

**Executive Summary – Enforcement Matter – Case No. 41584**  
**Firestone Polymers, LLC**  
**RN100224468**  
**Docket No. 2011-0655-AIR-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Firestone Polymers Orange Plant, 5713 Farm-to-Market Road 1006, Orange, Orange County

**Type of Operation:**

Rubber manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2011-1258-IWD-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** August 5, 2011

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$20,000

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$10,000

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$10,000

Name of SEP: City of Orange Municipal Building Energy Efficiency Project

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** Yes

**Statutory Limit Adjustment:** Statutory Maximum Limit Adjustment \$32,800

**Applicable Penalty Policy:** September 2002

**Executive Summary – Enforcement Matter – Case No. 41584  
Firestone Polymers, LLC  
RN100224468  
Docket No. 2011-0655-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** March 2, 2011

**Date(s) of NOE(s):** April 27, 2011

***Violation Information***

1. Failed to prevent unauthorized emissions during an emissions event. Since this emissions event could have been avoided by better design and operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.715(a), 116.715(c)(7), and 122.143(4), Flexible Permit No. 292 Special Conditions No. 1, Federal Operating Permit No. O-1271 Special Terms and Conditions No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions during an emissions event. Since this emissions event could have been avoided by better design and operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.715(a), 116.715(c)(7), and 122.143(4), Flexible Permit No. 292 Special Conditions No. 1, Federal Operating Permit No. O-1271 Special Terms and Conditions No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:

a. Prior to January 28, 2011, all flexible hoses on the batch reactors were replaced with hard piping, piping configuration and processing were redesigned to reduce potential hammer action, and mounting bolt modifications were eliminated to improve pump stability in order to address the emissions event that occurred on January 25, 2011 (Incident No. 149833); and

b. Prior to February 16, 2011, procedures were updated to improve pre-startup drainage and freeze protection in all storage areas of the Plant, down legs on storage tanks were eliminated unless specifically required, and lines were painted to improve field visibility in order to address the emissions event that occurred on February 5, 2011 (Incident No. 150306).

**Technical Requirements:**

The Order will require the Respondent to implement and complete a Supplemental Environmental Project (“SEP”). (See SEP Attachment A)

**Executive Summary – Enforcement Matter – Case No. 41584  
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***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** James Nolan, Enforcement Division,  
Enforcement Team 4, MC 149, (512) 239-6634; Debra Barber, Enforcement Division,  
MC 219, (512) 239-0412  
**TCEQ SEP Coordinator:** Phillip Hampsten, SEP Coordinator, Enforcement Division,  
MC 219, (512) 239-6732  
**Respondent:** Greg Defrates, Plant Manager, Firestone Polymers, LLC, P.O. Box 1269,  
Orange, Texas 77631  
**Respondent's Attorney:** N/A



**Attachment A**  
**Docket Number: 2011-0655-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Firestone Polymers, LLC  
**Penalty Amount:** Twenty Thousand Dollars (\$20,000)  
**SEP Offset Amount:** Ten Thousand Dollars (\$10,000)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** *City of Orange Municipal Building Energy Efficiency Project*  
**Location of SEP:** Orange County

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

**1. Project Description**

A. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be used by the **City of Orange Municipal Building Energy Efficiency Project** as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the SEP Offset Amount will be used to perform energy efficiency upgrades on public buildings and infrastructure. The SEP Offset Amount may only be used for: (1) the cost of conducting energy efficiency audits; (2) the incremental cost for construction or implementation of energy-efficiency upgrades (versus the cost of non-energy efficiency upgrades); (3) the incremental cost of purchase of equipment or appliances that are more energy-efficient (versus the cost of purchasing non-energy efficient equipment or appliances); or (4) other direct costs authorized in advance by TCEQ. The SEP Offset Amount may only be used for the direct cost of performing this project and no portion will be spent on administrative costs. For items 2, 3, and 4 above, Performing Party shall submit a budget and proposals for expenditure to TCEQ for written approval prior to the use of SEP Funds.

Modifications may include but are not limited to weatherization; energy-reduction modifications such as building envelope upgrades (cool roofs, exterior shading, optimized insulation and air sealing); installation of high-efficiency lighting fixtures and occupancy sensors for both lighting and HVAC; high-efficiency demand-controlled ventilation and energy-efficient boilers; more efficient exterior lighting and energy-

Firestone Polymers, LLC  
Agreed Order – Attachment A

efficient office equipment; replacing heating, ventilation, and cooling (HVAC) systems with more efficient boilers, motors, and variable-speed drives; reducing energy and maintenance costs by installing centralized energy management systems; lowering electric lighting and cooling loads and boosting productivity through increased use of daylighting; installation of LED traffic lights; and use of renewable energy sources. Performing Party shall quantify the environmental benefit of each project and submit the results of those calculations to TCEQ within 90 days of completion of each project.

The Respondent certifies that it has 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**

Implementation of the SEP will provide a discernable environmental benefit by reducing fuel and electricity usage for heating and cooling and other day-to-day operations. These reductions will reduce emissions of particulate matter, volatile organic carbon compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel and generation of electricity.

**C. Minimum Expenditure**

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

**2. Performance Schedule**

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

City of Orange, Texas  
c/o John Johnson, Carl R. Griffith and Associates  
2901 Turtle Creek Drive, Suite 445  
Port Arthur, Texas 77642-8077

**3. Records and Reporting**

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

Firestone Polymers, LLC  
Agreed Order – Attachment A

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 Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

Texas Commission on Environmental Quality  
Office of Legal Services  
Attention: SEP Coordinator, MC 175  
P.O. Box 13088  
Austin, Texas 78711-3088

**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 a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	2-May-2011	<b>Screening</b>	5-May-2011	<b>EPA Due</b>	12-Jan-2012
	<b>PCW</b>	23-May-2011				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Firestone Polymers, LLC
<b>Reg. Ent. Ref. No.</b>	RN100224468
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	41584	<b>No. of Violations</b>	2
<b>Docket No.</b>	2011-0655-AIR-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	James Nolan
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$20,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** **189.0%** Enhancement **Subtotals 2, 3, & 7** **\$37,800**

Notes: Enhancement for four NOV's with same/similar violations, 17 NOV's with dissimilar violations, and seven orders with denial of liability. Penalty reduction due to one Notice of Intended Audit and two Disclosures of Violations.

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

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$5,000**

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

Total EB Amounts \$5  
Approx. Cost of Compliance \$5,000  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$52,800**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** **\$52,800**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$20,000**

**DEFERRAL** **0.0%** Reduction **Adjustment** **\$0**

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** **\$20,000**

Screening Date 5-May-2011

Docket No. 2011-0655-AIR-E

PCW

Respondent Firestone Polymers, LLC

Policy Revision 2 (September 2002)

Case ID No. 41584

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100224468

Media [Statute] Air

Enf. Coordinator James Nolan

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	4	20%
	Other written NOVs	17	34%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	7	140%
	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 ( <i>number of judgements or consent decrees meeting criteria</i> )	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 ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	2	-4%
<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)** 189%

>> 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 four NOVs with same/similar violations, 17 NOVs with dissimilar violations, and seven orders with denial of liability. Penalty reduction due to one Notice of Intended Audit and two Disclosures of Violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 189%

Screening Date 5-May-2011

Docket No. 2011-0655-AIR-E

PCW

Respondent Firestone Polymers, LLC

Policy Revision 2 (September 2002)

Case ID No. 41584

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100224468

Media [Statute] Air

Enf. Coordinator James Nolan

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.715(a), 116.715(c)(7), and 122.143(4), Flexible Permit No. 292 Special Conditions No. 1, Federal Operating Permit No. O-1271 Special Terms and Conditions No. 11, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to prevent unauthorized emissions during an emissions event. Specifically, during an emissions event (Incident No. 149833) that occurred on January 25, 2011, an inlet expansion joint to Pump DP434 failed causing Reactor DR402 to release approximately 2,096 gallons of n-hexane, resulting in the unauthorized release of 11,839.66 pounds ("lbs") of n-hexane to the atmosphere over a fourteen hour period. Since these emissions could have been avoided by better design and operational practices, the emissions are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			100%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 1 Number of violation days 1

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

Violation Base Penalty \$10,000

One daily event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$2,500

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

Notes The Respondent completed corrective actions on January 28, 2011, prior to the April 27, 2011 NOE.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$26,400

This violation Final Assessed Penalty (adjusted for limits) \$10,000

## Economic Benefit Worksheet

**Respondent** Firestone Polymers, LLC  
**Case ID No.** 41584  
**Reg. Ent. Reference No.** RN100224468  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	25-Jan-2011	28-Jan-2011	0.01	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost for additional oversight and management practices designed to ensure proper operation and maintenance practices are followed. The Date Required is the date of the emissions event and the Final Date is the date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

**TOTAL**

\$1

Screening Date 5-May-2011

Docket No. 2011-0655-AIR-E

PCW

Respondent Firestone Polymers, LLC

Policy Revision 2 (September 2002)

Case ID No. 41584

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100224468

Media [Statute] Air

Enf. Coordinator James Nolan

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.715(a), 116.715(c)(7), and 122.143(4), Flexible Permit No. 292 Special Conditions No. 1, Federal Operating Permit No. O-1271 Special Terms and Conditions No. 11, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions during an emissions event. Specifically, during an emissions event (Incident No. 150306) that occurred on February 5, 2011, a gasket failed due to freezing water in the drain leg of Purified Butadiene Tank F1106, resulting in the unauthorized release of 14,828 lbs of 1,2-butadiene and 21,588 lbs of butene to the atmosphere over a six hour and thirty minute period. Since these emissions could have been avoided by better design and operational practices, the emissions are not subject to an affirmative defense under 30 Tex. Admin. Code § 101.222(b).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 1

1 Number of violation days

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

Violation Base Penalty \$10,000

One daily event is recommended.

Good Faith Efforts to Comply

25.0% Reduction Before NOV NOV to EDPRP/Settlement Offer

\$2,500

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes The Respondent completed corrective actions on February 16, 2011, prior to the April 27, 2011 NOE.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$26,400

This violation Final Assessed Penalty (adjusted for limits) \$10,000

## Economic Benefit Worksheet

**Respondent** Firestone Polymers, LLC  
**Case ID No.** 41584  
**Reg. Ent. Reference No.** RN100224468  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)	\$2,500	5-Feb-2011	16-Feb-2011	0.03	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost for additional oversight and management practices designed to ensure proper operation and maintenance practices are followed. The Date Required is the date of the emissions event and the Final Date is the date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

**TOTAL**

\$4

## Compliance History

Customer/Respondent/Owner-Operator:	CN601590789	Firestone Polymers, LLC	Classification: AVERAGE	Rating: 11.54
Regulated Entity:	RN100224468	FIRESTONE POLYMERS ORANGE PLANT	Classification: AVERAGE	Site Rating: 11.54
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)		30581
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID		TXD008073538
	AIR OPERATING PERMITS	ACCOUNT NUMBER		OC0010U
	AIR OPERATING PERMITS	PERMIT		1271
	WASTEWATER	PERMIT		WQ0000454000
	WASTEWATER	EPA ID		TX0002968
	AIR NEW SOURCE PERMITS	AFS NUM		4836100004
	AIR NEW SOURCE PERMITS	REGISTRATION		94661
	AIR NEW SOURCE PERMITS	REGISTRATION		91583
	AIR NEW SOURCE PERMITS	REGISTRATION		92324
	AIR NEW SOURCE PERMITS	REGISTRATION		91534
	AIR NEW SOURCE PERMITS	PERMIT		292
	AIR NEW SOURCE PERMITS	PERMIT		2565
	AIR NEW SOURCE PERMITS	REGISTRATION		46032
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		OC0010U
	AIR NEW SOURCE PERMITS	AFS NUM		4836100004
	AIR NEW SOURCE PERMITS	REGISTRATION		91793
	AIR NEW SOURCE PERMITS	REGISTRATION		89547
	AIR NEW SOURCE PERMITS	REGISTRATION		95761
	AIR NEW SOURCE PERMITS	REGISTRATION		95881
	AIR NEW SOURCE PERMITS	REGISTRATION		82804
	AIR NEW SOURCE PERMITS	REGISTRATION		90817
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)		30581
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		1810014
	POLLUTION PREVENTION PLANNING	ID NUMBER		P01569
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER		OC0010U

Location: 5713 FM 1006, ORANGE, TX, 77630

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: May 05, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 05, 2006 to May 05, 2011

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

Name: James Nolan Phone: (512) 239-6634

### 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: 9/1/2010 Repeat Violator: NO

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
- Effective Date: 02/05/2007 ADMINORDER 2006-0754-IHW-E
- Classification: Moderate
- Citation: 30 TAC Chapter 335, SubChapter A 335.10(a)(1)  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)
- Description: Failure to manifest hazardous waste.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.2(b)

Description: Failure to properly dispose of an industrial hazardous waste at an authorized facility.

Effective Date: 03/19/2007

ADMINORDER 2006-1308-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 1271/SC 10 OP

NSRP 2565 Special Condition 8 PERMIT

Description: Failure to operate Boiler E-B110 at a maximum rate of 2.3 gallons per minute. B18

Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP 1271/SC 1C OP

Description: Failure to keep daily log notations of operations of flare M-600. B18

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP 1271 General Terms and Conditions OP

Description: Failure to report deviations from MACT U flare recording requirements. B18

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Federal Operating Permit 1271 SC 1D & 1H OP

Description: Failure to monitor Flares DM-801, M-600, and M-600R on an hourly basis. A,8,c,1,G

Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Federal Operating Permit 1271 SC 1D & 1H OP

Description: Failure to maintain records for the DFTO Unit. B18

Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Federal Operating Permit 1271 SC 1D & 1H OP

Description: Failure to maintain temperature records for RTO Can # 1 and RTO Can # 2. B18

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.506(e)(6)(i)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Federal Operating Permit 1271 SC 1D & 1H OP

Description: Failure to submit Maximum Achievable Control Technology Subpart U periodic report in a timely manner.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(3)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP 1271 General Terms and Conditions OP

Description: Failure to maintain flow records for the DFTO Collection System and the RTO Collection System. A,8,c,2,B,i

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP 1271 General Terms and Conditions OP  
Description: Failure to report a deviation on a Six Month Deviation Report and an Annual Compliance Report.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.144(1)(I)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Federal Operating Permit 1271, SC 10 OP  
NSR Permit 292, SC 3 PERMIT

Description: Failure to maintain twelve month rolling emissions records. B18

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(i)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP 1271 General Terms and Conditions OP

Description: Failure to report a deviation on an Annual Compliance Certification Report. B18

Effective Date: 02/25/2008

ADMINORDER 2007-0767-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.100  
30 TAC Chapter 113, SubChapter C 113.260

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 63.7(g)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.504(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP 1271, General Terms and Conditions OP  
FOP 1271, Special Condition 1D OP

FOP 1271, Special Condition 8D OP

Description: Failure to submit the initial compliance testing for M-600R in a timely manner. Mod (3)(C), EIC C3

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)

Rqmt Prov: FOP 1271 General Terms and Conditions OP  
FOP 1271 Special Condition 10A OP

Description: Failure to establish the pattern and quantities of air contaminants emitted into the atmosphere from sources downstream of the last stage of stripping and demonstrate a closed material balance for Crumb Unit 3.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.504(a)(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP 1271 General Terms and Conditions OP  
FOP 1271 Special Condition 1D OP

Description: Complete failure to notify the Administrator of the intent to conduct a performance test at least thirty days before the performance test is scheduled. EIC B(3) MOD 2(A)

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.504(a)(5)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.496  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP 1271 General Terms and Condition OP  
FOP 1271 Special Condition 1D OP

Description: Failure to re-determine compliance of the RTO within 150 days as required after a process change. EIC A(8)(c)(1)(G) MOD 2(B)

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.496(d)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.504(a)(5)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP 1271 General Terms and Conditions OP  
FOP 1271 Special Condition 1D OP

Description: Failure to re-determine compliance of Flare DM-801 within 150 days as required after a process change. EIC A(8)(1)(G) MOD 2(D)

Effective Date: 11/17/2008

ADMINORDER 2007-1598-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.260

30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart H 63.167  
40 CFR Part 63, Subpart U 63.502(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 10 OP

NSR Permit 292 Special Condition 4E PERMIT

Description: Failed to cap seven open ended lines, and to properly seal 56 leaking open-ended lines in volatile organic compound (VOC) service with a cap, plug, or blind flange.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.260

30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart U 63.502(n)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 1D OP

Description: Failed to monitor Cooling Tower DK-801 on a quarterly basis using EPA Method 624.

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)  
30 TAC Chapter 115, SubChapter E 115.412(1)(A)

30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 10 OP

Description: Failed to maintain closed lids on degreasers.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 10 OP

NSR Permit 292 15 PERMIT

Description: Failed to conduct residual volatile organic compounds (VOC) sampling at the exit of the dryer of Crumb Unit Three.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Part 63, Subpart U 63.506(e)(5)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01271 General Terms and Conditions OP  
Special Terms and Conditions 10 OP

Description: Failed to submit a Notification of Compliance Status Report.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.260

30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart U 63.494(a)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 1D OP

Description: Failed to demonstrate compliance with the residual organic hazardous air pollutant limitations set forth in NESHAP Emissions: Group I Polymers and Resins.

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 10 OP

SC 7B PERMIT

Description: Failed to properly monitor Cooling Tower DK-801.

Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 3,B,iii OP

Description: Failed to perform annual opacity observations of all stationary vents.

Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01271 General Terms and Conditions OP  
Description: Failed to report the occurrence of deviations in semi-annual deviation reports and to accurately certify compliance in an Annual Compliance Certification.

Effective Date: 08/31/2009 ADMINORDER 2009-0623-AIR-E

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)  
30 TAC Chapter 113, SubChapter C 113.100  
30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 116, SubChapter G 116.715(c)(9)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Condition 11 OP

Special Conditions 1 and 8 PERMIT

Description: Failure to prevent unauthorized emissions and maintain a flare pilot flame. Specifically, 55 pounds of 1,3-butadiene were released from the South Flare, due to the flare's pilot flame not being lit.

EIC A8(c)(2)(A)(ii) MOD(2)(D)

Violation Track No. 356015 is considered to be a cascading violation as it deals with a flare that was without a lit pilot and has been combined with violation Track No. 355993 which deals with an EE which resulted from the flare not being lit.

Effective Date: 03/08/2010 ADMINORDER 2009-1402-AIR-E

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01271, General Terms and Conditions OP  
O-01271, Special Condition 10 OP

Special Condition 1 PERMIT

Description: Failure to maintain an emission rate below the allowable limit.

A8(c)(2)(A)(ii)  
Moderate 2d

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)  
30 TAC Chapter 101, SubChapter F 101.201(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O 01271, Special Condition 2F OP

O-01271, General Terms and Condition OP  
Description: Failure to properly report an emissions event.

Effective Date: 06/04/2010 ADMINORDER 2009-1933-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 116, SubChapter G 116.715(c)(7)

30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01271, General Terms and Conditions OP  
O-01271, Special Condition 10 OP

Special Condition 1 PERMIT

Description: Failure to maintain an emission rate below the allowable limit.

A8(c)(2)(A)(ii)  
MOD 2D

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	05/15/2006	(465053)
2	05/30/2006	(465287)
3	07/24/2006	(480227)
4	07/25/2006	(480474)
5	07/24/2006	(481733)
6	08/11/2006	(483260)
7	05/19/2006	(497977)
8	06/16/2006	(497978)
9	06/16/2006	(497979)
10	01/22/2007	(509446)
11	10/30/2006	(511039)
12	11/20/2006	(513938)
13	11/27/2006	(516300)
14	04/30/2007	(518508)
15	02/28/2007	(518614)
16	08/16/2006	(519993)
17	09/18/2006	(519994)
18	09/07/2006	(519995)
19	09/07/2006	(519996)
20	04/30/2007	(534862)
21	02/12/2007	(538872)
22	04/30/2007	(542628)
23	06/05/2007	(542859)
24	02/16/2007	(544239)
25	11/17/2006	(544240)
26	12/13/2006	(544241)
27	04/30/2007	(554420)

28	05/21/2007	(556553)
29	05/10/2007	(558294)
30	11/20/2007	(561449)
31	08/10/2007	(566249)
32	08/29/2007	(570659)
33	08/28/2007	(572341)
34	09/19/2007	(573194)
35	03/19/2007	(574865)
36	04/18/2007	(574866)
37	05/15/2007	(574867)
38	06/18/2007	(574868)
39	03/07/2007	(574869)
40	10/22/2007	(593583)
41	01/15/2008	(596401)
42	08/16/2007	(601469)
43	09/14/2007	(601470)
44	10/16/2007	(601471)
45	09/11/2007	(601472)
46	12/04/2007	(610080)
47	01/26/2008	(612617)
48	11/19/2007	(619385)
49	12/17/2007	(619386)
50	04/06/2008	(636760)
51	04/14/2008	(638121)
52	03/25/2008	(639467)
53	02/20/2008	(671881)
54	03/14/2008	(671882)
55	04/18/2008	(671883)
56	04/18/2008	(671884)
57	09/07/2008	(681135)
58	08/15/2008	(687016)
59	08/26/2008	(689011)
60	05/14/2008	(689809)
61	06/18/2008	(689810)
62	11/18/2008	(704897)
63	08/18/2008	(710565)
64	10/17/2008	(710566)
65	10/20/2008	(710567)
66	11/10/2008	(710568)
67	04/24/2009	(726877)
68	12/02/2008	(727364)
69	01/20/2009	(727365)
70	04/23/2009	(742589)
71	07/15/2009	(748375)
72	07/23/2009	(749896)
73	02/18/2009	(750094)
74	03/20/2009	(750095)
75	04/17/2009	(750096)

76	04/17/2009	(750097)
77	06/22/2009	(759522)
78	08/21/2009	(759576)
79	07/08/2009	(760577)
80	08/28/2009	(760758)
81	11/20/2009	(765353)
82	05/20/2009	(768250)
83	06/15/2009	(768251)
84	10/12/2009	(775810)
85	12/15/2009	(784651)
86	05/20/2010	(796343)
87	03/24/2010	(796678)
88	02/19/2010	(804270)
89	08/19/2009	(804271)
90	09/17/2009	(804272)
91	10/19/2009	(804273)
92	11/20/2009	(804274)
93	12/16/2009	(804275)
94	01/20/2010	(804276)
95	07/19/2010	(826384)
96	07/05/2010	(829567)
97	03/18/2010	(830733)
98	04/19/2010	(830734)
99	05/20/2010	(830735)
100	08/11/2010	(842580)
101	06/17/2010	(846219)
102	07/20/2010	(860817)
103	08/20/2010	(866779)
104	09/03/2010	(869835)
105	09/20/2010	(873854)
106	10/15/2010	(881456)
107	12/29/2010	(886156)
108	11/19/2010	(887986)
109	01/19/2011	(890993)
110	12/15/2010	(896185)
111	04/15/2011	(899951)
112	04/27/2011	(901466)
113	04/27/2011	(901470)
114	01/17/2011	(902260)
115	02/02/2011	(905000)
116	04/15/2011	(905527)
117	02/20/2011	(909034)

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

Date: 05/31/2006 (497978) CN601590789  
 Self YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter

Date: 07/26/2006 (480474) CN601590789

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)(2)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to submit an excess emissions report with the semi-annual nitrogen oxide emissions report.

Date 10/31/2006 (544240) CN601590789

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 01/19/2007 (509446) CN601590789

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to maintain the pressure tank in Pressure Plane #1.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)

Description: Failure to maintain records of the amount of each chemical used each week.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)

Description: Failure to maintain records of the amount of water treated each week.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)

Description: Failure to maintain records of the dates that dead ends were flushed.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)

Description: Failure to perform the annual tank inspections on the pressure tanks.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(3)

Description: Failure to install the facilities to maintain the air-water-volume at the design water level and working pressure on the pressure tank at Plant #1.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(ii)

Description: Failure to provide a pressure tank capacity of 220 gallons in Pressure Plane #2.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)(2)

Description: Failure to submit plans and specifications to replace the pressure tank in Pressure Plane #1.

Date 04/30/2007 (574867) CN601590789

Self Report? YES Classification: Moderate

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

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

Date 05/31/2007 (574868) CN601590789

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 08/28/2007 (564084) CN601590789

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)(1)  
40 CFR Part 63, Subpart U 63.485(a)  
40 CFR Part 63, Subpart U 63.498(d)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01271 General Terms and Conditions OP  
FOP O-01271 Special Condition 1D OP

Description: Failure to maintain monitoring records Flares DM-801 and M-600R on an hourly basis.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)  
 40 CFR Part 63, Subpart H 63.168  
 40 CFR Part 63, Subpart H 63.169  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 10 OP  
 FOP O-01271 Special Condition 1D OP  
**Description:** Failure to make a first attempt repair on a leaking component within five days. EIC  
 B14 MOD 2(G)

**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 113, SubChapter C 113.260  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Part 63, Subpart H 63.163  
 40 CFR Part 63, Subpart H 63.173  
 40 CFR Part 63, Subpart U 63.502(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 1D OP

**Description:** Failure to maintain records of visual, weekly inspections of pumps and agitators. EIC  
 B(3) MOD 2(B)

**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 113, SubChapter C 113.260  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Part 63, Subpart U 63.498(d)(5)(ii)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 1D OP

**Description:** Failure to maintain temperature records for RTO Can #1 and RTO Can #2.

**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-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 10 OP  
 NSR 2565 Special Conditions 8 and 9 PERMIT

**Description:** Failure to maintain Boiler B-110 below the maximum firing rate of 298 MMBtu/hr. EIC  
 B,18 MOD 2(G)

**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-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 10 OP  
 NSR Permit 2565 PERMIT

**Description:** Failure to maintain the firing rate of Boiler B111 below 110 MMBtu/hr. EIC B,18  
 MOD 2(G)

**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 3(B)(iii) OP

**Description:** Failure to conduct opacity monitoring while burning waste Hexane in Boiler B110. EIC  
 B,1 MOD 2(B)

**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 115, SubChapter E 115.426(1)(B)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 9 OP

**Description:** Failure to maintain records of solvent usage for the Pro-Paint area. EIC B,3 MOD 2(B)

**Self Report?** NO **Classification:** Moderate

**Citation:** 30 TAC Chapter 113, SubChapter C 113.260  
 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 63.163(c)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(c)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(c)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.502(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 10 OP  
 FOP O-01271 Special Condition 1D OP  
 NSR Permit 292 Special Condition 4I PERMIT

Description: Failure to make a first attempt and final repair within fifteen days.  
 Date 08/28/2007 (570659) CN601590789  
 Self Report? NO Classification: Minor  
 Citation: M&RR 5 PERMIT  
 Description: Failure to ensure mechanical flow meter is calibrated as often as necessary to ensure accuracy.  
 Self Report? NO Classification: Minor  
 Citation: M&RR 2 PERMIT  
 Description: Failure by Firestone Polymers to comply with test procedures specified in 30 TAC 319.11 - 319.12.  
 Self Report? NO Classification: Minor  
 Citation: M&RR 3ciii PERMIT  
 Description: Failure by Firestone Polymer to maintain records of monitoring activities to include analysis time.  
 Self Report? NO Classification: Minor  
 Citation: PC 1a PERMIT  
 Description: Failure by Firestone Polymer to submit correct information in a report to the Executive Director.  
 Date 11/20/2007 (561449) CN601590789  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 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-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 10 OP  
 NSR Permit 2565 Special Condition 5 PERMIT  
 Description: Failure to limit the Sulfur Dioxide (SO2) emissions from Boiler B-111 (EPN: EB-111) during the stack test conducted on November 4, 2004. EIC B(13) MOD 2(D)  
 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-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 10 OP  
 NSR Permit 2565 Special Condition 14F PERMIT  
 Description: Failure to submit a copy of the final sampling report of Boiler B-111 for the test performed on November 4, 2007, to the TCEQ Beaumont Regional Office within 60 days after sampling was completed. EIC C(3) MOD 2(B)  
 Date 06/30/2008 (671884) CN601590789  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date 08/15/2008 (687016) CN601590789  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 113, SubChapter C 113.260  
 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 T 63.502(a)  
 40 CFR Part 63, Subpart H 63.167  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01271 Special Condition 10 OP  
 FOP O-01271 Special Condition 1D OP  
 FOP O-01271, General Terms and Condition OP

Description: NSR Permit 292 Special Condition 4E PERMIT  
 Failure to properly equip and seal several open-ended lines with a cap, plug, or blind flange.

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)  
 FOP O-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 10 OP  
 NSR Permit 292 Special Condition 15 PERMIT

Description: Failure to conduct residual VOC sampling at the exit of the dryer of Crumb Unit Three.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)  
 40 CFR Part 63, Subpart H 63.163  
 40 CFR Part 63, Subpart H 63.173  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 1D OP

Description: Failure to maintain records of visual, weekly inspections of pumps and agitators.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
 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 63.163(c)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(c)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 10 OP  
 FOP O-01271 Special Condition 1D OP  
 NSR Permit 292 Special Condition 4I PERMIT

Description: Failure to make a first repair attempt concerning several pumps and agitators within five (5) days.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.169(c)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 1D OP

Description: Failure to make a first attempt repair on a leaking component within five days.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(d)(5)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 1D OP

Description: Failure to include a leaking component on the delay of repair list if not repaired within 15 calendar days after discovery of the leak.

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 60.13(d)(1)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(b)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 10 OP  
 FOP O-01271 Special Condition 7F OP

Permit 2565 Special Condition 10B and C PERMIT  
 Description: Failure to conduct the required daily calibrations of the continuous emissions monitoring system (CEMS).  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01271 General Terms and Conditions OP

Description: Failure to report the occurrence of deviations in a semi-annual deviation report.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.146(1)  
 30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)  
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01271 General Terms and Conditions OP

Description: Failure to accurately certify an Annual Compliance Certification for the period of March 10, 2007 through March 9, 2008.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 113, SubChapter C 113.260  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(6)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.484(a)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01271 General Terms and Conditions OP  
 FOP O-01271 Special Condition 1D OP

Description: Failure to notify the Commission at least 7 calendar days in advance of refilling Tank DF-138.  
 Date 08/31/2008 (710566) CN601590789  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date 03/31/2009 (750096) CN601590789  
 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 04/23/2009 (742589) CN601590789  
 Self Report? NO Classification: Minor  
 Citation: M&RR 5 PERMIT  
 Description: Failure to ensure mechanical flow meter is calibrated as often as necessary to ensure accuracy.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
 OpR 11a PERMIT  
 Description: Failure by Firestone Polymers, LLC to prevent an unauthorized discharge of wastes generated by the 200 Area Oil/Water Separator.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter A 335.4  
 OpR 11a PERMIT  
 Description: Failure by Firestone Polymers, LLC to prevent an unauthorized discharge.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
 OpR1 PERMIT  
 Description: Failure by Firestone Polymers LLC., to properly maintain units of treatment.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 335, SubChapter A 335.4  
 OpR 11a PERMIT  
 Description: Failure by Firestone Polymers, LLC to properly maintain the capped hazardous waste surface impoundment.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
 OpR 1 PERMIT  
 Description: Failure by Firestone Polymers to properly maintain secondary containment

structures.

Date 04/30/2009 (768250) CN601590789

Self Report? YES Classification: Moderate

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

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

Date 07/16/2009 (748375) CN601590789

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)  
5C THSC Chapter 382 382.085(b)  
O-01271 General Terms and Conditions OP  
O-01271 Special Condition 1D OP  
O-01271, Special Condition 11 OP  
Permit 292 PERMIT

Description: Failure to maintain records of visual, weekly inspections of pumps, connectors, and agitators.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.485(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.498(d)  
5C THSC Chapter 382 382.085(b)  
O-01271 General Terms and Conditions OP  
O-01271 Special Condition 1D OP

Description: Failure to maintain pilot flame monitoring data.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.502(a)  
40 CFR Part 63, Subpart H 63.167  
5C THSC Chapter 382 382.085(b)  
O-01271 General Terms and Conditions OP  
O-01271 Special Condition 11 OP  
Permit 292 Special Condition 4E PERMIT

Description: Failure to properly equip and seal several open-ended lines with a cap, plug, or blind flange.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.497(c)  
5C THSC Chapter 382 382.085(b)  
O-01271 General Terms and Conditions OP  
O-01271 Special Condition 10 OP  
O-01271 Special Condition 1D OP  
Permit 292, Special Condition 13A PERMIT

Description: Failure to maintain the daily average temperatures of RTO #1 and RTO #2 above the established limit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.260  
30 TAC Chapter 116, SubChapter G 116.715(a)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.498(d)(5)(ii)  
5C THSC Chapter 382 382.085(b)  
O-01271 General Terms and Conditions OP  
O-01271 Special Condition 10 OP  
O-01271 Special Condition 1D OP  
Permit 292, Special Condition 13A PERMIT

Description: Failure to maintain temperature records for RTO #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)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(f)  
 5C THSC Chapter 382 382.085(b)  
 O-01271 General Terms and Conditions OP  
 O-01271, Special Condition 6E OP  
 Permit 2565, Special Condition 1 PERMIT  
 Permit 2565, Special Condition 10 PERMIT  
 Description: Failure for the owner or operator of an affected facility subject to a NOX standard, to properly operate and maintain the Continuous Emissions Monitoring System (CEMS).

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 O-01271 General Terms and Conditions OP  
 Description: Failure to report the occurrence of deviations in semi-annual deviation reports.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.146(1)  
 30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)  
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
 5C THSC Chapter 382 382.085(b)  
 O-01271 General Terms and Conditions OP  
 Description: Failure to accurately certify the Annual Compliance Certification for the period of March 10, 2008, through February 28, 2009.

Date 11/30/2009 (804275) CN601590789  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

Date 05/19/2010 (796343) CN601590789  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
 OpR 11a PERMIT  
 Description: Failure by Firestone Polymers, LLC to prevent an unauthorized discharge of wastes generated by the 200 Area Oil/Water Separator.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter A 335.4  
 OpR 11a PERMIT  
 Description: Failure by Firestone Polymers, LLC to prevent an unauthorized discharge.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
 OpR1 PERMIT  
 Description: Failure by Firestone Polymers LLC., to properly maintain units of treatment.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 335, SubChapter A 335.4  
 OpR 11a PERMIT  
 Description: Failure by Firestone Polymers, LLC to properly maintain the capped hazardous waste surface impoundment.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
 OpR 1 PERMIT  
 Description: Failure by Firestone Polymers to properly maintain secondary containment structures.

Date 08/12/2010 (842580) CN601590789  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
 30 TAC Chapter 113, SubChapter C 113.100  
 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)(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP

Special Condition 11 OP  
 Special Condition 8 PERMIT  
 Description: Failure to operate the flare in a smokeless manner. EIC C4, MIN 3D  
 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)  
 General Terms and Conditions OP  
 Special Condition 10F PERMIT  
 Special Condition 11 OP  
 Description: Failure to demonstrate a system reliability of at least 90% for the NOx CEMS during the compliance period of March 1, 2009, through February 28, 2010. EIC B1, MOD 2G  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 113, SubChapter C 113.120  
 30 TAC Chapter 113, SubChapter C 113.260  
 30 TAC Chapter 115, SubChapter B 115.114(a)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT T 63.484(a)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 1D OP  
 Description: Failure to conduct the annual visual seal inspections on internal floating roof tanks DF-137 and DF-138. EIC B1, MOD 2E  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
 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 60.13(e)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(c)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Condition 1 PERMIT  
 Special Condition 11 OP  
 Description: Failure to continuously record data from the NOx CEMS while Boiler 110 was in operation.  
 EIC B3, MOD 2D  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.146(1)  
 30 TAC Chapter 122, SubChapter B 122.146(2)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Description: Failure to certify compliance of the permit for at least each 12-month period no later than 30 days after the end of the certification period.  
 EIC B3, MOD 2B  
 Date 09/03/2010 (869835) CN601590789  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(17)  
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(17)  
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(17)  
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
 Date 02/02/2011 (905000) CN601590789  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
 Date 04/15/2011 (905527) CN601590789  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 ELMR PERMIT  
 Description: Failure by Firestone Polymers, LLC to collect chemical oxygen demand for Outfall 002 as required by the water quality permit.  
 Self Report? NO Classification: Moderate  
 Citation: OpR PERMIT  
 Description: Failure by Firestone Polymers, LLC to manage industrial wastewater in accordance with all applicable provisions in 30 TAC Chapter 335.

F. Environmental audits.

Notice of Intent Date: 03/17/2006 (462848) Not counted, >5 years.  
 Disclosure Date: 06/19/2006  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter F 101.211  
 30 TAC Chapter 106, SubChapter K 106.263  
 30 TAC Chapter 116, SubChapter B 116.110  
 Description: Maintenance emissions not authorized in Permit 292 are not being quantified and recorded  
 Viol. Classification: Moderate  
 Rqmt PERMIT 292 SC 12.A and 13.A  
 Description: Firestone does not have continuous monitoring data of firebox temperatures on its regenerative thermal oxidizer (RTO) and direct-fired thermal oxidizer (DFTO)  
 Viol. Classification: Moderate  
 Rqmt PERMIT 292 SC 13.C(6)  
 Description: RTO not tested within 5 years of previous stack test  
 Viol. Classification: Moderate  
 Rqmt PERMIT 292 SC 19  
 Description: Records demonstrating compliance with permit 292 emission limits are not being compiled as a 12-month rolling average and may not include all sources of emissions at the facility  
 Viol. Classification: Minor  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)  
 Rqmt PERMIT Permit 292 SC 8  
 Description: Flares not meeting required destruction efficiencies at all times  
 Viol. Classification: Minor  
 Rqmt PERMIT Permit 2565 SC 7  
 Description: Permit 2565 limits natural gas for boiler to 0.25 gr H2S adn 5 gr sulfur/dscf. Data provided by pipeline provider are expressed as 0% - recordkeeping violation  
 Viol. Classification: Minor  
 Rqmt PERMIT Permit 2565 SC 15  
 Description: Fuel flow data from boilers is not being utilized to determine compliance with boiler firing rates  
 Viol. Classification: Moderate  
 Rqmt PERMIT Permit 2565 SC 13  
 Description: Failed to conduct a CEMS RATA test in 3Q 2005 because facility was shut down for Hurricane Rita on date RATA tests normally conducted each quarter  
 Viol. Classification: Moderate  
 Rqmt PERMIT Permit 2565 SC 13.E  
 Description: Permit 2565 requires that CEMS "unscheduled downtime" be reported to Beaumont regional office. Reports have not been made.  
 Viol. Classification: Minor  
 Rqmt PERMIT Permit 2565 SC 15.A  
 Description: Incomplete CEMS records including missing data on CEMS adjustments after calibration checks and calculation of 30-day rolling averages at the end of each operation day  
 Viol. Classification: Moderate  
 Rqmt OP 01271 Additional Monitoring Requirements  
 Description: Title V periodic monitoring requirements require weekly observation of visible emissions from certaiinn storage tanks  
 Viol. Classification: Minor  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.496  
 Description: Firestone's MACT U (group 1 polymers and resins) compliance demonstration for compliance with back-end requirements is based on potentially inaccurate sampling results  
 Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.496  
 Description: Infrequent normal process emissions have not been included in MACT U back end compliance demonstration calculations  
 Viol. Classification: Minor  
 Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT U 63.503

Description: Flame flare detectors are not included in the MACT U SSM Plan  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(3)(A)

Description: Covered sumps at the tank farms appear to be receiving VOC liquids that are regulated under Ch. 115 that should not be allowed to go to the sumps  
 Viol. Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.38

Description: Firestone's domestic water system (DWS) does not meet requisite backflow and siphonage requirements because it is connected to the plant  
 Viol. Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)

Description: Firestone does not have documentation of compliance with wellhead protection requirements for the DWS, including for its employee recreation center  
 Viol. Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.41

Description: Firestone does not have documentation of compliance with minimum distance requirements for septic tanks and drainfields  
 Viol. Classification: Minor  
 Rqmt PERMIT Permit 00454

Description: Materials stored and later discharged to plant wastewater treatment system may be subject to Chapter 335 and RCRA regulations if not exempt  
 Notice of Intent Date: 02/06/2008 (617837)  
 Disclosure Date: 10/07/2008  
 Viol. Classification: Minor  
 Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)

Description: Failure to maintain records to demonstrate compliance with PBR conditions.  
 Disclosure Date: 08/10/2009  
 Viol. Classification: Minor  
 Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)

Description: Failure to maintain records to demonstrate compliance with PBR conditions.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
FIRESTONE POLYMERS, LLC  
RN100224468**

**§           BEFORE THE  
§  
§           TEXAS COMMISSION ON  
§  
§           ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2011-0655-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 Firestone Polymers, LLC (“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 they have 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 rubber manufacturing plant at 5713 Farm-to-Market Road 1006 in Orange, Orange 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 March 2, 2011, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions during an emissions event. Specifically, during an emissions event (Incident No. 149833) that occurred on January 25, 2011, an inlet expansion joint to Pump DP434 failed causing Reactor DR402 to release approximately 2,096 gallons of n-hexane, resulting in the unauthorized release of 11,839.66 pounds ("lbs") of n-hexane to the atmosphere over a fourteen hour period. The TCEQ determined that the emissions event could have been avoided by better design and operational practices.
4. During an investigation on March 2, 2011, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions during an emissions event. Specifically, during an emissions event (Incident No. 150306) that occurred on February 5, 2011, a gasket failed due to freezing water in the drain leg of Purified Butadiene Tank F1106, resulting in the unauthorized release of 14,828 lbs of 1,2-butadiene and 21,588 lbs of butene to the atmosphere over a six hour and thirty minute period. The TCEQ determined that the emissions event could have been avoided by better design and operational practices.
5. The Respondent received notice of the violations on April 29, 2011.
6. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. Prior to January 28, 2011, all flexible hoses on the batch reactors were replaced with hard piping, piping configuration and processing were redesigned to reduce potential hammer action, and mounting bolt modifications were eliminated to improve pump stability in order to address the emissions event that occurred on January 25, 2011 (Incident No. 149833); and
  - b. Prior to February 16, 2011, procedures were updated to improve pre-startup drainage and freeze protection in all storage areas of the Plant, down legs on storage tanks were eliminated unless specifically required, and lines were painted to improve field visibility in order to address the emissions event that occurred on February 5, 2011 (Incident No. 150306).

## 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 during an emissions event, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a), 116.715(c)(7), and 122.143(4), Flexible Permit No. 292 Special Conditions No. 1, Federal Operating Permit No. O-1271 Special Terms and Conditions No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event could have been

avoided by better design and operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent unauthorized emissions during an emissions event, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a), 116.715(c)(7), and 122.143(4), Flexible Permit No. 292 Special Conditions No. 1, Federal Operating Permit No. O-1271 Special Terms and Conditions No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b). Since this emissions event could have been avoided by better design and operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
4. 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.
5. An administrative penalty in the amount of Twenty Thousand Dollars (\$20,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX WATER CODE § 6.053. The Respondent has paid Ten Thousand Dollars (\$10,000) of the administrative penalty and Ten Thousand Dollars (\$10,000) 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 Twenty Thousand Dollars (\$20,000) as set forth in Section II, Paragraph 5 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: Firestone Polymers, LLC, Docket No. 2011-0655-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 5 above, Ten Thousand Dollars

(\$10,000) 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.

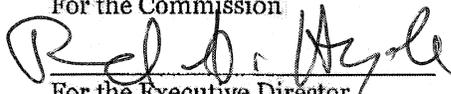
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any 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. 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.
7. 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.
8. 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.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature

could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

10. 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

9/6/11  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Firestone Polymers, LLC. I am authorized to agree to the attached Agreed Order on behalf of Firestone Polymers, LLC, 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, Firestone Polymers, LLC 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

6/2/11  
Date

Greg Defrates  
Name (Printed or typed)  
Authorized Representative of  
Firestone Polymers, LLC

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 III, Paragraph 1 of this Agreed Order

**Attachment A**  
**Docket Number: 2011-0655-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Firestone Polymers, LLC  
**Penalty Amount:** Twenty Thousand Dollars (\$20,000)  
**SEP Offset Amount:** Ten Thousand Dollars (\$10,000)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** *City of Orange Municipal Building Energy Efficiency Project*  
**Location of SEP:** Orange County

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

**1. Project Description**

A. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be used by the **City of Orange Municipal Building Energy Efficiency Project** as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the SEP Offset Amount will be used to perform energy efficiency upgrades on public buildings and infrastructure. The SEP Offset Amount may only be used for: (1) the cost of conducting energy efficiency audits; (2) the incremental cost for construction or implementation of energy-efficiency upgrades (versus the cost of non-energy efficiency upgrades); (3) the incremental cost of purchase of equipment or appliances that are more energy-efficient (versus the cost of purchasing non-energy efficient equipment or appliances); or (4) other direct costs authorized in advance by TCEQ. The SEP Offset Amount may only be used for the direct cost of performing this project and no portion will be spent on administrative costs. For items 2, 3, and 4 above, Performing Party shall submit a budget and proposals for expenditure to TCEQ for written approval prior to the use of SEP Funds.

Modifications may include but are not limited to weatherization; energy-reduction modifications such as building envelope upgrades (cool roofs, exterior shading, optimized insulation and air sealing); installation of high-efficiency lighting fixtures and occupancy sensors for both lighting and HVAC; high-efficiency demand-controlled ventilation and energy-efficient boilers; more efficient exterior lighting and energy-

efficient office equipment; replacing heating, ventilation, and cooling (HVAC) systems with more efficient boilers, motors, and variable-speed drives; reducing energy and maintenance costs by installing centralized energy management systems; lowering electric lighting and cooling loads and boosting productivity through increased use of daylighting; installation of LED traffic lights; and use of renewable energy sources. Performing Party shall quantify the environmental benefit of each project and submit the results of those calculations to TCEQ within 90 days of completion of each project.

The Respondent certifies that it has 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**

Implementation of the SEP will provide a discernable environmental benefit by reducing fuel and electricity usage for heating and cooling and other day-to-day operations. These reductions will reduce emissions of particulate matter, volatile organic carbon compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel and generation of electricity.

**C. Minimum Expenditure**

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

**2. Performance Schedule**

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

City of Orange, Texas  
c/o John Johnson, Carl R. Griffith and Associates  
2901 Turtle Creek Drive, Suite 445  
Port Arthur, Texas 77642-8077

**3. Records and Reporting**

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

Firestone Polymers, LLC  
Agreed Order – Attachment A

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 Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

Texas Commission on Environmental Quality  
Office of Legal Services  
Attention: SEP Coordinator, MC 175  
P.O. Box 13088  
Austin, Texas 78711-3088

#### **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 a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.