

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2010-0951-AIR-E **TCEQ ID:** RN100220581 **CASE NO.:** 39850  
**RESPONDENT NAME:** Rhodia Inc.

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Rhodia Houston Plant, 8615 Manchester Street, Houston, Harris County</p> <p><b>TYPE OF OPERATION:</b> Sulfuric acid manufacturing plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2009-1329-IWD-E and 2010-1388-AIR-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on November 15, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Kirk Schoppe, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-0489; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. William McConnell, Plant Manager, Rhodia Inc., 8615 Manchester Street, Houston, Texas 77012  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> May 5, 2010</p> <p><b>Date of NOV/NOE Relating to this Case:</b> May 28, 2010 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>Failed to meet the stack height requirement of 60 feet for Sulfur Tanks S1 and S2. Specifically, at the time of the investigation, the height of the stacks associated to the tanks was 30 feet [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Federal Operating Permit No. O-01609, Special Terms and Conditions No. 12 and New Source Review Permit No. 56566, Special Condition No. 4].</p>	<p><b>Total Assessed:</b> \$3,360</p> <p><b>Total Deferred:</b> \$672  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$2,688</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 60 days after the effective date of this Agreed Order, implement the necessary design changes to the Sulfur Tanks S1 and S2 stacks to meet the required stack height of 60 feet; and</p> <p>b. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): Air Account No. HGO697O



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008



<b>DATES</b>	Assigned	1-Jun-2010	Screening	9-Jun-2010	EPA Due	
	PCW	9-Jun-2010				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Rhodia Inc
Reg. Ent. Ref. No.	RN100220581
Facility/Site Region	12-Houston
Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	39850	No. of Violations	1
Docket No.	2010-0951-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Kirk Schoppe
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$2,000
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>		
<b>Compliance History</b>	68.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b> \$1,360
Notes	Enhancement for sixteen dissimilar NOVs and two orders with a denial of liability. Reduction for two NOIs and one DOV.	
<b>Culpability</b>	No 0.0% Enhancement	<b>Subtotal 4</b> \$0
Notes	The Respondent does not meet the culpability criteria.	
<b>Good Faith Effort to Comply Total Adjustments</b>		<b>Subtotal 5</b> \$0
<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b> \$0
Total EB Amounts	\$331	
Approx. Cost of Compliance	\$5,000	*Capped at the Total EB \$ Amount
<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$3,360
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b> \$0
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>		
Notes		
	<b>Final Penalty Amount</b>	\$3,360
<b>STATUTORY LIMIT ADJUSTMENT</b>		<b>Final Assessed Penalty</b> \$3,360
<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b> -\$672
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>		
Notes	Deferral offered for expedited settlement.	
<b>PAYABLE PENALTY</b>		\$2,688

Screening Date: 9-Jun-2010

Docket No.: 2010-0951-AIR-E

PCW

Respondent: Rhodia Inc.

Policy Revision 2 (September 2002)

Case ID No.: 39850

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN100220581

Media [Statute]: Air

Enf. Coordinator: Kirk Schoppe

### 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)	0	0%
	Other written NOVs	16	32%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	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) 68%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for sixteen dissimilar NOVs and two orders with a denial of liability. Reduction for two NOVs and one DOV.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 68%

Screening Date 9-Jun-2010

Docket No. 2010-0951-AIR-E

PCW

Respondent Rhodia Inc.

Policy Revision 2 (September 2002)

Case ID No. 39860

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100220581

Media [Statute] Air

Enf. Coordinator Kirk Schoppe

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit No. O-01609, Special Terms and Condition No. 12, and New Source Review Permit No. 56566, Special Condition No. 4

Violation Description

Failed to meet the stack height requirement of 60 feet for Sulfur Tanks S1 and S2, as documented during an investigation conducted on May 5, 2010. Specifically, at the time of the investigation, the height of the stacks associated to the tanks was 30 feet and there was no documentation of any exceedance of emission concentration levels.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					10%
Potential			x		

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

Matrix Notes

Human health or the environment will or could be 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

\$1,000

Violation Events

Number of Violation Events 2 35 Number of violation days

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

Violation Base Penalty \$2,000

Two single events are recommended based on the two sulfur tanks.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$331

Violation Final Penalty Total \$3,360

This violation Final Assessed Penalty (adjusted for limits) \$3,360

# Economic Benefit Worksheet

**Respondent:** Rhodia Inc.  
**Case ID No.:** 39850  
**Reg. Ent. Reference No.:** RN100220581  
**Media:** Air  
**Violation No.:** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	---	---------------	------------	-----	----------------	---------------	-----------

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$5,000	5-May-2010	16-Apr-2011	0.95	\$16	\$315	\$331
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for adjustments to the stacks. Date Required is based on the date of the investigation and the Final Date is the expected date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$331

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600125330 Rhodia Inc. Classification: AVERAGE Rating: 4.83  
 Regulated Entity: RN100220581 RHODIA HOUSTON PLANT Classification: AVERAGE Site Rating: 0.62

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG06970
	AIR OPERATING PERMITS	PERMIT	3049
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	80070
	WASTEWATER	PERMIT	WQ0000542000
	WASTEWATER	PERMIT	TPDES0007072
	WASTEWATER	PERMIT	TX0007072
	AIR NEW SOURCE PERMITS	REGISTRATION	92041
	AIR NEW SOURCE PERMITS	PERMIT	10622
	AIR NEW SOURCE PERMITS	REGISTRATION	13219
	AIR NEW SOURCE PERMITS	PERMIT	19282
	AIR NEW SOURCE PERMITS	REGISTRATION	36032
	AIR NEW SOURCE PERMITS	REGISTRATION	46657
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG06970
	AIR NEW SOURCE PERMITS	PERMIT	4802
	AIR NEW SOURCE PERMITS	AFS NUM	4820100037
	AIR NEW SOURCE PERMITS	PERMIT	56566
	AIR NEW SOURCE PERMITS	REGISTRATION	56485
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1081
	AIR NEW SOURCE PERMITS	REGISTRATION	80725
	AIR NEW SOURCE PERMITS	REGISTRATION	81025
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD008099079
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31019
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30507
	INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50095
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50095
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50095
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50095
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG06970

Location: 8615 MANCHESTER ST, HOUSTON, TX, 77012

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: June 02, 2010

Agency Decision Requiring Compliance History: Enforcement

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

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

Name: Kirk Schoppe Phone: 239 - 0489

**Site Compliance History Components**

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

**Components (Multimedia) for the Site :**

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 11/13/2009 ADMINORDER 2008-0102-MLM-E  
N/A

Classification: Major

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 335, SubChapter H 335.221(a)(6)  
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: V.I.3.c. PERMIT

Description: Failed to maintain permitted emissions limits for the industrial furnace (Notice of Registration Waste Management Unit No. 2, IHW Permit Unit No. 7) at the Plant

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 335, SubChapter H 335.221(a)(6)  
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(7)(i)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: V.I.3.f. PERMIT

Description: Failure to cease burning hazardous waste in the industrial furnace after a stack test conducted on February 28 - March 2, 2007 showed arsenic emissions were exceeding the maximum allowable rate specified in Permit No. HW-50095-001.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(9)  
30 TAC Chapter 335, SubChapter A 335.6

Rqmt Prov: II.B.4. PERMIT

Description: Failure to report in a timely manner a noncompliance that may have endangered human health or the environment.

Effective Date: 05/09/2010  
Classification: Minor

ADMINORDER 2009-1540-AIR-E

Citation: 30 TAC Chapter 122, SubChapter B 122.121  
30 TAC Chapter 122, SubChapter B 122.133(2)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP No. O-01609, General Terms and Cond. OP

Description: Failed to submit a Title V permit renewal application at least six months prior to expiration of the permit and operating without proper authorization since December 10, 2007.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(c)(1)(i)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: ST&C 12 OP

ST&C 1A OP

Description: Failed to operate the regen-2 industrial furnace, EPN 104, and the spent acid vapor combustor, EPN 170, at a minimum of 1500 degrees Fahrenheit between February 13, 2008 at 10:00 p.m. and February 14, 2008 at 5:00 a.m., in order to demonstrate that they are operating with at least a 95 percent control efficiency.

Classification: Minor

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

Rqmt Prov: SC 11 PERMIT

Description: Failed to record the hourly pressure/vacuum gauge readings from September 13, 2008 to June 3, 2009 to demonstrate that during loading of trucks or barges, there is a vacuum of at least 1.5-inch water column being maintained by the vacuum-assist vapor collection system.

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	06/14/2005	(430060)
N/A	2	07/15/2005	(430061)
	3	08/16/2005	(440975)
	4	08/24/2005	(398096)
	5	09/14/2005	(440976)
	6	10/10/2005	(468678)
	7	10/26/2005	(431733)
	8	11/28/2005	(468679)
	9	12/27/2005	(468680)
	10	01/17/2006	(468681)
	11	02/13/2006	(468676)
	12	03/20/2006	(498376)
	13	04/11/2006	(468677)
	14	05/22/2006	(498377)
	15	06/13/2006	(498378)
	16	06/16/2006	(466806)
	17	06/16/2006	(480107)
	18	07/17/2006	(498379)
	19	08/18/2006	(520387)
	20	08/30/2006	(457592)
	21	09/12/2006	(520388)
	22	10/17/2006	(575653)
	23	11/21/2006	(575654)
	24	11/21/2006	(575656)

82 12/15/2009 (784086)  
81 11/23/2009 (804966)  
80 11/23/2009 (804959)  
79 09/28/2009 (777186)  
78 09/23/2009 (804968)  
77 09/23/2009 (804965)  
76 09/18/2009 (804964)  
75 08/25/2009 (737246)  
74 08/24/2009 (766185)  
73 08/10/2009 (765277)  
72 08/03/2009 (748768)  
71 07/23/2009 (804962)  
70 07/10/2009 (760178)  
69 06/23/2009 (804963)  
68 06/23/2009 (804961)  
67 05/14/2009 (804960)  
66 04/27/2009 (700846)  
65 04/23/2009 (768444)  
64 04/17/2009 (738044)  
  
63 04/16/2009 (737974)  
62 03/23/2009 (768443)  
61 01/26/2009 (750382)  
60 01/09/2009 (722942)  
59 12/08/2008 (750383)  
58 11/18/2008 (727573)  
57 10/20/2008 (727572)  
56 10/01/2008 (750384)  
55 09/26/2008 (710865)  
54 08/20/2008 (710864)  
53 08/13/2008 (636945)  
52 07/24/2008 (710863)  
51 07/12/2008 (686244)  
50 06/11/2008 (710862)  
49 06/02/2008 (654235)  
48 05/19/2008 (690076)  
47 04/23/2008 (690075)  
46 03/19/2008 (690074)  
45 03/09/2008 (614586)  
44 02/22/2008 (672166)  
43 01/21/2008 (672167)  
42 12/20/2007 (600277)  
41 12/13/2007 (597131)  
40 12/11/2007 (619643)  
39 11/20/2007 (619642)  
38 11/15/2007 (600496)  
37 10/16/2007 (619641)  
36 09/26/2007 (607587)  
35 08/20/2007 (607586)  
34 06/18/2007 (543573)  
33 06/14/2007 (575651)  
32 05/31/2007 (575652)  
31 05/22/2007 (575650)  
30 04/26/2007 (554784)  
29 04/23/2007 (554349)  
28 04/16/2007 (575649)  
27 03/27/2007 (575648)  
26 02/26/2007 (575647)  
25 12/21/2006 (575655)

83 12/18/2009 (804967)  
 84 01/22/2010 (785155)  
 85 03/25/2010 (780616)  
 86 04/08/2010 (794422)  
 87 04/20/2010 (788027)  
 88 04/20/2010 (788028)  
 89 04/23/2010 (788029)  
 90 04/23/2010 (788030)  
 91 05/26/2010 (801206)  
 92 05/27/2010 (794145)

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

Date: 07/31/2005 (440975) CN600125330  
 N/A 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: 08/24/2005 (398096) CN600125330  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 40 CFR Part 61, Subpart V 61.247(b)  
 TCEQ WM Permit No. HW-50095-001 SecX.B.1 PERMIT  
 Description: Failed to submit the semiannual report.under the 40 CFR § 61.247(b)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
 40 CFR Part 61, Subpart V 61.245(b)(1)  
 40 CFR Part 61, Subpart V 61.245(b)(4)(ii)  
 TCEQ WMPermit No. HW-50095-001 Sec X.B.1 PERMIT  
 Description: Failed calibrate their Toxic Vapor Analyzer with 10,000 parts per million methane gas under 40 CFR Part 61, Subpart V.

Date: 08/31/2005 (440976) CN600125330  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2005 (468678) CN600125330  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2006 (498379) CN600125330  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 08/30/2006 (457592) CN600125330  
 Self Report? YES 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 4802 Special Condition 9J PERMIT  
 Description: Failure to maintain authorized hydrocarbon monitoring.

Date: 08/31/2006 (520388) CN600125330

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

Date: 06/19/2007 (543573) CN600125330

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)  
FOP O-01609 SC 12 OP  
NSR Permit 4802 SC 1 PERMIT

Description: Failed to maintain emissions from the Vapor Combuster below the MAERT of NSR permit 4802.

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)  
FOP O-01609 GC OP

Description: Failure to report a deviation on semi-annual Deviation Report.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01609 SC 13 OP

Description: Failure to maintain lid on parts cleaner closed.

Date: 12/20/2007 (600277) CN600125330

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter A 335.8(b)  
II.C.1.d. PERMIT

Description: Failure to notify of the closure of two surface impoundments (NOR 009 and NOR 012) and demonstrate in writing that closure was completed appropriately.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(4)  
40 CFR Chapter 264, SubChapter I, PT 264, SubPT E 264.75  
II.B.7. PERMIT

Description: Failure to prepare and submit the biennial report by March 1, 2006.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(4)  
40 CFR Chapter 264, SubChapter I, PT 264, SubPT E 264.73(b)(9)  
II.B.9. PERMIT

Description: Failure to annually certify a waste minimization statement by January 25 for the previous calendar year.

Date: 01/31/2008 (672166) CN600125330

Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 06/02/2008 (654235) CN600125330

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 319, SubChapter A 319.11(a)  
30 TAC Chapter 319, SubChapter A 319.11(b)

Description: Failure to properly collect volatile samples as required. The permit requires the analysis of composite samples for volatiles. Volatiles must be collected in individual 40 milliliter volatile bottles with no headspace, preserved, and then composited according to the regulations.

Date: 08/13/2008 (636945) CN600125330

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

SC 12 OP

Description: Vapor combustor failed to meet 98% control efficiency (B18).

F. Environmental audits.

02/15/2006  
(461055)

Notice of Intent Date:

Disclosure Date: 08/07/2006

Viol. Classification: Moderate

Rqmt Prov: PERMIT Permit No. 19282, SC 6

PERMIT Permit No. 19282, SC 7

Description: Failure to maintain SO2 emission rate limits, and report exceedances.

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

5C THC Chapter 382, SubChapter A 382.0518(G)

Description: Failure to authorize emissions from the advanced water treatment plant SO2 and VOCs, sulfur tanks S1 and S2 and unloading pit, and spent acid truck unloading wash water,

Viol. Classification: Moderate

Rqmt Prov: PERMIT Permit No. 4802, SC 3

Description: Failure to meet depressurization requirement of hazardous waste tank trucks allowed in any rolling 12 month period.

Viol. Classification: Moderate

Rqmt Prov: PERMIT Permit Nos. 4802 and 56566

Description: Failure to maintain tank turnovers as specified in the permit's applications for 2005.

Viol. Classification: Major

Rqmt Prov: PERMIT Permit No. 4802, SC 7

Description: Failure to permit new chemicals in the plant operations.

Viol. Classification: Major

Rqmt Prov: PERMIT Permit No. 19282

Description: Failure to include air pollutants in air permit no. 19282.

Viol. Classification: Major

Citation: 30 TAC Chapter 122, SubChapter B 122.145

30 TAC Chapter 122, SubChapter B 122.146

Description: Failure to submit Title V semiannual deviation report for October 19, 2005 to June 9, 2006.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132(g)(2)

Description: Failure to submit HON notification of compliance for wastewater.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.148(j)

Description: Failure to submit semiannual reports for HON wastewater from January 1, 2006 to June 30, 2006.

04/07/2009  
(744272)

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

30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP

Description: Failure to submit an annual compliance certification within the required time frame.

Self Report? NO Classification: Minor

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)  
General Terms and Conditions OP

Description: Failure to submit a semi-annual deviation report within the required time frame.

Date: 12/31/2008 (750384) CN600125330

Self Report? YES Classification: Moderate

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

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

Date: 01/31/2009 (750382) CN600125330

Self Report? YES Classification: Moderate

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

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

Date: 04/16/2010 (788027) CN600125330

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)  
Permit Provision II-C-1 PERMIT

Description: NOR was not updated.

Date: 05/28/2010 (794145) CN600125330

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 12 OP  
SC 7A PERMIT

Description: Unloading railcars without an operating furnace and a vapor combustor (B18).

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 11 PERMIT  
SC 12 OP

Description: Failed to operate a vapor combustor essential to a storage tank vent control (B18).

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)  
GC 1 OP

Description: Failed to report all deviations (C3).

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)  
SC 12 OP  
SC 6A PERMIT

Description: Failed to perform daily calibration on CEMS (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)  
GC 1 PERMIT

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
RHODIA INC.  
RN100220581

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2010-0951-AIR-E

I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Rhodia Inc. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a sulfuric acid manufacturing plant at 8615 Manchester Street in Houston, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about June 2, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Three Thousand Three Hundred Sixty Dollars (\$3,360) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Six Hundred Eighty-Eight Dollars (\$2,688) of the administrative penalty and Six Hundred Seventy-Two Dollars (\$672) is deferred

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

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

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to meet the stack height requirement of 60 feet for Sulfur Tanks S1 and S2, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. O-01609, Special Terms and Conditions No. 12 and New Source Review Permit No. 56566, Special Condition No. 4, as documented during an investigation conducted on May 5, 2010. Specifically, at the time of the investigation, the height of the stacks associated to the tanks was 30 feet.

## III. DENIALS

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

## IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Rhodia Inc., Docket No. 2010-0951-AIR-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 60 days after the effective date of this Agreed Order, implement the necessary design changes to the Sulfur Tanks S1 and S2 stacks to meet the required stack height of 60 feet; and
- b. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The

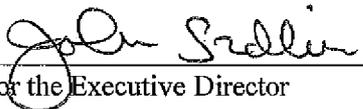
Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

10/22/2010  
Date

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

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

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

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

  
Signature

8/16/2010  
Date

WILLIAM McCONNELL  
Name (Printed or typed)  
Authorized Representative of  
Rhodia Inc.

PLANT MANAGER  
Title

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

