8838, Special Condition Nos. 1 and 16 and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Additional ID No(s): HG0632T

Attachment A
Docket Number: 2009-1116-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Rohm and Haas Texas Incorporated
Payable Penalty Amount:	Five Hundred Forty-Two Thousand Two Hundred Fifty-One Dollars (\$542,251)
SEP Amount:	Two Hundred Seventy-One Thousand One Hundred Twenty-Five Dollars (\$271,125)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses
Location of SEP:	Texas Air Quality Control Region 216 – Houston-Galveston

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

Rohm and Haas Texas Incorporated
Agreed Order - Attachment A

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	31-Aug-2009	Screening	8-Sep-2009	EPA Due	
	PCW	1-Oct-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	Rohm and Haas Texas Incorporated		
Reg. Ent. Ref. No.	RN100223205		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	37935	No. of Violations	7
Docket No.	2009-1116-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Nadia Hameed
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$478,700
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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	358.0% Enhancement	Subtotals 2, 3, & 7	\$1,713,746
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Notes: Penalty enhancement due to six 1660 agreed orders, one state court order and one federal order with denial of liability, 30 same or similar NOVs, and 18 non-similar NOVs. Penalty reduction for six Notices of Audit and one Disclosure of Violation.

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	\$18,395
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$8,355
 Approx. Cost of Compliance \$121,100
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,174,051
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	
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Reduces or enhances the Final Subtotal by the Indicated percentage.

Notes:

Final Penalty Amount	\$2,174,051
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$542,251
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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	\$542,251
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Screening Date 8-Sep-2009

Docket No. 2009-1116-AIR-E

PCW

Respondent Rohm and Haas Texas Incorporated

Policy Revision 2 (September 2002)

Case ID No. 37935

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100223205

Media [Statute] Air

Enf. Coordinator Nadia Hameed

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)	30	150%
	Other written NOVs	18	36%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	2	60%
	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)	6	-6%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%
<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	No	0%

Adjustment Percentage (Subtotal 2) 358%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to six 1660 agreed orders, one state court order and one federal order with denial of liability, 30 same or similar NOVs, and 18 non-similar NOVs. Penalty reduction for six Notices of Audit and one Disclosure of Violation.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 358%

Screening Date 8-Sep-2009	Docket No. 2009-1116-AIR-E	PCW														
Respondent Rohm and Haas Texas Incorporated	<i>Policy Revision 2 (September 2002)</i>															
Case ID No. 37935	<i>PCW Revision October 30, 2009</i>															
Reg. Ent. Reference No. RN100223205																
Media [Statute] Air																
Enf. Coordinator Nadia Hameed																
Violation Number <input type="text" value="1"/>																
Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), Air Permit No. 8838, Special Condition No. 1 and Tex. Health & Safety Code § 382.085(b)															
Violation Description	Failed to prevent unauthorized emissions. Specifically, 325,498.50 pounds ("lbs") of propylene and 17,131.50 lbs of propane were released from the Acrylates Unit, when the Respondent failed to prevent improper fuse termination causing a vent valve to open, resulting in an excessive emissions event which began on November 2, 2008, and lasted for 357 hours and 40 minutes (Incident No. 118764). Since the emissions event was excessive and avoidable by better operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.															
Base Penalty	<input type="text" value="\$10,000"/>															
>> Environmental, Property and Human Health Matrix																
OR	Harm															
	Release Major Moderate Minor															
Actual	<input type="text" value="x"/>	<input type="text"/>														
Potential	<input type="text"/>	<input type="text"/>														
	Percent	<input type="text" value="100%"/>														
>> Programmatic Matrix																
	Falsification Major Moderate Minor															
Actual	<input type="text"/>	<input type="text"/>														
Potential	<input type="text"/>	<input type="text"/>														
	Percent	<input type="text" value="0%"/>														
Matrix Notes	Human health or the environment has been exposed to significant amounts of pollutants which do exceed levels that are protective of human health or environmental receptors as a result of the violation. Screen3 Modeling predicted that the fence line ambient air concentration of propylene exceeded the TCEQ Effects Screening Level ("ESL") by 6.4 times, and exceeded on each of the emissions event days.															
Adjustment	<input type="text" value="\$0"/>															
	Adjusted Penalty	<input type="text" value="\$10,000"/>														
Violation Events																
Number of Violation Events	<input type="text" value="15"/>	Number of violation days														
	<input type="text" value="15"/>															
<i>mark only one with an x</i>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> <tr><td>weekly</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>monthly</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>quarterly</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>semiannual</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>annual</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>single event</td><td style="text-align: center;"><input type="checkbox"/></td></tr> </table>	daily	<input checked="" type="checkbox"/>	weekly	<input type="checkbox"/>	monthly	<input type="checkbox"/>	quarterly	<input type="checkbox"/>	semiannual	<input type="checkbox"/>	annual	<input type="checkbox"/>	single event	<input type="checkbox"/>	Violation Base Penalty
daily	<input checked="" type="checkbox"/>															
weekly	<input type="checkbox"/>															
monthly	<input type="checkbox"/>															
quarterly	<input type="checkbox"/>															
semiannual	<input type="checkbox"/>															
annual	<input type="checkbox"/>															
single event	<input type="checkbox"/>															
		<input type="text" value="\$150,000"/>														
	<input type="text" value="Fifteen daily events are recommended based upon the emissions event that began on November 2, 2008."/>															
Good Faith Efforts to Comply																
	<input type="text" value="10.0%"/> Reduction	<input type="text" value="\$15,000"/>														
	Before NOV NOV to EDPRP/Settlement Offer															
Extraordinary	<input type="text"/>	<input type="text"/>														
Ordinary	<input type="text"/>	<input checked="" type="checkbox"/>														
N/A	(mark with x)															
Notes	The Respondent completed the corrective actions including obtaining approval for and implementing the CAP on October 5, 2009, after the July 1, 2009, NOE date.															
Violation Subtotal	<input type="text" value="\$135,000"/>															
Economic Benefit (EB) for this violation																
Estimated EB Amount	<input type="text" value="\$20"/>	Violation Final Penalty Total														
		<input type="text" value="\$672,000"/>														
	This violation Final Assessed Penalty (adjusted for limits)															
	<input type="text" value="\$150,000"/>															

Economic Benefit Worksheet

Respondent: Rohm and Haas Texas Incorporated
Case ID No. 37935
Reg. Ent. Reference No. RN100223205
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	2-Nov-2008	18-Nov-2008	0.04	\$0	\$1	\$2
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)	\$7,500	2-Nov-2008	20-Nov-2008	0.05	\$18	n/a	\$18

Notes for DELAYED costs

Estimated cost for modifying the control logic to ensure the oxidation train is shut down if the vent valve limit switch does not show "closed" (completed Nov 20, 2008) and adding vent valves to each shift round to verify the vent valve is in the closed position when propylene is flowing (completed Nov 20, 2008). These completed corrective actions were outlined in the CAP which was approved on October 5, 2009. The date required is based on the date of the emissions event. The final date is the date the corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$8,000

TOTAL

\$20

Screening Date 8-Sep-2009	Docket No. 2009-1116-AIR-E	PCW	
Respondent Rohm and Haas Texas Incorporated	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37935	<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN100223205			
Media [Statute] Air			
Enf. Coordinator Nadia Hameed			
Violation Number 2			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Air Permit No. 751, Special Condition No. 1, Federal Operating Permit ("FOP") No. 1583, Special Terms and Conditions No. 8, and Tex. Health & Safety Code § 382.085(b)		
Violation Description	Failed to limit the sulfur dioxide ("SO2") hourly emission rate to at or below 434.9 lbs per hour for the Davy Stack on intermittent occasions during normal operations in 2007. Specifically, a total of 246.17 lbs of unauthorized SO2 emissions were released five times from August 2, 2007 to October 6, 2007.		
Base Penalty	\$10,000		
>> Environmental, Property and Human Health Matrix			
Harm			
Release	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent			25%
>> Programmatic Matrix			
Falsification	Major	Moderate	Minor
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent			0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.		
Adjustment			\$7,500
			\$2,500
Violation Events			
Number of Violation Events	1	5	Number of violation days
mark only one with an x	daily	<input type="checkbox"/>	
	weekly	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input checked="" type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input type="checkbox"/>	
Violation Base Penalty			\$2,500
One quarterly event is recommended based on the quarter during which the violations occurred.			
Good Faith Efforts to Comply			
25.0% Reduction		\$625	
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
N/A	<input type="checkbox"/>	(mark with x)	
Notes	The Respondent completed the corrective actions on May 1, 2009, prior to the July 28, 2009, NOE.		
Violation Subtotal			\$1,875
Economic Benefit (EB) for this violation			Statutory Limit Test
Estimated EB Amount	\$35	Violation Final Penalty Total	\$10,825
This violation Final Assessed Penalty (adjusted for limits)			\$10,825

Economic Benefit Worksheet

Respondent Rohm and Haas Texas Incorporated
Case ID No. 37935
Reg. Ent. Reference No. RN100223205
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$400	2-Aug-2007	1-May-2009	1.75	\$35	n/a	\$35

Notes for DELAYED costs: Estimated cost for repairing/replacing analyzer tubing lines and completing upgrades on the heat tracing to help prevent moisture from entering the analyzer sample lines. The date required is based on the date of the initial non-compliance. The final date is the date the corrective actions were completed.

Avoided Costs

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

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$400	TOTAL	\$35
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Screening Date 8-Sep-2009	Docket No. 2009-1116-AIR-E	PCW		
Respondent Rohm and Haas Texas Incorporated	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37935	<small>PCW Revision October 30, 2009</small>			
Reg. Ent. Reference No. RN100223205				
Media [Statute] Air				
Enf. Coordinator Nadia Hameed				
Violation Number 3				
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Air Permit No. 751, Special Condition No. 6, FOP No. 1583, Special Terms and Conditions No. 8, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to limit the acid production rate to four pounds of SO2 per ton of acid produced on twelve occasions during normal operations in 2007. Specifically, from May 27, 2007 to November 12, 2007, the Respondent produced a total of 38.13 lbs per ton of acid in excess of the permitted limit.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
Harm				
Release	Major	Moderate	Minor	
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Potential	<input type="checkbox"/>	<input type="checkbox"/>	X	
Percent		10%		
>> Programmatic Matrix				
Falsification				
Major			Moderate	Minor
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Percent		0%		
Matrix Notes	Human health or the environment had the potential of being exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
Adjustment		\$9,000		
Penalty		\$1,000		
Violation Events				
Number of Violation Events		1	12	
		Number of violation days		
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	<input type="checkbox"/>	
	weekly	<input type="checkbox"/>	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	<input type="checkbox"/>	
	quarterly	<input type="checkbox"/>	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	<input type="checkbox"/>	
	single event	X	<input type="checkbox"/>	
Violation Base Penalty		\$1,000		
One single event is recommended based on the investigation conducted on June 30, 2009.				
Good Faith Efforts to Comply		25.0% Reduction	\$250	
		<small>Before NOV NOV to EOPRP/Settlement Offer</small>		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	X	<input type="checkbox"/>		
N/A	<small>(mark with x)</small>			
Notes	The Respondent completed the corrective actions on August 1, 2008, prior to the July 28, 2009, NOE.			
Violation Subtotal		\$750		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$30	Violation Final Penalty Total \$4,330	
		This violation Final Assessed Penalty (adjusted for limits) \$4,330		

Economic Benefit Worksheet

Respondent Rohm and Haas Texas Incorporated
Case ID No. 37935
Reg. Ent. Reference No. RN100223205
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	27-May-2007	1-Aug-2008	1.18	\$30	n/a	\$30

Notes for DELAYED costs

Estimated cost for a change in procedures to check spikes and verify if data is credible. The date required is the date based on the initial non-compliance. The final date is the date the corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$30

Screening Date 8-Sep-2009	Docket No. 2009-1116-AIR-E	PCW <small>OF TCEQ</small>		
Respondent Rohm and Haas Texas Incorporated	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37935	<small>PCW Revision October 30, 2009</small>			
Reg. Ent. Reference No. RN100223205				
Media [Statute] Air				
Enf. Coordinator Nadia Hameed				
Violation Number 4				
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), 40 Code of Federal Regulations ("CFR") § 63.11(b)(5), Air Permit No. 8838, Special Condition Nos. 10A and 16, and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to prevent unauthorized emissions. Specifically, on August 27, 2008, October 2, 2008, October 6, 2008, November 8, 2008 and March 30, 2009, emissions totaling 184.7 lbs of volatile organic compounds ("VOCs"), 29.9 lbs of acrylic acid, 0.4 lb of carbon disulphide, 4.0 lbs of carbon monoxide and 0.1 lb of waste acetic acid were released from unit flares, Emission Point Numbers HT-4 and SVG HT-1.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent		25%		
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent		0%		
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
Adjustment		\$7,500		
		\$2,500		
Violation Events				
Number of Violation Events		2	5	
		Number of violation days		
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	Violation Base Penalty	
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
Violation Base Penalty		\$5,000		
Two quarterly events are recommended based on the quarters during which the violations occurred.				
Good Faith Efforts to Comply				
		0.0% Reduction	\$0	
		<small>Before NOV NOV to EDRP/Settlement Offer</small>		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>		
N/A	<input checked="" type="checkbox"/>	<small>(mark with x)</small>		
Notes	The Respondent does not meet good faith criteria.			
Violation Subtotal		\$5,000		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$69	Violation Final Penalty Total	
		\$22,900		
		This violation Final Assessed Penalty (adjusted for limits)		
		\$22,900		

Economic Benefit Worksheet

Respondent Rohm and Haas Texas Incorporated
Case ID No. 37935
Reg. Ent. Reference No. RN100223205
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	27-Aug-2008	27-Jan-2010	1.42	\$2	\$47	\$50
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)	\$500	27-Aug-2008	12-Jun-2009	0.79	\$20	n/a	\$20

Notes for DELAYED costs

Estimated cost for updating the procedure (completed June 12, 2009) and on August 1, 2009, set up a team to examine and improve the reliability of natural gas to the flare. The date required is the date based on the initial non-compliance. The final dates are the date corrective actions were completed, and that all corrective actions are likely to be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$69

Screening Date 8-Sep-2009	Docket No. 2009-1116-AIR-E	PCW	
Respondent Rohm and Haas Texas Incorporated	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37935	<small>PCW Revision October 30, 2009</small>		
Reg. Ent. Reference No. RN100223205			
Media [Statute] Air			
Enf. Coordinator Nadia Hameed			
Violation Number	5		
Rule Cite(s)	30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), FOP No. 2236, General Terms and Conditions, and Tex. Health & Safety Code § 382.085(b)		
Violation Description	Failed to report deviations in the semi-annual deviation reports. Specifically, twelve recordable emissions events which occurred from April 1, 2008 to January 19, 2009, were not reported in the deviation reporting periods for January 19, 2008 to July 18, 2008 and July 19, 2008 to January 18, 2009.		
Base Penalty		\$10,000	
>> Environmental, Property and Human Health Matrix			
Harm			
Release	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent			0%
OR			
>> Programmatic Matrix			
Falsification			
Major	Moderate	Minor	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Percent			1%
Matrix Notes	Less than 30 percent of the rule requirement was not met.		
Adjustment		\$9,900	
		\$100	
Violation Events			
Number of Violation Events		2	Number of violation days
		12	
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	Violation Base Penalty
	weekly	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
single event	<input checked="" type="checkbox"/>	\$200	
Two single events are recommended for two incomplete reports.			
Good Faith Efforts to Comply		10.0% Reduction	\$20
		<small>Before NOV NOV to EDPRP/Settlement Offer</small>	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
N/A	<small>(mark with x)</small>		
Notes	The Respondent completed the corrective actions on August 14, 2009, after the July 31, 2009, NOE.		
Violation Subtotal		\$180	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount		\$5	Violation Final Penalty Total
			\$896
This violation Final Assessed Penalty (adjusted for limits)			\$896

Economic Benefit Worksheet

Respondent Rohm and Haas Texas Incorporated
Case ID No. 37935
Reg. Ent. Reference No. RN100223205
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	18-Jul-2006	14-Aug-2009	1.07	\$5	n/a	\$5

Notes for DELAYED costs
 Estimated cost for including the deviations and submitting them in the August 14, 2009 deviation report. The date required is the date based on the initial non-compliance. The final date is the date the corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$5

Screening Date 8-Sep-2009	Docket No. 2009-1116-AIR-E																						
Respondent Rohm and Haas Texas Incorporated	PCW <small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small>																						
Case ID No. 37935																							
Reg. Ent. Reference No. RN100223205																							
Media [Statute] Air																							
Enf. Coordinator Nadia Hameed																							
Violation Number <input type="text" value="6"/>																							
Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), Air Permit No. 751, Special Condition No. 1, Air Permit No. 1257A, Special Condition No. 1 and Air Permit No. 48921, Special Condition No. 1, and Tex. Health & Safety Code § 382.085(b)																						
Violation Description	Failed to prevent unauthorized emissions. Specifically, from April 1, 2008 to April 1, 2009, there were seven recordable emissions events in the Sulfuric Acid Unit, five in the Methyl Methacrylate and Methacrylic Acid (B-3) Unit and five in the Acetylene Unit due to pipe corrosion, resulting in the release of emissions totaling 43.99 lbs of VOCs, 20.38 lbs of CO, 22.5 lbs of sulfur trioxide, 36 lbs of SO ₂ , 0.008 lb of sulfuric acid and 0.3 lb of methyl formate.																						
Base Penalty	<input type="text" value="\$10,000"/>																						
>> Environmental, Property and Human Health Matrix																							
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2"></td> <td colspan="2" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td rowspan="2" style="text-align: right;">Percent <input type="text" value="25%"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>			Harm				Major	Moderate	Minor		Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="25%"/>	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>			
		Harm																					
	Major	Moderate	Minor																				
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="25%"/>																			
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>																				
>> Programmatic Matrix																							
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2"></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td style="text-align: right;">Percent <input type="text" value="0%"/></td> </tr> </table>			Major	Moderate	Minor		Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>										
		Major	Moderate	Minor																			
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>																		
Matrix Notes	Human health or the environment were exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.																						
Adjustment	<input type="text" value="\$7,500"/>																						
<input type="text" value="\$2,500"/>																							
Violation Events																							
Number of Violation Events	<input type="text" value="4"/> <input type="text" value="17"/> Number of violation days																						
<i>mark only one with an x</i>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">weekly</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">monthly</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> <tr><td style="text-align: center;">semiannual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">annual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">single event</td><td><input type="text"/></td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input checked="" type="checkbox"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>								
daily	<input type="text"/>																						
weekly	<input type="text"/>																						
monthly	<input type="text"/>																						
quarterly	<input checked="" type="checkbox"/>																						
semiannual	<input type="text"/>																						
annual	<input type="text"/>																						
single event	<input type="text"/>																						
Violation Base Penalty	<input type="text" value="\$10,000"/>																						
<input type="text" value="Four quarterly events are recommended based on the quarters during which the violations occurred."/>																							
Good Faith Efforts to Comply																							
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2"></td> <td style="text-align: center;">25.0% Reduction</td> <td></td> </tr> <tr> <td colspan="2"></td> <td style="text-align: center;"><small>Before NOV</small></td> <td style="text-align: center;"><small>NOV to EDRP/Settlement Offer</small></td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="3" style="text-align: right;"><input type="text" value="\$2,500"/></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td><input type="text"/></td> <td style="text-align: center;"><small>(mark with x)</small></td> </tr> <tr> <td>Notes</td> <td colspan="3">The Respondent completed the corrective actions on April 14, 2009, prior to the July 31, 2009, NOE.</td> </tr> </table>			25.0% Reduction				<small>Before NOV</small>	<small>NOV to EDRP/Settlement Offer</small>	Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text" value="\$2,500"/>	Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>	N/A	<input type="text"/>	<small>(mark with x)</small>	Notes	The Respondent completed the corrective actions on April 14, 2009, prior to the July 31, 2009, NOE.		
		25.0% Reduction																					
		<small>Before NOV</small>	<small>NOV to EDRP/Settlement Offer</small>																				
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text" value="\$2,500"/>																				
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>																					
N/A	<input type="text"/>	<small>(mark with x)</small>																					
Notes	The Respondent completed the corrective actions on April 14, 2009, prior to the July 31, 2009, NOE.																						
Violation Subtotal	<input type="text" value="\$7,500"/>																						
Economic Benefit (EB) for this violation	Statutory Limit Test																						
Estimated EB Amount	<input type="text" value="\$6,077"/>																						
Violation Final Penalty Total	<input type="text" value="\$43,300"/>																						
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$43,300"/>																							

Economic Benefit Worksheet

Respondent Rohm and Haas Texas Incorporated
Case ID No. 37935
Reg. Ent. Reference No. RN100223205
Media Air
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$50,000	1-Apr-2008	14-Apr-2009	1.04	\$173	\$3,452	\$3,625
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50,000	1-Apr-2008	25-Mar-2009	0.98	\$2,452	n/a	\$2,452

Notes for DELAYED costs
 Estimated cost for repairing the exchanger (completed April 14, 2009) and for replacing the casing on the blower (completed March 25, 2009). The date required is the date based on the initial non-compliance. The final date is the date the corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$100,000

TOTAL \$6,077

Screening Date 8-Sep-2009	Docket No. 2009-1116-AIR-E	PCW				
Respondent Rohm and Haas Texas Incorporated	<small>Policy Revision 2 (September 2002)</small>					
Case ID No. 37935	<small>PCW Revision October 30, 2008</small>					
Reg. Ent. Reference No. RN100223205						
Media [Statute] Air						
Enf. Coordinator Nadia Hameed						
Violation Number 7						
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 101.221(a), 40 CFR § 63.11(b)(3), Air Permit No. 8838, Special Condition-Nos. 1 and 16, and Tex. Health & Safety Code § 382.085(b)					
Violation Description	Failed to prevent unauthorized emissions. Specifically, 617.96 lbs of acetaldehyde, 546.22 lbs of acetic acid, 2,250.35 lbs of acrolein, 1,387.60 lbs of acrylic acid, 2,899.66 lbs of butene, 4,168.85 lbs of butyl acetate, 23,834.25 lbs of butyl acrylate, 842.24 lbs of sec-butyl alcohol, 3,835.24 lbs of butyl ether, 55.76 lbs of ethyl acetate, 55.76 lbs of ethyl acrylate, 614.94 lbs of formaldehyde, 56,318.21 lbs of Isopropyl acetate, 332.75 lbs of propane, 453.75 lbs of propylene and 4,282.50 lbs of toluene were released from the Acrylates ("HT") Unit, when the Respondent failed to fully close the flare isolation valve on the Suction Vent Header ("SVG") leading to in process gas being vented to the SVG-HT-1 Flare while unit, resulting in an excessive emissions event which began on January 20, 2009, and lasted for 721 hours (Incident No. 119128). Since the emissions event was excessive and avoidable by better operational practices, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.					
Base Penalty		\$10,000				
>> Environmental, Property and Human Health Matrix						
OR	Release	Major	Moderate	Minor	Percent	100%
	Actual	X				
	Potential					
>> Programmatic Matrix						
	Falsification	Major	Moderate	Minor	Percent	0%
Matrix Notes	Human health or the environment has been exposed to significant amounts of pollutants which do exceed levels that are protective of human health or environmental receptors as a result of the violation. Screen3 Modeling indicated that the Ground Level Concentration exceeded the ESL for acrolein by 4076.3%, for butyl acetate by 1578.9%, for butyl acrylate by 551.7%, and for formaldehyde by 170.8%, and ESLs were exceeded on each of the emissions event days.					
Adjustment					\$0	
					\$10,000	
Violation Events						
		31	31	Number of violation days		
<small>mark only one with an x</small>	daily	X				
	weekly					
	monthly					
	quarterly					
	semiannual					
	annual					
	single event					
Thirty-one daily events are recommended based upon the emissions event that began on January 20, 2009.					Violation Base Penalty	
					\$310,000	
Good Faith Efforts to Comply						
		0.0%	Reduction			\$0
			Before NOV	NOV to EDCRP/Settlement Offer		
	Extraordinary					
	Ordinary					
	N/A	X	(mark with x)			
	Notes	The Respondent does not meet the good faith criteria for this violation.				
Violation Subtotal					\$310,000	
Economic Benefit (EB) for this violation			Statutory Limit Test			
	Estimated EB Amount	\$119			Violation Final Penalty Total	\$1,419,800
This violation Final Assessed Penalty (adjusted for limits)					\$310,000	

Economic Benefit Worksheet

Respondent Rohm and Haas Texas Incorporated
Case ID No. 37935
Reg. Ent. Reference No. RN100223205
Media Air
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$10,000	20-Jan-2009	1-Mar-2009	0.11	\$4	\$73	\$77
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	20-Jan-2009	20-Feb-2010	1.08	\$2	\$36	\$38
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	\$500	20-Jan-2009	1-Mar-2009	0.11	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	20-Jan-2009	30-Apr-2009	0.27	\$1	n/a	\$1

Notes for DELAYED costs Estimated cost of adding an alarm to the SVG stack flow meter and operator training (both completed March 1, 2009), and developing procedures to verify correct valve position after installation/modification (completed April 30, 2009). Although the corrective actions in the CAP (submitted September 18, 2009) have been completed it still must be approved. The date required is based on the date of the emissions event. The final dates are the dates the corrective actions were completed and are likely to be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$11,100

TOTAL

\$119

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600131395 Rohm and Haas Texas Incorporated	Classification: AVERAGE	Rating: 7.00
Regulated Entity:	RN100223205 ROHM AND HAAS TEXAS DEER PARK PLANT	Classification: AVERAGE	Site Rating: 7.00

ID Number(s):	DESCRIPTION	TYPE	ID NUMBER
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0632T
	AIR OPERATING PERMITS	PERMIT	1583
	AIR OPERATING PERMITS	PERMIT	2232
	AIR OPERATING PERMITS	PERMIT	2233
	AIR OPERATING PERMITS	PERMIT	2234
	AIR OPERATING PERMITS	PERMIT	2235
	AIR OPERATING PERMITS	PERMIT	2236
	AIR OPERATING PERMITS	PERMIT	2237
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0632T
	WASTEWATER	PERMIT	WQ0000458000
	WASTEWATER	PERMIT	TPDES0006084
	WASTEWATER	PERMIT	TX0006084
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50102
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW078
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD065096273
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30041
	AIR NEW SOURCE PERMITS	AFS NUM	4820100034
	AIR NEW SOURCE PERMITS	PERMIT	723
	AIR NEW SOURCE PERMITS	PERMIT	751
	AIR NEW SOURCE PERMITS	PERMIT	1257A
	AIR NEW SOURCE PERMITS	PERMIT	1957
	AIR NEW SOURCE PERMITS	PERMIT	2165
	AIR NEW SOURCE PERMITS	PERMIT	5051
	AIR NEW SOURCE PERMITS	PERMIT	5703
	AIR NEW SOURCE PERMITS	PERMIT	5802
	AIR NEW SOURCE PERMITS	PERMIT	6233
	AIR NEW SOURCE PERMITS	PERMIT	6654
	AIR NEW SOURCE PERMITS	PERMIT	6894
	AIR NEW SOURCE PERMITS	PERMIT	7309
	AIR NEW SOURCE PERMITS	PERMIT	7637
	AIR NEW SOURCE PERMITS	PERMIT	7648
	AIR NEW SOURCE PERMITS	PERMIT	8838
	AIR NEW SOURCE PERMITS	PERMIT	10715

AIR NEW SOURCE PERMITS	PERMIT	11779
AIR NEW SOURCE PERMITS	PERMIT	13804
AIR NEW SOURCE PERMITS	PERMIT	17392
AIR NEW SOURCE PERMITS	PERMIT	17442
AIR NEW SOURCE PERMITS	PERMIT	20901
AIR NEW SOURCE PERMITS	PERMIT	26728
AIR NEW SOURCE PERMITS	PERMIT	28728
AIR NEW SOURCE PERMITS	PERMIT	29010
AIR NEW SOURCE PERMITS	PERMIT	28913
AIR NEW SOURCE PERMITS	PERMIT	29705
AIR NEW SOURCE PERMITS	PERMIT	30727
AIR NEW SOURCE PERMITS	PERMIT	32671
AIR NEW SOURCE PERMITS	PERMIT	33817
AIR NEW SOURCE PERMITS	PERMIT	34654
AIR NEW SOURCE PERMITS	PERMIT	35142
AIR NEW SOURCE PERMITS	PERMIT	37086
AIR NEW SOURCE PERMITS	PERMIT	38913
AIR NEW SOURCE PERMITS	PERMIT	40134
AIR NEW SOURCE PERMITS	PERMIT	41356
AIR NEW SOURCE PERMITS	PERMIT	42170
AIR NEW SOURCE PERMITS	PERMIT	42737
AIR NEW SOURCE PERMITS	PERMIT	42914
AIR NEW SOURCE PERMITS	PERMIT	44595
AIR NEW SOURCE PERMITS	PERMIT	27131
AIR NEW SOURCE PERMITS	PERMIT	47480
AIR NEW SOURCE PERMITS	PERMIT	48921
AIR NEW SOURCE PERMITS	PERMIT	N61
AIR NEW SOURCE PERMITS	PERMIT	52270
AIR NEW SOURCE PERMITS	PERMIT	54886
AIR NEW SOURCE PERMITS	REGISTRATION	54970
AIR NEW SOURCE PERMITS	REGISTRATION	54971
AIR NEW SOURCE PERMITS	REGISTRATION	75383
AIR NEW SOURCE PERMITS	REGISTRATION	88106
AIR NEW SOURCE PERMITS	EPA ID	PSDTX828
AIR NEW SOURCE PERMITS	EPA ID	PSDTX828M1
AIR NEW SOURCE PERMITS	PERMIT	55988
AIR NEW SOURCE PERMITS	PERMIT	50454
AIR NEW SOURCE PERMITS	REGISTRATION	72461

AIR NEW SOURCE PERMITS	REGISTRATION	87523
AIR NEW SOURCE PERMITS	REGISTRATION	73729
AIR NEW SOURCE PERMITS	REGISTRATION	74506
AIR NEW SOURCE PERMITS	REGISTRATION	74756
AIR NEW SOURCE PERMITS	REGISTRATION	73848
AIR NEW SOURCE PERMITS	REGISTRATION	74713
AIR NEW SOURCE PERMITS	PERMIT	73913
AIR NEW SOURCE PERMITS	EPA ID	PSDTX987
AIR NEW SOURCE PERMITS	REGISTRATION	77253
AIR NEW SOURCE PERMITS	REGISTRATION	77241
AIR NEW SOURCE PERMITS	PERMIT	54056
AIR NEW SOURCE PERMITS	PERMIT	77200
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0632T
AIR NEW SOURCE PERMITS	REGISTRATION	80267
AIR NEW SOURCE PERMITS	REGISTRATION	81342
AIR NEW SOURCE PERMITS	REGISTRATION	81248
AIR NEW SOURCE PERMITS	PERMIT	82008
AIR NEW SOURCE PERMITS	REGISTRATION	82086
AIR NEW SOURCE PERMITS	REGISTRATION	83631
AIR NEW SOURCE PERMITS	REGISTRATION	88111
AIR NEW SOURCE PERMITS	REGISTRATION	87129
AIR NEW SOURCE PERMITS	REGISTRATION	85413
AIR NEW SOURCE PERMITS	REGISTRATION	85482
AIR NEW SOURCE PERMITS	REGISTRATION	83810
AIR NEW SOURCE PERMITS	REGISTRATION	84672
AIR NEW SOURCE PERMITS	REGISTRATION	83418
AIR NEW SOURCE PERMITS	REGISTRATION	82947
AIR NEW SOURCE PERMITS	REGISTRATION	82957
AIR NEW SOURCE PERMITS	REGISTRATION	87544
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011717
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30041
INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50102
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50102

Location:

1900 TIDAL RD, DEER PARK, TX, 77536

TCEQ Region:

REGION 12 - HOUSTON

Date Compliance History Prepared:

August 31, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 31, 2004 to August 31, 2009

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

Name: NHameed Phone: 713-767-3629

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: 9/1/2008 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: 01/08/2005
Classification: Moderate

ADMINORDER 2004-0146-AIR-E

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit 751, Special Condition 1 PERMIT

Description: Rohm and Haas is alleged to have failed to comply with the permitted emission rate of 5.65 pounds per hour (lb/hr) of carbon monoxide and 0.37 lb/hr of volatile organic compounds (VOCs) for EPN 35-HR-5.

Effective Date: 11/06/2005
Classification: Moderate

ADMINORDER 2003-0610-MLM-E

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter D 115.354(2)(D)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 335, SubChapter E 335.112(a)(20)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1052(a)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1054(a)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1057(a)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1063(b)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1063(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 2B, 7F, 7G, 8F, 8G PERMIT
SC 6A, 3C, 4F, 4G PERMIT

Description: A.8.c.(1)(G). Failure to monitor valves, pumps, connectors in MMA and BMA service at the HT/HT2 unit applicable to 40 CFR 60, Subpart VV and 40 CFR 63, Subpart H.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8838 SC 4E PA

Description: A8.c.(1)(B). Failure to cap/plug open ended lines at the HT/HT2 Unit.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(20)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1050(c)

Description: Failure to tag 357 equipment components for fugitive emissions monitoring.

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: Failure to update information on the Notice of Registration to accurately reflect current status.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(20)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1063(b)

Description: Failure to calibrate equipment used for fugitive monitoring prior to monitoring on the same day.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter D 115.354(2)(D)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit No. 29010 SC2B, 7F, 7G, 8F, 8G PERMIT
Permit No. 8838 SC 6A, 3C, 4F, 4G PERMIT

Description: Failure to monitor pumps, connectors, and valves in methyl methacrylate (MMA) and BMA (butyl methacrylate) service at the P-North process unit.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failure to prohibit an emission event by good design, operation, or maintenance.

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.205(d)(1)
30 TAC Chapter 117, SubChapter E 117.520(c)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to have NOx control technology installed by November 15, 1999

Effective Date: 04/14/2006

ADMINORDER 2005-0152-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 8838 General Condition PERMIT

Description: Failure to comply with the permitted emission limit of 0.25 pounds per hour of VOCs for emission point number HT-48 during a March 11, 2003 emissions event.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent an avoidable emissions event on December 26, 2003 which resulted in the unauthorized release of 2,132.66 pounds of VOCs from the B4 Reactor separator, which is not a permitted source of emissions.

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the TCEQ of the December 26, 2003 emissions event within 24 hours of discovery.

Effective Date: 06/26/2007 COURTORDER

Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to prevent unauthorized emissions.

Effective Date: 05/22/2008 ADMINORDER 2007-1437-AIR-E

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

Rqmt Prov: 8838/Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 8838/Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 8838 - Special Condition 1 PERMIT

Description: Failure to comply with the emission rates as set forth in Permit# 8838 Special Condition 1. Specifically, testing conducted on January 3, 2007 indicates that the A-Train Start Up Heater (EPN HT-1) exceeded permitted limits. Emission rates of 6.20 lbs per hour ("lbs/hr") for nitrogen oxides ("NOx") and 16.62 lbs/hr for carbon monoxide ("CO") were measured during the performance testing, with permit limits of 3.60 lbs/hr and 3.02 lbs/hr, respectively.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: 8838 - Special Condition 1 PERMIT

Description: Failure to comply with the emission rates for Permit #8838 S.C.1. Specifically, testing conducted on January 4, 2007 indicates that the B-Train Start Up Heater (EPN HT-2) exceeded permitted limits. Emission rates of 7.08 lbs/hr for NOx and 9.67 lbs/hr for CO were measured during the performance testing, with permit limits of 3.60 lbs/hr and 3.02 lbs/hr, respectively.

Effective Date: 10/06/2008 ADMINORDER 2007-2041-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: No. 723, S.C. No. 1 PERMIT

Description: Failed to comply with the 0.27 pounds per hour ("lbs/hr") nitrogen oxides ("NOx") emission limit for emission point number ("EPN") N-12.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: No. 723, S. C. No. 1 PERMIT

Description: Failed to comply with the 0.27 lbs/hr NOx emission limit for EPN N-13.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: No. 723, S.C. No. 1 PERMIT

Description: Failed to comply with the 1.19 lbs/hr NOx emission limit for EPN N-14.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: No. 723, S.C. No. 1 PERMIT

Description: Failed to comply with the 0.47 lbs/hr NOx and 0.022 lbs/hr carbon monoxide ("CO") emission limits for EPN N-3.

Effective Date: 02/22/2009

ADMINORDER 2008-1182-AIR-E

Classification: Major

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)

Rqmt Prov: OP O-02236, SC 13 OP
P 8838 and N61, SC 1 PA

Description: Failure to limit hourly NOx emission rate, Unit ID#HT-3. Repeat Category B violation.

See addendum for information regarding federal actions.

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	08/31/2004	(291114)
2	08/31/2004	(292541)
3	09/20/2004	(352220)
4	09/30/2004	(287515)
5	09/30/2004	(288333)
6	10/05/2004	(334482)
7	10/22/2004	(291603)
8	10/26/2004	(292548)
9	10/26/2004	(352221)
10	10/26/2004	(352223)
11	11/11/2004	(287014)
12	11/11/2004	(289842)
13	11/14/2004	(274431)
14	11/14/2004	(274440)
15	11/14/2004	(274450)
16	11/19/2004	(341406)
17	11/29/2004	(352222)
18	12/09/2004	(341434)
19	12/16/2004	(283962)
20	12/16/2004	(283988)
21	12/16/2004	(287555)
22	12/17/2004	(334282)
23	12/17/2004	(334283)
24	12/17/2004	(334284)
25	12/27/2004	(284888)
26	12/27/2004	(284899)
27	12/28/2004	(288285)
28	12/30/2004	(338299)
29	01/03/2005	(288453)
30	01/04/2005	(285144)

31	01/05/2005	(338809)
32	01/12/2005	(346448)
33	01/21/2005	(381891)
34	02/23/2005	(381889)
35	03/08/2005	(350487)
36	03/21/2005	(381890)
37	03/31/2005	(374351)
38	04/06/2005	(374352)
39	04/06/2005	(374353)
40	04/22/2005	(378240)
41	04/22/2005	(575399)
42	05/19/2005	(392626)
43	05/23/2005	(575401)
44	06/13/2005	(575403)
45	07/25/2005	(399258)
46	07/25/2005	(400493)
47	07/25/2005	(575406)
48	07/27/2005	(400167)
49	07/28/2005	(400627)
50	08/05/2005	(397806)
51	08/15/2005	(397447)
52	08/18/2005	(404307)
53	08/19/2005	(575409)
54	08/23/2005	(401938)
55	08/23/2005	(404914)
56	08/25/2005	(405924)
57	08/29/2005	(418394)
58	08/30/2005	(418292)
59	09/23/2005	(575411)
60	10/24/2005	(575413)
61	10/24/2005	(575417)
62	11/04/2005	(435818)
63	12/29/2005	(434384)
64	01/09/2006	(440229)
65	01/24/2006	(575419)
66	02/02/2006	(575415)
67	02/21/2006	(455168)
68	02/23/2006	(455895)
69	02/25/2006	(456937)
70	02/26/2006	(575395)
71	02/27/2006	(456637)
72	02/28/2006	(451371)
73	02/28/2006	(457142)
74	02/28/2006	(457254)
75	03/21/2006	(575397)
76	03/23/2006	(454725)
77	03/24/2006	(457097)
78	03/28/2006	(452624)
79	03/28/2006	(457110)
80	04/24/2006	(575400)
81	04/28/2006	(457469)
82	05/01/2006	(460108)
83	05/04/2006	(457447)
84	05/09/2006	(460949)
85	05/09/2006	(461424)
86	05/11/2006	(458324)
87	05/11/2006	(460393)
88	05/11/2006	(460471)
89	05/11/2006	(460513)

90 05/11/2006 (460733)
91 05/11/2006 (460844)
92 05/11/2006 (460912)
93 05/11/2006 (463554)
94 05/22/2006 (575402)
95 05/25/2006 (374855)
96 05/25/2006 (374902)
97 05/26/2006 (459923)
98 05/31/2006 (457270)
99 06/22/2006 (575404)
100 07/24/2006 (575407)
101 07/25/2006 (406106)
102 07/25/2006 (457453)
103 07/25/2006 (457457)
104 07/26/2006 (486614)
105 07/27/2006 (462714)
106 08/11/2006 (462093)
107 08/14/2006 (464411)
108 08/22/2006 (575410)
109 08/24/2006 (488546)
110 08/30/2006 (489426)
111 08/31/2006 (449984)
112 09/25/2006 (575412)
113 09/29/2006 (513039)
114 10/03/2006 (513239)
115 10/03/2006 (513582)
116 10/13/2006 (515313)
117 10/23/2006 (512670)
118 10/23/2006 (575414)
119 10/23/2006 (575418)
120 11/22/2006 (575416)
121 11/29/2006 (532188)
122 12/01/2006 (517786)
123 01/05/2007 (514335)
124 01/22/2007 (575420)
125 01/31/2007 (536331)
126 02/08/2007 (512671)
127 02/26/2007 (575396)
128 02/28/2007 (540141)
129 03/21/2007 (575398)
130 04/09/2007 (543775)
131 04/20/2007 (689980)
132 05/21/2007 (518229)
133 05/22/2007 (689982)
134 06/22/2007 (575405)
135 06/29/2007 (559790)
136 07/03/2007 (558379)
137 07/09/2007 (563232)
138 07/23/2007 (575408)
139 07/24/2007 (564923)
140 07/24/2007 (564927)
141 07/26/2007 (566593)
142 07/30/2007 (564812)
143 08/06/2007 (568496)
144 08/06/2007 (568518)
145 08/07/2007 (568014)
146 08/13/2007 (571023)
147 08/20/2007 (607561)
148 08/28/2007 (571222)

149 08/28/2007 (571662)
150 08/29/2007 (573463)
151 08/29/2007 (573797)
152 09/07/2007 (573866)
153 09/21/2007 (689987)
154 10/11/2007 (567756)
155 10/19/2007 (594212)
156 10/19/2007 (594214)
157 10/22/2007 (689988)
158 10/22/2007 (689990)
159 10/23/2007 (593473)
160 11/19/2007 (595510)
161 11/19/2007 (599927)
162 11/19/2007 (599953)
163 11/21/2007 (689989)
164 11/27/2007 (571447)
165 11/27/2007 (571463)
166 11/27/2007 (571470)
167 11/27/2007 (571485)
168 11/28/2007 (596222)
169 12/04/2007 (571415)
170 12/04/2007 (571481)
171 12/07/2007 (595796)
172 12/12/2007 (571376)
173 12/12/2007 (571396)
174 12/12/2007 (571401)
175 01/09/2008 (612267)
176 01/14/2008 (613690)
177 01/16/2008 (595596)
178 01/17/2008 (599986)
179 01/17/2008 (600021)
180 01/17/2008 (600038)
181 01/17/2008 (600303)
182 01/17/2008 (600340)
183 01/22/2008 (689991)
184 02/22/2008 (689978)
185 03/02/2008 (617039)
186 03/04/2008 (595594)
187 03/04/2008 (612397)
188 03/06/2008 (613866)
189 03/07/2008 (614051)
190 03/21/2008 (689979)
191 04/07/2008 (611781)
192 04/17/2008 (636345)
193 04/21/2008 (689981)
194 04/21/2008 (689986)
195 05/17/2008 (657125)
196 05/23/2008 (689983)
197 05/29/2008 (671340)
198 05/31/2008 (689985)
199 06/17/2008 (683432)
200 06/23/2008 (689984)
201 06/24/2008 (670743)
202 07/01/2008 (682296)
203 07/25/2008 (686764)
204 07/30/2008 (686765)
205 08/01/2008 (685482)
206 08/25/2008 (710765)
207 09/24/2008 (710766)

208 10/02/2008 (700423)
 209 10/27/2008 (706464)
 210 10/27/2008 (727504)
 211 11/24/2008 (727505)
 212 12/17/2008 (709548)
 213 12/22/2008 (727506)
 214 01/23/2009 (750298)
 215 02/04/2009 (703319)
 216 02/10/2009 (703308)
 217 02/17/2009 (725731)
 218 02/23/2009 (750297)
 219 04/03/2009 (723995)
 220 04/23/2009 (741123)
 221 05/15/2009 (741241)
 222 06/02/2009 (736016)
 223 06/10/2009 (742136)
 224 06/10/2009 (742175)
 225 06/22/2009 (759511)
 226 06/23/2009 (742169)
 227 07/01/2009 (725189)
 228 07/15/2009 (721216)
 229 07/22/2009 (721215)
 230 07/28/2009 (703304)
 231 07/31/2009 (740738)
 232 08/03/2009 (740404)
 233 08/10/2009 (749534)
 234 08/24/2009 (736012)
 235 08/25/2009 (763661)
 236 08/25/2009 (766077)

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

Date: 10/31/2004 (352222) CN600131395
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 11/14/2004 (274431) CN600131395
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Exceeded VOC rule limit during an avoidable emissions event.

Date: 11/22/2004 (338299) CN600131395
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
 5C THC Chapter 382, SubChapter A 382.085(b)
 No. 8838, GC #8 PERMIT
 Description: Failure to identify the function of process controllers.

Date: 11/30/2004 (352223) CN600131395
 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: 12/16/2004 (283988) CN600131395

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to report the emissions event that occurred in the A/B Trains in a timely manner.

Date: 12/17/2004 (283962) CN600131395

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: Failure to report an emissions event in a timely manner.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)
723 Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions.

Date: 12/31/2004 (381891) CN600131395

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: 03/31/2005 (374351) CN600131395

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)
Permit No. 8838, GC #8 PA
Description: The emissions event initial notification was not submitted in a timely manner.

Date: 03/31/2005 (575399) CN600131395

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: 04/06/2005 (374353) CN600131395

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)
Permit No. 8838, GC No. 8 PA
Description: The emissions event initial notification was not submitted in a timely manner.

Date: 04/06/2005 (374352) CN600131395

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)
30 TAC Chapter 116, SubChapter B 116.115(b)
5C THC Chapter 382, SubChapter A 382.085(b)
Permit No. 8838 PA
Description: The emissions event initial notification was not submitted in a timely manner.

Date: 04/30/2005 (575401) CN600131395

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: 07/25/2005 (399258)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
Description: The facility failed to update its NOR with regard to waste streams and waste management units.

Date: 07/27/2005 (400167)

Self Report? NO Classification: Minor
Citation: 40 CFR Chapter 270, SubChapter I, PT 270, SubPT C 270.30(a)
V.A.1. PERMIT

Description: Permit Provision V. A. 1. -Authorized Units

The facility did not identify the boiler with a sign indicating it is Permit Unit No. 3. This is a violation of the recently issued permit.

The facility should erect the proper identification for this unit as required by the permit.

Date: 07/31/2005 (575409) CN600131395

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: 08/15/2005 (397447) CN600131395

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)
No. 723/PSD-TX-828-M1 PERMIT

Description: Failure to close the block valve to the first stage vacuum jet condenser discharge.

Date: 08/29/2005 (418394) CN600131395

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)

Description: Failure to test within 150 days of start-up.

Date: 08/30/2005 (418292) CN600131395

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
NSR Permit No. 43803 Special Condition 1 PA

Description: Failure to comply with Special Condition No. 1 of NSR permit no. 83803.

Date: 11/04/2005 (435818) CN600131395

Self Report? NO Classification: Minor
Citation: 17392 SC No. 4 PA
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
O-02235 SC no. 8 OP

Description: Failure to comply with the VOC emission limit for the tank no. 90480 for the year 2004 as per SC 4 of TCEQ permit no. 17392.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
O-02235 SC 8 OP
TCEQ Permit No. 17392 SC 8 PA

Description: Failure to comply with VOC emission limit for the tank no. 91007 for the year 2004 as per SC no. 8 of TCEQ permit no. 17392.

Date: 12/31/2005 (575419) CN600131395

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: 01/10/2006 (440229) CN600131395

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
SC no. 8 of NSR permit no. 29010 PA

Description: Failure to comply with permitted emission limit of 0.71 tons per year of VOC for the year 2004 for the tank no. 91029 as per Special Condition no. 1 of TCEQ permit no. 29010.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
SC no. 1 of NSR permit no. 29010 PA

Description: Failure to comply with the permitted emission limit of 6.2 tons per year of VOC for the year 2004 for the tank 96674 as per special condition no. 1 of TCEQ permit no. 29010.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
NSR permit no. 29010 PA

Description: Failure to comply with the permitted fill rate limit of 100 gallons per minute for the tank no. 91325 as stated in the permit application for the permit no. 29010.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
NSR permit no. 29010 PA

Description: Failure to comply with the permitted fill rate limit of 125 gallons per minute for the tank no. 91326 as stated in the permit application for the permit no. 29010.

Date: 07/26/2006 (486614) CN600131395

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
No. 8838 PERMIT

Description: Failure to prevent an operator error resulting in power loss at HT2 process unit.

Date: 08/14/2006 (464411) CN600131395

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
Operating Permit No. O-02232 OP
TCEQ Air Permit No. 48921 SC 6E PA

Description: Failure to plug an open-ended line.

Date: 08/16/2006 (462093) CN600131395

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: The 2005 deviation report did not include failure to monitor the Decanter water and the Cooling Tower water

Date: 08/30/2006 (489426) CN600131395

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. 8838, Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)

Description: Failure to submit a final report of an emissions event no later than two weeks

after the end of the event.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
Description: Failure to include in the final report, the authorized emission limits for the facilities involved in an emissions event.

Date: 08/31/2006 (449984) CN600131395

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT H 60.84(e)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01583 OP

Description: failure to comply with SO2 emission standard of 4 lbs per ton of acid produced 3-hour-roll-over emissions to the atmosphere for one of their sulfuric acid unit as per 40 CFR 60.84(e)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Description: failure to comply with CO emissions for the year 2004 as per special condition no. 1 of TCEQ permit no. 751.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(c)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01583 OP

Description: failure to monitor 12 HON valves between July 28, 2004 through May 31, 2005.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(c)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01583 OP

Description: failure to monitor a newly installed HON pump between July 28, 2004 through May 31, 2005.

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)
SC No. 8 of TCEQ Air Permit No. 1257A PA

Description: failure to maintain the temperature of wet crude methyl methacrylate to below 90 degrees F, which is transferred to tanks B-3-13 through B-3-17 as required by Special Condition no. 8 of TCEQ permit No. 1257A.

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-01583 OP
SC no. 1 of AIR Permit No. 1257A PA

Description: failure to comply with a VOC emissions limit for the tank B-3-8 as per special condition no. 1 of TCEQ permit 1257A.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)
O-01583 OP

Description: failure to conduct AVO pump inspection for 23 pumps in the B4 unit from May 20, 2004 through August 1, 2004.

Date: 02/08/2007 (512671) CN600131395

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-02236, SC No. 3(A)(iii)(1) OP

Description: Failure to perform quarterly observation of visible emissions from a building emission source, enclosed facility, or other structure containing emission sources.

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 THC Chapter 382, SubChapter D 382.085(b)
FOP O-02236, SC 13 OP
NSR Permit No. 8838, SC 1 PA

Description: Failure to comply with Carbon Monoxide (CO) emission limit of NSR Permit No. 8838 for the HT-11 thermal incinerator.

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 THC Chapter 382, SubChapter D 382.085(b)
FOP O-02236, SC 13 OP
NSR Permit No. 8838, SC 1 PA

Description: Failure to comply with NOx emission limits of NSR permit 8838 for the thermal oxidizer.

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 THC Chapter 382, SubChapter D 382.085(b)
FOP O-02236, SC 13 OP
NSR Permit No. 8838, SC 24 A & B PA

Description: Failure to maintain minimum operating temperature for thermal oxidizer as required by the NSR Permit No. 8838 SC 24 A & B.

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 THC Chapter 382, SubChapter D 382.085(b)
FOP O-02236, SC 13 OP
NSR Permit No. 8838, SC 24A PA

Description: Failure to maintain minimum oxygen level in the HT-3 thermal oxidizer.

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 THC Chapter 382, SubChapter D 382.085(b)
NSR Permit No. 8838, SC 1 PA
O-02236 SC 13 OP

Description: Failure to meet the minimum net heating value for the flares HT-4 and HT-10.

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)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
NSR Perml No. 8838, SC 4H PA
O02236 SC No. 13 OP

Description: Failure to repair five leaking fugitive components within 15 days after the leak is discovered.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-02236, SC 13 OP
NSR Permit No. 8838 SC 4E PA

Description: Failure to plug six open-ended lines in light liquid service.

Date: 02/28/2007 (540141)

Self Report? NO Classification: Moderate

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

TCEQ Permit # 1257 A PERMIT
Description: Failed to comply with the permitted emission rate for acetone.

Date: 03/15/2007 (543775) CN600131395
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
8838/Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: Failed to submit an initial notification as soon as practicable.

Date: 06/28/2007 (559790) CN600131395
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: Failed to comply with the emissions events reporting requirements.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Permit No. 8838/Special Condition No. 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Date: 07/26/2007 (566593) CN600131395
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
8838/Special Condition No. 1 PERMIT
Description: Failed to prevent unauthorized emissions

Date: 08/29/2007 (573797) CN600131395
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 A 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.
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 A 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.

Date: 10/31/2007 (689989) CN600131395
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: 01/16/2008 (595596) CN600131395
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
OP O-02235, SC 3A(iii) OP
Description: Failure to conduct annual observation of visible emissions from buildings, enclosed facilities or other structures.

Date: 03/04/2008 (615105) CN600131395

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT H 60.84(b)
5C THSC Chapter 382 382.085(b)

Description: Failure to run Reich test more than three times a day.

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)
OP O-01583, Special Condition 8 OP
PA 751, Special Condition 11 PA

Description: Failure to operate gas analyzer inlet to Day's scrubber.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THSC Chapter 382 382.085(b)
OP O-01583, Special Condition 8 OP
PA 1257A, Special Condition 3 PA

Description: Failure to maintain flare pilot flame continuously.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(f)
5C THSC Chapter 382 382.085(b)
OP O-01583, Special Condition 8 OP
PA 751, Special Condition 11D PA

Description: Failure to maintain daily CEMS calibration report.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(a)
5C THSC Chapter 382 382.085(b)
OP O-01583, Special Condition 8 OP
PA 1257A, Special Condition 4I PA

Description: Failure to repair components during unit shutdown.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(1)
5C THSC Chapter 382 382.085(b)
OP O-01583, Special Condition 8 OP
PA 1257A, Special Condition 3 PA

Description: Failure to rest internal floating roof (IFR) on liquid surface.

Date: 03/04/2008 (612397) CN600131395

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
8838/Special Condition 1 PERMIT

Description: Rohm and Haas operators partially closed the air intake valves on the SVG to increase the vacuum at the sample hoods. This allowed water from the SVG seal loops to enter the SVG Fan and shut it down. This resulted in the loss of SVG flow to the Thermal Oxidizer (TO). The compounds from the process were released to the atmosphere.

Date: 06/24/2008 (610604) CN600131395

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)
OP O-02236, Special Condition 13 OP
PA 8838 and N61, SC 1 PA

Description: Exceedence of CO hourly maximum emission rates, Unit ID# HT-3.

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)
OP O-02236, Special Condition 13 OP
PA Permit 8838 and N61, SC 1 PA

Description: Failure to limit NOx hourly maximum emission rates, Unit ID# HT-9, HT-11, HT-30, HT-49.

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)
OP O-02236, Special Condition 13 OP
P 8838 and N61, SC 25A and 25B PA

Description: Failure to maintain oxygen concentration level to HT-3 thermal oxidizer.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
OP O-02236, Special Condition 13 OP
PA 8838 and N61, SC 16 PA

Description: Failure to maintain the minimum heat input to HT-4 flare.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.213(d)(1)(A)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(f)
5C THSC Chapter 382 382.085(b)
PA Permit 8838 and N61, SC 26 PA

Description: Failure to operate carbon monoxide (CO), and oxygen (O2) CEMS continuously, (EPN# HT-3, HT-46)

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.213(c)(1)
5C THSC Chapter 382 382.085(b)

Description: Failure to operate Nitrogen Oxide (NOx) continuous emission monitoring system (CEMS), for (EPN# HT-3, and HT-46.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.789(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)
5C THSC Chapter 382 382.085(b)
OP O-02236, Special Condition 13 OP
PA Permit 8838 and N61, SC 5E PA

Description: Failure to monitor connectors in the HT, and HT-2 units.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
5C THSC Chapter 382 382.085(b)
OP O-02236, Special Condition 13 OP
PA Permit 8838 and N61, SC 5F PA

Description: Failure to monitor valves in HRVOC service in the HT and HT-2 units.

Self Report? NO **Classification:** Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
OP O-02236 Special Condition 13 OP
PA Permit 8838 and N61, SC 5E PA

Description: Failure to seal or equip open-ended lines with a cap, blind flange, plug, or a second valve. Category C 10.

Self Report? NO **Classification:** Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(1)(A)
30 TAC Chapter 122, SubChapter B 122.145(1)(C)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit a deviation report covering January 21, 2007 through July 20, 2007 within 30 days of the end of the reporting period.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(iii)
5C THSC Chapter 382 382.085(b)

Description: Failure to fill out appropriate startup, shutdown, and malfunction plan (SSMP) form.

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 THSC Chapter 382 382.085(b)

Description: Failure to submit the PCC within 30 days of the end of the reporting period, Unit #HT.

Date: 07/30/2008 (686765) CN600131395

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 THSC Chapter 382 382.085(b)
O-02233 General Terms and Conditions OP

Description: Failure to submit the first semi-annual deviation report within the 30 day time frame.

Date: 07/31/2008 (710765) CN600131395

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 (727506) CN600131395

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: 12/17/2008 (709548) CN600131395

Self Report? NO Classification: Moderate

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

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
8838 PERMIT

Description: Failure to operate the flare without a flame.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions PERMIT

Description: Failure to prevent unauthorized emissions.

Date: 02/04/2009 (703319) CN600131395

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)
O-02235 New Source Review Requirements OP
Permit 17392 Special Condition 8E PA

Description: Failure to maintain a cap, blind flange, or plug on open ended lines or valves containing volatile organic compounds.

Date: 02/10/2009 (703308) CN600131395

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 15 OP
Special Condition 5 PA

Description: Failure to maintain flare pilot flame, Unit ID# Flare-ACET-7.

Date: 06/23/2009 (742169) CN600131395

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: Rohm & Haas failed to prevent unauthorized emissions.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)

Description: Rohm & Haas failed to keep the flare lit when emissions were being routed to it.

Date: 07/15/2009 (721216) CN600131395

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.300
30 TAC Chapter 117, SubChapter B 117.340(c)(1)(G)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1A PERMIT

Description: Failure to maintain operation of the NOx CEMS on HT -11, 46, & 3 (CATEGORY C4)

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)
SC 25B PERMIT
ST&C 13 OP

Description: Failure to maintain the minimum operating temperature of the HT Thermal Oxidizers for UNIT IDs HT-30, 11, and 46 (CATEGORY C4)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
SC 16 PERMIT
ST&C 13 OP
ST&C 1A PERMIT

Description: Failure to maintain flare HT-4 operating at 200 Btu/scf standard requirement (CATEGORY C4)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to conduct first attempt to repair within required time frame (CATEGORY C1)

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)
SC 9 PERMIT
ST&C 13 OP

Description: Failure to conduct and maintain monthly VOC emissions monitoring from HT-29/36 cooling tower (CATEGORY C1)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(1)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A OP
 Description: Failure to conduct monthly monitoring on HT-2 agitator in March 2008
 (CATEGORY C 1)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 25A PERMIT
 ST&C 13 OP
 Description: Failure to maintain the minimum operating temperature of the HT Thermal
 Oxidizers for UNIT ID HT-3 (CATEGORY C4)

Self Report? NO Classification: Moderate
 Citation: 5C THSC Chapter 382 382.016(b)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to provide records requested to determine compliance with 30 TAC
 117.340, 117.345(f), and 117.345(d)(3) by the specified deadline (CATEGORY
 B3)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter B 117.300
 30 TAC Chapter 117, SubChapter B 117.340(e)
 30 TAC Chapter 117, SubChapter G 117.8120(1)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A PERMIT
 Description: Failure to maintain continuous operations of CO CEMS for HT-11, 30, & 46
 (CATEGORY C4)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)
 5C THSC Chapter 382 382.085(b)
 GT&C PERMIT
 Description: Failure to submit complete and accurate annual certification report within 30 days
 after the end of the reporting period. (CATEGORY C3)

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)
 SC 1 PERMIT
 ST&C 13 PERMIT
 Description: Failure to maintain NOx hourly limits on UNIT ID Nos. HT-49 and 46 (CATEGORY
 C4)

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)
 SC 1 PERMIT
 ST&C 13 PERMIT
 Description: Failure to maintain the CO hourly limits on HT- 32 & 49 (CATEGORY C4)

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 THSC Chapter 382 382.085(b)
 GT&C PERMIT
 Description: Failure to include all instances of deviations in the semi-annual deviation reports
 (CATEGORY B3 violation)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(B)
 5C THSC Chapter 382 382.085(b)
 GT&C PERMIT
 Description: Failure to submit the initial and revised deviation reports that covered a complete

6 month-period (CATEGORY B3)

Date: 07/22/2009 (721215) CN600131395

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.246(6)
5C THSC Chapter 382 382.085(b)

Description: Failure to record daily visual inspections for plant gas Stage II vapor recovery system (CATEGORY C3 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to record daily flare monitoring results for the BMA-17 Flare (CATEGORY C3 violation)

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)
SC 1 PERMIT
ST&C 8 OP

Description: Failure to control emissions from BMA-1 and BMA-16 tanks (CATEGORY B14 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)(I)
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain the operations of the plant gas tank Stage II vapor recovery system (CATEGORY C4 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)(F)
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain operation of the automatic shutoff of the plant gas tank vapor recovery system (CATEGORY C4 violation)

Date: 07/28/2009 (703304) CN600131395

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
OP O-01583, Special Term & Condition 8 OP
Permit 1257A, Special Condition 5(E) PERMIT

Description: Failure to seal 33 open-ended lines that were documented on the compliance period of May 21, 2007 through May 20, 2008.

Self Report? NO Classification: Minor
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7
5C THSC Chapter 382 382.085(b)
OP O-01583 Special Terms & Condition 5 OP

Description: Failure to submit a semi-annually report for excess of SO2 emissions to the administrator on time.

Date: 08/10/2009 (749534) CN600131395

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
TWC Chapter 26 26.121

Description: Failure to prevent the unauthorized discharge of wastewater from process containment areas.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
EL&MR, P. 2d, No. 2 PERMIT
EL&MR, P. 2e, No. 1 PERMIT

Description: Failure to maintain compliance with the permit limits for total copper and pH.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(e)
Other Requirements, P. 13, No. 2 PERMIT
Description: Failure to accurately report the analytical results on the discharge monitoring reports (DMR).

F. Environmental audits.

09/15/2005
(434800)

Notice of Intent Date:

No DOV Associated

10/02/2007
(599285)

Notice of Intent Date:

Disclosure Date: 12/12/2007

Viol. Classification: Minor

Citation: 40 CFR Chapter 263, SubChapter I, PT 263, SubPT C 264.15

Rqmt Prov: PERMIT 50102, Section V.1.7.e

Description: Failure to maintain records by properly recording three daily CO CEMS on the DIF unit System Audit Checklists for 03/15/07, 05/16/07, and 06/30/07.

Viol. Classification: Minor

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15

Description: Failure to properly maintain Haz. Waste storage pad inspection sheets for corrective action taken, date and time of correction, or the person correcting the exception for 04/25/06, 04/18/06, 07/03/07, 07/10/07, 07/24/07, 07/31/07.

Viol. Classification: Minor

Citation: 40 THSC Chapter 262, SubChapter A 262.001

Description: Failure to properly maintain waste manifest required information.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.112

Description: Failure to properly maintain chain of custody forms for waste water effluent for 01/16/06, 08/14/07, 08/28/07, and 10/03/07.

03/13/2008
(640851)

Notice of Intent Date:

No DOV Associated

02/09/2009
(740157)

Notice of Intent Date:

No DOV Associated

04/23/2009
(746495)

Notice of Intent Date:

No DOV Associated

08/04/2009
(765566)

Notice of Intent Date:

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: ROHM & HAAS TEXAS INCORPORATED

Reg Entity Add: 1900 TIDAL RD.

Reg Entity No:

Reg Entity City: DEER PARK

RN100223205

Customer Name: ROHM AND HAAS TEXAS INCORPORATED

Customer No: CN600131395

EPA Case No: 06-1999-0944

Order Issue Date (yyyymmdd): 20060810

Case Result: Final Order With Penalty

Statute: CAA

Sect of Statute:

Classification: MODERATE

Program: NESHAPs

Citation: 40 CFR

Violation Type: Failure to conduct weekly

Inspections

Cite Sect:

Cite Part:

Enforcement Action: Consent Decree/Court Order

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ROHM AND HAAS TEXAS
INCORPORATED
RN100223205

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-1116-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Rohm and Haas Texas Incorporated ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The 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, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement 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 the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a chemical manufacturing plant at 1900 Tidal Road in Deer Park, Harris County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation on February 5, 2009, TCEQ staff documented the unauthorized release of 325,498.50 pounds ("lbs") of propylene and 17,131.50 lbs of propane from the Acrylates Unit, when the Respondent failed to prevent improper fuse termination causing a vent valve to open, resulting in an excessive emissions event which began on November 2, 2008, and lasted for 357 hours and 40 minutes (Incident No. 116764).
4. During an investigation on June 30, 2009, TCEQ staff documented that the Respondent failed to limit the sulfur dioxide ("SO₂") hourly emission rate to at or below 434.9 pounds per hour for the Davy Stack on intermittent occasions during normal operations in 2007. Specifically, a total of 246.17 lbs of unauthorized SO₂ emissions were released five times from August 2, 2007 to October 6, 2007.
5. During an investigation on June 30, 2009, TCEQ staff documented that the Respondent failed to limit the acid production rate to four pounds of SO₂ per ton of acid produced on twelve occasions during normal operations in 2007. Specifically, from May 27, 2007 to November 12, 2007, the Respondent produced a total of 38.13 lbs per ton of acid in excess of the permitted limit.
6. During an investigation on April 28 and 29, 2009, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions. Specifically, on August 27, 2008, October 2, 2008, October 6, 2008, November 8, 2008 and March 30, 2009, emissions totaling 184.7 lbs of volatile organic compounds ("VOCs"), 29.9 lbs of acrylic acid, 0.4 lb of carbon disulphide, 4.0 lbs of carbon monoxide and 0.1 lb of waste acetic acid were released from unlit flares, Emission Point Numbers HT-4 and SVG HT-1.
7. During an investigation on April 28 and 29, 2009, TCEQ staff documented that the Respondent failed to report deviations in the semi-annual deviation reports. Specifically, twelve recordable emissions events which occurred from April 1, 2008 to January 19, 2009, were not reported in the deviation reporting periods for January 19, 2008 to July 18, 2008 and July 19, 2008 to January 18, 2009.
8. During an investigation on April 28 and 29, 2009, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions. Specifically, from April 1, 2008 to April 1, 2009, there were seven recordable emissions events in the Sulfuric Acid Unit, five in the Methyl Methacrylate and Methacrylic Acid (B-3) Unit and five in the Acetylene Unit due to pipe corrosion, resulting in the release of emissions totaling 43.99 lbs of VOCs, 20.38 lbs of CO, 22.5 lbs of sulfur trioxide, 36 lbs of SO₂, 0.008 lb of sulfuric acid and 0.3 lb of methyl formate.
9. During an investigation on March 4, 2009, TCEQ staff documented the unauthorized release of 617.96 lbs of acetylaldehyde, 546.22 lbs of acetic acid, 2,250.35 lbs of acrolein, 1,387.60 lbs of acrylic acid, 2,899.66 lbs of butene, 4,168.85 lbs of butyl acetate, 23,834.25 lbs of butyl acrylate, 842.24 lbs of sec-butyl alcohol, 3,835.24 lbs of butyl ether, 55.76 lbs of ethyl acetate, 55.76 lbs of ethyl acrylate, 614.94 lbs of formaldehyde, 56,318.21 lbs of isopropyl acetate, 332.75 lbs of propane, 453.75 lbs of propylene and 4,282.50 lbs of toluene from the Acrylates Unit, when the

Respondent failed to fully close the flare isolation valve on the Suction Vent Header ("SVG") leading to in process gas being vented to the SVG-HT-1 Flare while unlit, resulting in an excessive emissions event which began on January 20, 2009, and lasted for 721 hours (Incident No. 119128).

10. The Respondent received notices of the violations on July 6, 2009, July 29, 2009, August 4, 2009, and August 26, 2009.
11. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. The Corrective Action Plan ("CAP") for excessive emissions event Incident No. 116764 was submitted on September 2, 2009;
 - b. On November 18, 2008, vent valves were added to each shift round to verify the vent valve is in the "closed" position when propylene is flowing (Incident No. 116764);
 - c. On November 20, 2008, the control logic was modified to ensure that the oxidation train is shut down if the vent valve does not show "closed" as expected (Incident No. 116764);
 - d. On October 5, 2009, the submitted CAP for Incident No. 116764 was approved. All corrective actions in the CAP had already been completed at the time of approval;
 - e. On May 1, 2009, the analyzer tubing lines were inspected and repairs and replacements were made. In addition, upgrades were made on the heat tracing to help prevent moisture from the analyzer sample lines, in order to ensure that the SO₂ hourly emission rate stays within the permitted limits;
 - f. On August 1, 2008, changed procedures to check spikes and verify if data is credible to ensure that acid production rate is limited to the amount specified in the permit;
 - g. On June 12, 2009, updated the procedure to ensure that emissions are not released from unlit flares, and on August 1, 2009, set up a team to improve the reliability of natural gas to the flare;
 - h. On August 14, 2009, reported the twelve recordable emissions events that had not been reported in the previous deviation reports;
 - i. On March 25, 2009, the casing on the blower was replaced and on April 14, 2009, the exchanger was repaired, to prevent small leaks from pipe corrosion;
 - j. On March 1, 2009, added an alarm to the SVG stack flow meter and completed operator training (Incident No. 119128);
 - k. On April 30, 2009, developed procedures to verify correct valve position after installation/modification (Incident No. 119128); and

1. On September 18, 2009, submitted a CAP for the excessive emissions event Incident No. 119128.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 8838, Special Condition No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was excessive and avoidable by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Air Permit No. 751, Special Condition No. 1, Federal Operating Permit ("FOP") No. 1583, Special Terms and Conditions No. 8 and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Findings of Fact No. 5, the Respondent exceeded the permitted acid production rate, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Air Permit No. 751, Special Condition No. 6, FOP No. 1583, Special Terms and Conditions No. 8 and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. As evidenced by Findings of Fact No. 6, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 63.11(b)(5), Air Permit No. 8838, Special Condition Nos. 10A and 16 and TEX. HEALTH & SAFETY CODE § 382.085(b).
6. As evidenced by Findings of Fact No. 7, the Respondent failed to report deviations in the semi-annual deviation reports, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), FOP No. 2236, General Terms and Conditions and TEX. HEALTH & SAFETY CODE § 382.085(b).
7. As evidenced by Findings of Fact No. 8, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), Air Permit No. 751, Special Condition No. 1, Air Permit No. 1257A, Special Condition No. 1 and Air Permit No. 48921, Special Condition No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b).
8. As evidenced by Findings of Fact No. 9, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 101.221(a), 40 CFR § 63.11(b)(3), Air Permit No. 8838, Special Condition Nos. 1 and 16 and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was excessive and avoidable by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

9. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the 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.
10. An administrative penalty in the amount of Five Hundred Forty-Two Thousand Two Hundred Fifty-One Dollars (\$542,251) 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. The Respondent has paid Two Hundred Seventy-One Thousand One Hundred Twenty-Six Dollars (\$271,126) of the administrative penalty. Two Hundred Seventy-One Thousand One Hundred Twenty-Five Dollars (\$271,125) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Five Hundred Forty-Two Thousand Two Hundred Fifty-One Dollars (\$542,251) as set forth in Section II, Paragraph 10 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Rohm and Haas Texas Incorporated, Docket No. 2009-1116-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 10 above, Two Hundred Seventy-One Thousand One Hundred Twenty-Five Dollars (\$271,125) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, implement recommendations made by the Plant staff team which has been formed to improve the reliability of natural gas to flares HT-4 and SVG HT-1 so they are not operated unlit;
- b. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the submitted CAP for (Incident No. 119128) within 15 days after the date of such requests, or by other deadline specified in writing;
- c. Upon Commission approval, implement the CAP, in accordance with the approved schedule;
- d. Upon completion of CAP implementation, submit written certification to demonstrate compliance with Ordering Provisions Nos. 3.b. through 3.c. The certification shall be submitted in accordance with Ordering Provision No. 3 f.;
- e. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be submitted in accordance with Ordering Provision No. 3.f.; and
- f. The certification required by Ordering Provision No. 3.d. and 3.e. shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. 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 the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. 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.
9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. 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.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 6/18/2010

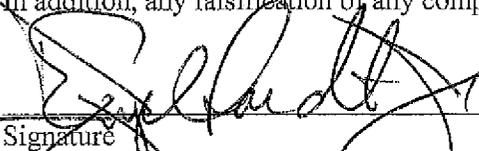
I, the undersigned, have read and understand the attached Agreed Order in the matter of Rohm and Haas Texas Incorporated. I am authorized to agree to the attached Agreed Order on behalf of Rohm and Haas Texas Incorporated, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Rohm and Haas Texas Incorporated waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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:

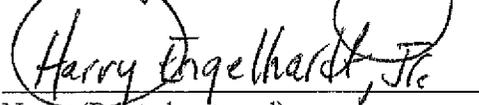
- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement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

Date 5/7/10



Name (Printed or typed)
Authorized Representative of
Rohm and Haas Texas Incorporated

Title President ROH Texas

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

Attachment A
Docket Number: 2009-1116-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Rohm and Haas Texas Incorporated
Payable Penalty Amount:	Five Hundred Forty-Two Thousand Two Hundred Fifty-One Dollars (\$542,251)
SEP Amount:	Two Hundred Seventy-One Thousand One Hundred Twenty-Five Dollars (\$271,125)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Clean School Buses
Location of SEP:	Texas Air Quality Control Region 216 – Houston-Galveston

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

Rohm and Haas Texas Incorporated
Agreed Order - Attachment A

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

