

Executive Summary – Enforcement Matter – Case No. 41416
Rohm and Haas Texas Incorporated
RN100223205
Docket No. 2011-0510-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Rohm and Haas Texas Deer Park Plant, 1900 Tidal Road, Deer Park, Harris County

Type of Operation:

Chemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 26, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$124,405

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$62,203

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$62,202

Name of SEP: Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 41416
Rohm and Haas Texas Incorporated
RN100223205
Docket No. 2011-0510-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: February 7 through 11, 2011 and March 8 through 16, 2011

Date(s) of NOE(s): March 11 and April 14, 2011

Violation Information

1. Failed to operate thermal oxidizers Emission Point Nos. HT-3, HT-11, HT-30, and HT-46 at the required minimum temperatures for a total of 156 hours [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); New Source Review Permit Nos. 8838 and N61, Special Conditions Nos. 10.B.(1) and 10.C.(1); Federal Operating Permit ("FOP") No. O-02236, Special Terms and Conditions No. 13; and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to submit the permit compliance certification for FOP No. O-01583 for the period of May 21, 2009 through April 30, 2010 no later than 30 days after the end of the certification period [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2); FOP No. O-01583, General Terms and Conditions ("GTC"); and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to include a signed certification of accuracy and completeness with the deviation report dated May 28, 2010 for the reporting period of November 1, 2009 through April 30, 2010 [30 TEX. ADMIN. CODE §§ 122.143(4), 122.143(15), and 122.165(a)(7); FOP No. O-01583, GTC; 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. By December 31, 2009, upgraded the thermocouples to improve their reliability and added a feed forward to the incinerator temperature control to add extra fuel to the thermal oxidizers before the firebox temperature drops;
- b. On March 15, 2011, submitted the permit compliance certification for the period of May 21, 2009 through April 30, 2010 and the signed certification of accuracy and completeness with the revised deviation report for the reporting period of November 1, 2009 through April 30, 2010; and
- c. By April 1, 2011, added an 18°F buffer to the thermal oxidizers temperature set point curves by modifying the equation programmed into the computer control system.

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RN100223205
Docket No. 2011-0510-AIR-E**

Technical Requirements:

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

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: Miriam Hall, Enforcement Division,
Enforcement Team 4, MC 149, (512) 239-1044; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412.

TCEQ SEP Coordinator: Phillip Hampsten, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-6732

Respondent: Danielle Lincoln, EH&S Delivery Leader, Rohm and Haas Texas
Incorporated, 1900 Tidal Road, Deer Park, Texas 77536-2416

Harry Engelhardt, Jr., Site Leader, Rohm and Haas Texas Incorporated, 1900 Tidal
Road, Deer Park, Texas 77536-2416

Respondent's Attorney: N/A

Attachment A
Docket Number: 2011-0510-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Rohm and Haas Texas Incorporated
Payable Penalty Amount:	One Hundred Twenty-Four Thousand Four Hundred Five Dollars (\$124,405)
SEP Amount:	Sixty-Two Thousand Two Hundred Two Dollars (\$62,202)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program
Location of SEP:	Texas Air Quality Control Region 216 – Houston-Galveston

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

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Houston-Galveston AERCO** for the **Clean Cities/Clean Vehicles Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration’s (“FHWA”) Congestion Mitigation/Air Quality Funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, Nitrogen

Rohm and Haas Texas Incorporated
Agreed Order - Attachment A

oxides reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions of buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

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

2. Performance Schedule

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

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

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

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

Rohm and Haas Texas Incorporated
Agreed Order - Attachment A

4. Failure to Fully Perform

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

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

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	14-Mar-2011	Screening	1-Apr-2011	EPA Due	
	PCW	10-May-2011				

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

CASE INFORMATION		No. of Violations	3
Enf./Case ID No.	41416	Order Type	Findings
Docket No.	2011-0510-AIR-E	Government/Non-Profit	No
Media Program(s)	Air	Enf. Coordinator	Miriam Hall
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$31,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **313.0%** Enhancement **Subtotals 2, 3, & 7** **\$97,030**

Notes: Enhancement for 16 NOVs with the same/similar violations and 27 NOVs with dissimilar violations, six agreed orders with denial of liability, one final court judgment with denial of liability, one consent decree with denial of liability, and one agreed order without a denial of liability. Reduction for 24 Notices of Intent to conduct an audit and one Disclosure 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** **\$3,625**

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

Total EB Amounts **\$94**
 Approx. Cost of Compliance **\$2,000**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$124,405**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$124,405**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$124,405**

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

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$124,405**

Screening Date 1-Apr-2011

Docket No. 2011-0510-AIR-E

PCW

Respondent Rohm and Haas Texas Incorporated

Policy Revision 2 (September 2002)

Case ID No. 41416

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100223205

Media [Statute] Air

Enf. Coordinator Miriam Hall

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>)	16	80%
	Other written NOVs	27	54%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	2	60%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<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>)	24	-24%
	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>)	1	-2%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 313%

>> **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 16 NOVs with the same/similar violations and 27 NOVs with dissimilar violations, six agreed orders with denial of liability, one final court judgment with denial of liability, one consent decree with denial of liability, and one agreed order without a denial of liability. Reduction for 24 Notices of Intent to conduct an audit and one Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 313%

Screening Date 1-Apr-2011

Docket No. 2011-0510-AIR-E

PCW

Respondent Rohm and Haas Texas Incorporated

Policy Revision 2 (September 2002)

Case ID No. 41416

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100223205

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4); New Source Review Permit Nos. 8838 and N61, Special Conditions Nos. 10.B.(1) and 10.C.(1); Federal Operating Permit ("FOP") No. O-02236, Special Terms and Conditions No. 13; and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to operate thermal oxidizers Emission Point Nos. ("EPN") HT-3, HT-11, HT-30, and HT-46 at the required minimum temperatures [in degrees Fahrenheit ("F")] for a total of 156 hours. (See attachment).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 11

45 Number of violation days

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

Violation Base Penalty \$27,500

Two quarterly events are recommended for HT-3, two quarterly events are recommended for HT-11, four quarterly events are recommended for HT-30, and three quarterly events are recommended for HT-46.

Good Faith Efforts to Comply

10.0% Reduction

\$2,750

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

Notes Corrective actions were completed by April 1, 2011, and the NOE was issued on March 11, 2011.

Violation Subtotal \$24,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$75

Violation Final Penalty Total \$110,825

This violation Final Assessed Penalty (adjusted for limits) \$110,825

Economic Benefit Worksheet

Respondent Rohm and Haas Texas Incorporated
Case ID No. 41416
Reg. Ent. Reference No. RN100223205
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$1,000	17-Jul-2009	31-Dec-2009	0.46	\$2	\$31	\$32
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	17-Jul-2009	1-Apr-2011	1.71	\$43	n/a	\$43

Notes for DELAYED costs

The estimated cost under "Equipment" is for upgrading thermocouples to improve their reliability and adding a feed forward to the incinerator temperature control to add extra fuel to the thermal oxidizers before the firebox temperature drops. The estimated cost under "Other" is for adding an 18°F buffer to the thermal oxidizers temperature set point by modifying the equation programmed into the computer control system. The "Date Required" is the first day of violation, and the "Final Dates" are the dates the corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$75

Screening Date 1-Apr-2011

Docket No. 2011-0510-AIR-E

PCW

Respondent Rohm and Haas Texas Incorporated

Policy Revision 2 (September 2002)

Case ID No. 41416

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100223205

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.146(2); FOP No. O-01583, General Terms and Conditions ("GTC"); and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit the permit compliance certification for FOP No. O-01583 for the period of May 21, 2009 through April 30, 2010 no later than 30 days after the end of the certification period.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	X			25%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 289

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$2,500

One single event is recommended for one certification period.

Good Faith Efforts to Comply

25.0% Reduction \$625

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

Notes: The Respondent came into compliance on March 15, 2011, and the NOE was issued on April 15, 2011.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$20

Violation Final Penalty Total \$9,700

This violation Final Assessed Penalty (adjusted for limits) \$9,700

Economic Benefit Worksheet

Respondent Rohm and Haas Texas Incorporated
Case ID No. 41416
Reg. Ent. Reference No. RN100223205
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
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	30-May-2010	15-Mar-2011	0.79	\$20	n/a	\$20

Notes for DELAYED costs

The estimated cost of submitting the permit compliance certification for the period of May 21, 2009 through April 30, 2010, and the signed certification of accuracy and completeness with the deviation report dated May 28, 2010 for the reporting period of November 1, 2009 through April 30, 2010 from the due date to the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$20

Screening Date 1-Apr-2011

Docket No. 2011-0510-AIR-E

PCW

Respondent Rohm and Haas Texas Incorporated

Policy Revision 2 (September 2002)

Case ID No. 41416

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100223205

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4), 122.143(15), and 122.165(a)(7); FOP No. O-01583, GTC; and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to include a signed certification of accuracy and completeness with the deviation report dated May 28, 2010 for the reporting period of November 1, 2009 through April 30, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
		X		10%

Matrix Notes: 30-70% of the rule requirement was met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 289

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,000

One single event is recommended for one deviation report.

Good Faith Efforts to Comply

25.0% Reduction \$250

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

Notes: The Respondent came into compliance on March 15, 2011, and the NOE was issued on April 15, 2011.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Estimated EB Amount \$0

Statutory Limit Test

Violation Final Penalty Total \$3,880

This violation Final Assessed Penalty (adjusted for limits) \$3,880

Economic Benefit Worksheet

Respondent Rohm and Haas Texas Incorporated
Case ID No. 41416
Reg. Ent. Reference No. RN100223205
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit is included in Violation No. 2.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Attachment to PCW

Rohm and Haas Texas Incorporated, RN100223205

Case No. 41416, Docket No. 2011-0510-AIR-E

Thermal Oxidizer	EPN	Begin Date	Total Hours	Actual Temperature (°F)	Minimum Permit Limit (°F)
A/B Train (HT-1)	HT-3	December 3, 2009	6	145-694	762
		December 30, 2009	17	41-47	762
		February 19, 2010	6	726-757	762
		April 11, 2010	1	823	829
		June 30, 2010	1	766	767
C-Train	HT-11	December 3, 2009	1	1157	1551
		December 25, 2009	2	1556-1557	1570
		March 5, 2010	1	1540	1560
		May 14, 2010	1	1519	1560
D-Train	HT-30	July 19, 2009	1	1622	1627
		August 4, 2009	5	1027-1575	1592 to 1652
		August 7, 2009	2	1479-1646	1650 to 1651
		August 16, 2009	2	1605-1633	1609 to 1637
		September 1, 2009	2	1595-1620	1596-1622
		October 11, 2009	49	252-1319	1375
		October 16, 2009	8	455-1342	1375
		October 29, 2009	1	1651	1652
		November 1, 2009	1	1650	1651
		November 4, 2009	1	1648	1651
		November 6, 2009	1	1650	1651
		November 16, 2009	1	1650	1651
		November 17, 2009	1	1650	1651
		November 18, 2009	1	1650	1651
		November 19, 2009	1	1651	1652
		November 25, 2009	2	1650	1651
		November 30, 2009	1	1616	1652
		December 3, 2009	1	1650	1652
		December 5, 2009	3	1553-1581	1561-1583
		December 6, 2009	4	1557-1561	1561-1562
		December 8, 2009	3	1563-1584	1564-1585
		December 9, 2009	1	1611	1615
		December 19, 2009	2	1559-1603	1561-1604
		January 9, 2010	2	1189-1605	1375-1606
		February 15, 2010	1	1554	1558
		March 5, 2010	2	1623-1633	1624-1635
		March 15, 2010	1	1560	1570
May 21, 2010	1	1628	1632		
July 7, 2010	1	1611	1613		

Thermal Oxidizer	EPN	Begin Date	Total Hours	Actual Temperature (°F)	Permit Limit (°F)
E-Train	HT-46	July 17, 2009	1	1535	1544
		July 18, 2009	1	1541	1544
		January 8, 2010	1	1542	1544
		January 9, 2010	1	1542	1544
		May 20, 2010	14	1084-1206	1527-1586

Compliance History

Customer/Respondent/Owner-Operator:

CN600131395

Rohm and Haas Texas Incorporated

Classification: AVERAGE

Rating: 8.64

Regulated Entity:

RN100223205

ROHM AND HAAS TEXAS DEER PARK
PLANT

Classification: AVERAGE

Site Rating: 9.57

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0632T
AIR OPERATING PERMITS	PERMIT	1583
AIR OPERATING PERMITS	PERMIT	2232
AIR OPERATING PERMITS	PERMIT	2233
AIR OPERATING PERMITS	PERMIT	2234
AIR OPERATING PERMITS	PERMIT	2235
AIR OPERATING PERMITS	PERMIT	2236
AIR OPERATING PERMITS	PERMIT	2237
AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0632T
STORMWATER	PERMIT	TXR15QE82
WASTEWATER	PERMIT	WQ0000458000
WASTEWATER	EPA ID	TX0006084
UNDERGROUND INJECTION CONTROL	PERMIT	WDW078
AIR NEW SOURCE PERMITS	AFS NUM	4820100034
AIR NEW SOURCE PERMITS	REGISTRATION	93841
AIR NEW SOURCE PERMITS	REGISTRATION	93645
AIR NEW SOURCE PERMITS	REGISTRATION	94772
AIR NEW SOURCE PERMITS	REGISTRATION	92062
AIR NEW SOURCE PERMITS	PERMIT	723
AIR NEW SOURCE PERMITS	PERMIT	751
AIR NEW SOURCE PERMITS	PERMIT	1257A
AIR NEW SOURCE PERMITS	PERMIT	1957
AIR NEW SOURCE PERMITS	PERMIT	2165
AIR NEW SOURCE PERMITS	PERMIT	5051
AIR NEW SOURCE PERMITS	PERMIT	5802
AIR NEW SOURCE PERMITS	PERMIT	6233
AIR NEW SOURCE PERMITS	PERMIT	6654
AIR NEW SOURCE PERMITS	PERMIT	6894
AIR NEW SOURCE PERMITS	PERMIT	7309
AIR NEW SOURCE PERMITS	PERMIT	7637
AIR NEW SOURCE PERMITS	PERMIT	7648
AIR NEW SOURCE PERMITS	PERMIT	8838
AIR NEW SOURCE PERMITS	REGISTRATION	10715
AIR NEW SOURCE PERMITS	PERMIT	11779
AIR NEW SOURCE PERMITS	REGISTRATION	13804
AIR NEW SOURCE PERMITS	PERMIT	17392
AIR NEW SOURCE PERMITS	PERMIT	20901
AIR NEW SOURCE PERMITS	REGISTRATION	26728
AIR NEW SOURCE PERMITS	REGISTRATION	28728
AIR NEW SOURCE PERMITS	PERMIT	29010
AIR NEW SOURCE PERMITS	REGISTRATION	28913
AIR NEW SOURCE PERMITS	REGISTRATION	29705
AIR NEW SOURCE PERMITS	REGISTRATION	30727
AIR NEW SOURCE PERMITS	REGISTRATION	32671
AIR NEW SOURCE PERMITS	REGISTRATION	33817
AIR NEW SOURCE PERMITS	REGISTRATION	34654
AIR NEW SOURCE PERMITS	REGISTRATION	35142
AIR NEW SOURCE PERMITS	REGISTRATION	37086
AIR NEW SOURCE PERMITS	REGISTRATION	38913
AIR NEW SOURCE PERMITS	REGISTRATION	42737
AIR NEW SOURCE PERMITS	REGISTRATION	42914
AIR NEW SOURCE PERMITS	REGISTRATION	44595
AIR NEW SOURCE PERMITS	PERMIT	27131
AIR NEW SOURCE PERMITS	REGISTRATION	47480
AIR NEW SOURCE PERMITS	PERMIT	48921
AIR NEW SOURCE PERMITS	PERMIT	N61
AIR NEW SOURCE PERMITS	REGISTRATION	54970
AIR NEW SOURCE PERMITS	REGISTRATION	75383
AIR NEW SOURCE PERMITS	REGISTRATION	88106
AIR NEW SOURCE PERMITS	EPA ID	PSDTX828
AIR NEW SOURCE PERMITS	EPA ID	PSDTX828M1

AIR NEW SOURCE PERMITS	REGISTRATION	55988
AIR NEW SOURCE PERMITS	REGISTRATION	50454
AIR NEW SOURCE PERMITS	REGISTRATION	87523
AIR NEW SOURCE PERMITS	REGISTRATION	74756
AIR NEW SOURCE PERMITS	REGISTRATION	73913
AIR NEW SOURCE PERMITS	EPA ID	PSDTX987
AIR NEW SOURCE PERMITS	REGISTRATION	77253
AIR NEW SOURCE PERMITS	REGISTRATION	54056
AIR NEW SOURCE PERMITS	REGISTRATION	77200
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0632T
AIR NEW SOURCE PERMITS	REGISTRATION	80267
AIR NEW SOURCE PERMITS	REGISTRATION	81342
AIR NEW SOURCE PERMITS	REGISTRATION	82008
AIR NEW SOURCE PERMITS	REGISTRATION	82086
AIR NEW SOURCE PERMITS	REGISTRATION	83631
AIR NEW SOURCE PERMITS	REGISTRATION	88111
AIR NEW SOURCE PERMITS	EPA ID	PSDTX987M1
AIR NEW SOURCE PERMITS	REGISTRATION	87129
AIR NEW SOURCE PERMITS	REGISTRATION	85413
AIR NEW SOURCE PERMITS	REGISTRATION	95620
AIR NEW SOURCE PERMITS	REGISTRATION	83810
AIR NEW SOURCE PERMITS	REGISTRATION	83418
AIR NEW SOURCE PERMITS	REGISTRATION	82947
AIR NEW SOURCE PERMITS	REGISTRATION	87544
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30041
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD065096273
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50102
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011717
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30041
POLLUTION PREVENTION PLANNING	ID NUMBER	P00587
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0632T

Location: 1900 TIDAL RD, DEER PARK, TX, 77536

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: May 09, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 09, 2006 to May 09, 2011

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

Name: Miriam Hall Phone: (512) 239-1044

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: 06/26/2007 COURTORDER
Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to prevent unauthorized emissions.
Effective Date: 05/22/2008 ADMINORDER 2007-1437-AIR-E

Classification: Moderate

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

Rqmt Prov: 8838/Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Classification: Moderate

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

Rqmt Prov: 8838/Special Condition No. 1 PERMIT
Description: Failed to prevent unauthorized emissions

Classification: Moderate

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

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

Classification: Moderate

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

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

Effective Date: 10/06/2008

ADMINORDER 2007-2041-AIR-E

Classification: Moderate

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

Rqmt Prov: No. 723, S.C. No. 1 PERMIT
Description: Failed to comply with the 0.27 pounds per hour ("lbs/hr") nitrogen oxides ("NOx") emission limit for emission point number ("EPN") N-12.

Classification: Moderate

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

Rqmt Prov: No. 723, S. C. No. 1 PERMIT
Description: Failed to comply with the 0.27 lbs/hr NOx emission limit for EPN N-13.

Classification: Moderate

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

Rqmt Prov: No. 723, S.C. No. 1 PERMIT
Description: Failed to comply with the 1.19 lbs/hr NOx emission limit for EPN N-14.

Classification: Moderate

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

Rqmt Prov: No. 723, S.C. No. 1 PERMIT
Description: Failed to comply with the 0.47 lbs/hr NOx and 0.022 lbs/hr carbon monoxide ("CO") emission limits for EPN N-3.

Effective Date: 02/22/2009

ADMINORDER 2008-1182-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

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

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

Effective Date: 09/21/2009

ADMINORDER 2009-0296-AIR-E

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)
Rqmt Prov: Special Condition 1 PA
Special Condition 15 OP
Description: As owner and operator of the Plant, the Respondent is alleged to have failed to comply with the 48.8 tons per year ("tpy") volatile organic compound ("VOC") emissions limit for Decanter ACET-1A.

Effective Date: 12/18/2009 ADMINORDER 2009-0891-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition No. 1 PERMIT
Description: Failed to prevent unauthorized emissions.

Effective Date: 01/28/2010 ADMINORDER 2008-0156-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: 8838 - S.C. 1 PERMIT
Description: Failure to comply with CO emission limits in Permit #8838 for EPN: HT-32

Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Permit 751, Special Condition 1 PA
Description: Failure to limit NOx hourly maximum emission rates for HR-2, and HR-3 preheaters.

Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart H 60.82(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Permit 751, Special Condition 6 PA
Description: Failure to limit acid production to 4 lb of SO2 per ton of H2SO4 produced.

Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Permit 751, Special Condition 1 PA
Description: Failure to limit sulfur dioxide hourly emissions of 434.9 lb/hr during normal operation.

Effective Date: 08/30/2010 ADMINORDER 2009-1116-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition No. 1 PA
Description: Failure to prevent the unauthorized emissions. Specifically, 325,498.50 lbs of propylene and 17,131.50 lbs of propane were released to the atmosphere. The bleed valve which should be closed during normal operations was left opened for 357 hours and 40 minutes.

Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(3)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Permit 8838, SC 16 PERMIT
Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions. Since the emissions event was excessive and avoidable by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Permit 8838, SC 10A and 16 PERMIT
Description: Failure to prevent unauthorized emissions.

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)
Rqmt Prov: GENERAL TERMS AND CONDITIONS OP

Description: Failure to report deviations in the semi-annual deviation reports.

Classification: Moderate

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

Rqmt Prov: Permit 1257A, SC 1 PERMIT
Permit 48921, SC 1 PERMIT
SPECIAL CONDITION 1 OP

Description: Failure to prevent unauthorized emissions.

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)

Rqmt Prov: OP O-01583 Special Terms & Conditions 8 OP
Permit 751, Special Condition 1 PERMIT

Description: Failure to limit sulfur dioxide hourly emission of 434.9 lbs/hr for the Davy Stack (EPN: HR-8) during 13 hours of normal operation. (Category A 12(i)(6))

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)

Rqmt Prov: OP O-01583 Special Terms & Conditions 8 OP
Permit 751, Special Condition 6 PERMIT

Description: Failure to limit acid production to 4 lbs/ton during 18 hours of normal operations.(Category A 12(i)(6))

See addendum for information regarding federal actions.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	05/25/2006	(374855)
2	05/25/2006	(374902)
3	07/25/2006	(406106)
4	08/31/2006	(449984)
5	05/31/2006	(457270)
6	07/25/2006	(457453)
7	07/25/2006	(457457)
8	05/11/2006	(458324)
9	05/26/2006	(459923)
10	05/11/2006	(460393)
11	05/11/2006	(460471)
12	05/11/2006	(460513)
13	05/11/2006	(460733)
14	05/11/2006	(460844)
15	05/11/2006	(460912)
16	08/11/2006	(462093)
17	07/27/2006	(462714)
18	05/11/2006	(463554)
19	08/14/2006	(464411)
20	07/26/2006	(486614)
21	08/24/2006	(488546)
22	08/30/2006	(489426)
23	10/23/2006	(512670)

24	02/08/2007	(512671)
25	09/29/2006	(513039)
26	10/03/2006	(513239)
27	10/03/2006	(513582)
28	01/05/2007	(514335)
29	10/13/2006	(515313)
30	12/01/2006	(517786)
31	05/21/2007	(518229)
32	11/29/2006	(532188)
33	01/31/2007	(536331)
34	02/28/2007	(540141)
35	04/09/2007	(543775)
36	07/03/2007	(558379)
37	06/29/2007	(559790)
38	07/09/2007	(563232)
39	07/30/2007	(564812)
40	07/24/2007	(564923)
41	07/24/2007	(564927)
42	07/26/2007	(566593)
43	10/11/2007	(567756)
44	08/07/2007	(568014)
45	08/06/2007	(568496)
46	08/06/2007	(568518)
47	08/13/2007	(571023)
48	08/28/2007	(571222)
49	12/12/2007	(571376)
50	12/12/2007	(571396)
51	12/12/2007	(571401)
52	12/04/2007	(571415)
53	11/27/2007	(571447)
54	11/27/2007	(571463)
55	11/27/2007	(571470)
56	12/04/2007	(571481)
57	11/27/2007	(571485)
58	08/28/2007	(571662)
59	08/29/2007	(573463)
60	08/29/2007	(573797)
61	09/07/2007	(573866)
62	02/26/2007	(575396)
63	03/21/2007	(575398)
64	05/22/2006	(575402)
65	06/22/2006	(575404)
66	06/22/2007	(575405)
67	07/24/2006	(575407)
68	07/23/2007	(575408)
69	08/22/2006	(575410)
70	09/25/2006	(575412)
71	10/23/2006	(575414)

72	11/22/2006	(575416)
73	10/23/2006	(575418)
74	01/22/2007	(575420)
75	10/23/2007	(593473)
76	10/19/2007	(594212)
77	10/19/2007	(594214)
78	11/19/2007	(595510)
79	03/04/2008	(595594)
80	01/16/2008	(595596)
81	12/07/2007	(595796)
82	11/28/2007	(596222)
83	11/19/2007	(599927)
84	11/19/2007	(599953)
85	01/17/2008	(599986)
86	01/17/2008	(600021)
87	01/17/2008	(600038)
88	01/17/2008	(600303)
89	01/17/2008	(600340)
90	08/20/2007	(607561)
91	04/07/2008	(611781)
92	01/09/2008	(612267)
93	03/04/2008	(612397)
94	01/14/2008	(613690)
95	03/06/2008	(613866)
96	03/07/2008	(614051)
97	03/02/2008	(617039)
98	04/17/2008	(636345)
99	05/17/2008	(657125)
100	06/24/2008	(670743)
101	05/29/2008	(671340)
102	07/01/2008	(682296)
103	06/17/2008	(683432)
104	08/01/2008	(685482)
105	07/25/2008	(686764)
106	07/30/2008	(686765)
107	02/22/2008	(689978)
108	03/21/2008	(689979)
109	04/20/2007	(689980)
110	04/21/2008	(689981)
111	05/22/2007	(689982)
112	05/23/2008	(689983)
113	06/23/2008	(689984)
114	05/31/2008	(689985)
115	04/21/2008	(689986)
116	09/21/2007	(689987)
117	10/22/2007	(689988)
118	11/21/2007	(689989)
119	10/22/2007	(689990)

120	01/22/2008	(689991)
121	10/02/2008	(700423)
122	07/28/2009	(703304)
123	02/10/2009	(703308)
124	02/04/2009	(703319)
125	10/27/2008	(706464)
126	12/17/2008	(709548)
127	08/25/2008	(710765)
128	09/24/2008	(710766)
129	07/22/2009	(721215)
130	07/15/2009	(721216)
131	04/03/2009	(723995)
132	07/01/2009	(725189)
133	02/17/2009	(725731)
134	10/27/2008	(727504)
135	11/24/2008	(727505)
136	12/22/2008	(727506)
137	08/24/2009	(736012)
138	06/02/2009	(736016)
139	08/03/2009	(740404)
140	07/31/2009	(740738)
141	04/23/2009	(741123)
142	05/15/2009	(741241)
143	06/10/2009	(742136)
144	06/23/2009	(742169)
145	06/10/2009	(742175)
146	08/10/2009	(749534)
147	02/23/2009	(750297)
148	01/23/2009	(750298)
149	06/22/2009	(759511)
150	07/01/2010	(761098)
151	08/25/2009	(763661)
152	08/25/2009	(766077)
153	12/10/2009	(767305)
154	10/16/2009	(767313)
155	10/16/2009	(767325)
156	03/18/2009	(768386)
157	04/22/2009	(768387)
158	04/22/2009	(768388)
159	10/21/2009	(776040)
160	10/09/2009	(776883)
161	11/13/2009	(778579)
162	10/22/2009	(778685)
163	10/14/2009	(779059)
164	11/06/2009	(780762)
165	11/24/2009	(781079)
166	11/12/2009	(781105)
167	12/14/2009	(781122)

168	02/05/2010	(781123)
169	01/27/2010	(782607)
170	01/04/2010	(785258)
171	02/19/2010	(792110)
172	04/13/2010	(792897)
173	03/05/2010	(793593)
174	04/08/2010	(795034)
175	04/07/2010	(795535)
176	04/06/2010	(797359)
177	04/07/2010	(797735)
178	09/03/2010	(797744)
179	05/20/2010	(802930)
180	08/17/2010	(803068)
181	08/31/2010	(803127)
182	06/11/2010	(803787)
183	05/27/2010	(803834)
184	02/22/2010	(804723)
185	05/26/2009	(804724)
186	06/29/2009	(804725)
187	08/28/2009	(804726)
188	09/22/2009	(804727)
189	10/26/2009	(804728)
190	11/23/2009	(804729)
191	12/23/2009	(804730)
192	01/22/2010	(804731)
193	06/15/2010	(824476)
194	07/07/2010	(824482)
195	06/30/2010	(824483)
196	09/03/2010	(824644)
197	09/07/2010	(826777)
198	09/16/2010	(826914)
199	03/18/2010	(830910)
200	04/18/2010	(830911)
201	05/17/2010	(830912)
202	02/22/2011	(843680)
203	09/16/2010	(843930)
204	06/16/2010	(846278)
205	08/18/2010	(849044)
206	12/22/2010	(858196)
207	07/16/2010	(860872)
208	10/19/2010	(865176)
209	08/18/2010	(866839)
210	10/29/2010	(872293)
211	09/16/2010	(873910)
212	03/10/2011	(877865)
213	12/01/2010	(878349)
214	10/19/2010	(881511)
215	02/18/2011	(887466)

216 11/19/2010 (888038)
 217 12/16/2010 (896251)
 218 04/15/2011 (899961)
 219 01/18/2011 (902314)
 220 02/16/2011 (909094)
 221 03/16/2011 (916352)

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

Date: 07/26/2006 (486614)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 No. 8838 PERMIT
 Description: Failure to prevent an operator error resulting in power loss at HT2 process unit.
 Date: 08/14/2006 (464411) CN600131395
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Operating Permit No. O-02232 OP
 TCEQ Air Permit No. 48921 SC 6E PA
 Description: Failure to plug an open-ended line.
 Date: 08/16/2006 (462093)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 Description: The 2005 deviation report did not include failure to monitor the Decanter water and the Cooling Tower water.
 Date: 08/30/2006 (489426)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 No. 8838, Special Condition 1 PERMIT
 Description: Failure to prevent unauthorized emissions
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
 Description: Failure to submit a final report of an emissions event no later than two weeks after the end of the event.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
 Description: Failure to include in the final report, the authorized emission limits for the facilities involved in an emissions event.
 Date: 08/31/2006 (449984)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT H 60.84(e)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-01583 OP
 Description: failure to comply with SO2 emission standard of 4 lbs per ton of acid produced 3-hour-roll-over emissions to the atmosphere for one of their sulfuric acid unit as per 40 CFR 60.84(e)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 SC no. 1 of Air Permit No. 751 PA
 Description: failure to comply with CO emissions for the year 2004 as per special condition no. 1 of TCEQ permit no. 751.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(c)
 5C THC Chapter 382, SubChapter D 382.085(b)

O-01583 OP
Description: failure to monitor 12 HON valves between July 28, 2004 through May 31, 2005.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(c)
5C THC Chapter 382, SubChapter D 382.085(b)

O-01583 OP
Description: failure to monitor a newly installed HON pump between July 28, 2004 through May 31, 2005.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
SC No. 8 of TCEQ Air Permit No. 1257A PA
Description: failure to maintain the temperature of wet crude methyl methacrylate to below 90 degrees F, which is transferred to tanks B-3-13 through B-3-17as required by Special Condition no. 8 of TCEQ permit No. 1257A.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01583 OP
SC no. 1 of AIR Permit No. 1257A PA
Description: failure to comply with a VOC emissions limit for the tank B-3-8 as per special condition no. 1 of TCEQ permit 1257A.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)
O-01583 OP
Description: failure to conduct AVO pump inspection for 23 pumps in the B4 unit from May 20, 2004 through August 1, 2004.
Date: 02/08/2007 (512671)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-02236, SC No. 3(A)(iii)(1) OP
Description: Failure to perform quarterly observation of visible emissions from a building emission source, enclosed facility, or other structure containing emission sources.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-02236, SC 13 OP
NSR Permit No. 8838, SC 1 PA
Description: Failure to comply with Carbon Monoxide (CO) emission limit of NSR Permit No. 8838 for the HT-11 thermal incinerator.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-02236, SC 13 OP
NSR Permit No. 8838, SC 1 PA
Description: Failure to comply with NOx emission limits of NSR permit 8838 for the thermal oxidizer.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-02236, SC 13 OP
NSR Permit No. 8838, SC 24 A & B PA
Description: Failure to maintain minimum operating temperature for thermal oxidizer as required by the NSR Permit No. 8838 SC 24 A & B.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-02236, SC 13 OP
 NSR Permit No. 8838, SC 24A PA
 Description: Failure to maintain minimum oxygen level in the HT-3 thermal oxidizer.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 NSR Permit No. 8838, SC 1 PA
 O-02236 SC 13 OP

Description: Failure to meet the minimum net heating value for the flares HT-4 and HT-10.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 NSR Permi No. 8838, SC 4H PA
 O02236 SC No. 13 OP

Description: Failure to repair five leaking fugitive components within 15 days after the leak is discovered.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-02236, SC 13 OP
 NSR Permit No. 8838 SC 4E PA

Description: Failure to plug six open-ended lines in light liquid service.
 Date: 02/28/2007 (540141)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 TCEQ Permit # 1257 A PERMIT

Description: Failed to comply with the permitted emission rate for acetone.
 Date: 03/15/2007 (543775) CN600131395
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 8838/Special Condition 1 PERMIT

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

Description: Failed to submit an initial notification as soon as practicable.
 Date: 06/28/2007 (559790) CN600131395
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: Failed to comply with the emissions events reporting requirements.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Permit No. 8838/Special Condition No. 1 PERMIT

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

Description: Failed to prevent unauthorized emissions
 Date: 08/29/2007 (573797) CN600131395
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)

5C THC Chapter 382, SubChapter A 382.085(b)
 General Terms and Conditions OP
 Description: Failure to submit the semiannual deviation report within 30 days of the end of the deviation reporting period.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(2)
 5C THC Chapter 382, SubChapter A 382.085(b)
 General Terms and Conditions OP
 Description: Failure to submit the permit compliance certification within 30 days of the end of the reporting period.
 Date: 10/31/2007 (689989)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/16/2008 (595596) CN600131395
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 OP O-02235, SC 3A(iii) OP
 Description: Failure to conduct annual observation of visible emissions from buildings, enclosed facilities or other structures.
 Date: 03/04/2008 (615105) CN600131395
 Self Report? NO Classification: Moderate
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT H 60.84(b)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to run Reich test more than three times a day.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 OP O-01583, Special Condition 8 OP
 PA 751, Special Condition 11 PA
 Description: Failure to operate gas analyzer inlet to Day's scrubber.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
 5C THSC Chapter 382 382.085(b)
 OP O-01583, Special Condition 8 OP
 PA 1257A, Special Condition 3 PA
 Description: Failure to maintain flare pilot flame continuously.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(f)
 5C THSC Chapter 382 382.085(b)
 OP O-01583, Special Condition 8 OP
 PA 751, Special Condition 11D PA
 Description: Failure to maintain daily CEMS calibration report.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(a)
 5C THSC Chapter 382 382.085(b)
 OP O 0-1583, Special Condition 8 OP
 PA 1257A, Special Condition 4I PA
 Description: Failure to repair components during unit shutdown.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(1)
 5C THSC Chapter 382 382.085(b)
 OP O-01583, Special Condition 8 OP
 PA 1257A, Special Condition 3 PA

Description: Failure to rest internal floating roof (IFR) on liquid surface.
Date: 03/04/2008 (612397)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
8838/Special Condition 1 PERMIT
Description: Rohm and Haas operators partially closed the air intake valves on the SVG to increase the vacuum at the sample hoods. This allowed water from the SVG seal loops to enter the SVG Fan and shut it down. This resulted in the loss of SVG flow to the Thermal Oxidizer (TO). The compounds from the process were released to the atmosphere.

Date: 06/24/2008 (610604) CN600131395
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
OP O-02236, Special Condition 13 OP
PA 8838 and N61, SC 1 PA
Description: Exceedence of CO hourly maximum emission rates, Unit ID# HT-3.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
OP O-02236, Special Condition 13 OP
PA Permit 8838 and N61, SC 1 PA
Description: Failure to limit NOx hourly maximum emission rates, Unit ID# HT-9, HT-11, HT-30, HT-49.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
OP O-02236, Special Condition 13 OP
P 8838 and N61, SC 25A and 25B PA
Description: Failure to maintain oxygen concentration level to HT-3 thermal oxidizer.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
OP O-02236, Special Condition 13 OP
PA 8838 and N61, SC 16 PA
Description: Failure to maintain the minimum heat input to HT-4 flare.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.213(d)(1)(A)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(f)
5C THSC Chapter 382 382.085(b)
PA Permit 8838 and N61, SC 26 PA
Description: Failure to operate carbon monoxide (CO), and oxygen (O2) CEMS continuously, (EPN# HT-3, HT-46)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.213(c)(1)
5C THSC Chapter 382 382.085(b)
Description: Failure to operate Nitrogen Oxide (NOx) continuous emission monitoring system (CEMS), for (EPN# HT-3, and HT-46).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.789(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)
5C THSC Chapter 382 382.085(b)
OP O-02236, Special Condition 13 OP
PA Permit 8838 and N61, SC 5E PA
Description: Failure to monitor connectors in the HT, and HT-2 units.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter H 115.781(b)

30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
 5C THSC Chapter 382 382.085(b)
 OP O-02236, Special Condition 13 OP
 PA Permit 8838 and N61, SC 5F PA
 Description: Failure to monitor valves in HRVOC service in the HT and HT-2 units.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 OP O-02236 Special Condition 13 OP
 PA Permit 8838 and N61, SC 5E PA
 Description: Failure to seal or equip open-ended lines with a cap, blind flange, plug, or a second valve. Category C 10.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(1)(A)
 30 TAC Chapter 122, SubChapter B 122.145(1)(C)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to submit a deviation report covering January 21, 2007 through July 20, 2007 within 30 days of the end of the reporting period.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(iii)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to fill out appropriate startup, shutdown, and malfunction plan (SSMP) form.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(2)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to submit the PCC within 30 days of the end of the reporting period, Unit #HT.
 Date: 07/30/2008 (686765)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 5C THSC Chapter 382 382.085(b)
 O-02233 General Terms and Conditions OP
 Description: Failure to submit the first semi-annual deviation report within the 30 day time frame.
 Date: 07/31/2008 (710765)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 11/30/2008 (727506)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 12/17/2008 (709548)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THSC Chapter 382 382.085(b)
 8838 PERMIT
 Description: Failure to operate the flare without a flame.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Terms and Conditions PERMIT
 Description: Failure to prevent unauthorized emissions.

Date: 12/31/2008 (750298)
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: 02/04/2009 (703319)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
O-02235 New Source Review Requirements OP
Permit 17392 Special Condition 8E PA
Description: Failure to maintain a cap, blind flange, or plug on open ended lines or valves containing
volatile organic compounds.
Date: 02/10/2009 (703308) CN600131395
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 15 OP
Special Condition 5 PA
Description: Failure to maintain flare pilot flame, Unit ID# Flare-ACET-7.
Date: 04/30/2009 (804724)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
Date: 06/23/2009 (742169)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Description: Rohm & Haas failed to prevent unauthorized emissions.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Description: Rohm & Haas failed to keep the flare lit when emissions were being routed to it.
Date: 07/15/2009 (721216)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.300
30 TAC Chapter 117, SubChapter B 117.340(c)(1)(G)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1A PERMIT
Description: Failure to maintain operation of the NOx CEMS on HT -11, 46, & 3 (CATEGORY C4)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 25B PERMIT
ST&C 13 OP
Description: Failure to maintain the minimum operating temperature of the HT Thermal Oxidizers for
UNIT IDs HT-30, 11, and 46 (CATEGORY C4)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
SC 16 PERMIT
ST&C 13 OP
ST&C 1A PERMIT
Description: Failure to maintain flare HT-4 operating at 200 Btu/scf standard requirement

(CATEGORY C4)

Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 9 PERMIT
ST&C 13 OP

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(1)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to conduct monthly monitoring on HT-2 agitator in March 2008 (CATEGORY C 1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 25A PERMIT
ST&C 13 OP

Description: Failure to maintain the minimum operating temperature of the HT Thermal Oxidizers for UNIT ID HT-3 (CATEGORY C4)

Self Report? NO Classification: Moderate

Citation: 5C THSC Chapter 382 382.016(b)
5C THSC Chapter 382 382.085(b)

Description: Failure to provide records requested to determine compliance with 30 TAC 117.340, 117.345(f), and 117.345(d)(3) by the specified deadline (CATEGORY B3)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.300
30 TAC Chapter 117, SubChapter B 117.340(e)
30 TAC Chapter 117, SubChapter G 117.8120(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1A PERMIT

Description: Failure to maintain continuous operations of CO CEMS for HT-11, 30, & 46 (CATEGORY C4)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
GT&C PERMIT

Description: Failure to submit complete and accurate annual certification report within 30 days after the end of the reporting period. (CATEGORY C3)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 1 PERMIT
ST&C 13 PERMIT

Description: Failure to maintain NOx hourly limits on UNIT ID Nos. HT-49 and 46 (CATEGORY C4)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

SC 1 PERMIT
 ST&C 13 PERMIT
 Description: Failure to maintain the CO hourly limits on HT- 32 & 49 (CATEGORY C4)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 GT&C PERMIT
 Description: Failure to include all instances of deviations in the semi-annual deviation reports
 (CATEGORY B3 violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(B)
 5C THSC Chapter 382 382.085(b)
 GT&C PERMIT
 Description: Failure to submit the initial and revised deviation reports that covered a complete 6
 month-period (CATEGORY B3)
 Date: 07/22/2009 (721215)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter C 115.246(6)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to record daily visual inspections for plant gas Stage II vapor recovery system
 (CATEGORY C3 violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A OP
 Description: Failure to record daily flare monitoring results for the BMA-17 Flare (CATEGORY C3
 violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 1 PERMIT
 ST&C 8 OP
 Description: Failure to control emissions from BMA-1 and BMA-16 tanks (CATEGORY B14 violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)(I)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to maintain the operations of the plant gas tank Stage II vapor recovery system
 (CATEGORY C4 violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)(F)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to maintain operation of the automatic shutoff of the plant gas tank vapor
 recovery system (CATEGORY C4 violation)
 Date: 07/28/2009 (703304) CN600131395
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 OP O-01583, Special Term & Condition 8 OP
 Permit 1257A, Special Condition 5(E) PERMIT
 Description: Failure to seal 33 open-ended lines that were documented on the compliance period of
 May 21, 2007 through May 20, 2008.
 Self Report? NO Classification: Minor
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7
 5C THSC Chapter 382 382.085(b)
 OP O-01583 Special Terms & Condition 5 OP
 Description: Failure to submit a semi-annually report for excess of SO2 emissions to the
 administrator on time.

Date: 08/10/2009 (749534)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
TWC Chapter 26 26.121

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

Self Report? NO Classification: Moderate

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

Description: Failure to maintain compliance with the permit limits for total copper and pH.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(e)
Other Requirements, P. 13, No. 2 PERMIT

Description: Failure to accurately report the analytical results on the discharge monitoring reports (DMR).

Date: 12/11/2009 (767305) CN600131395

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Conditon 6 PERMIT
Special Term and Condition 8 OP

Description: Failure to maintain maintain SO2 emissions of the caustic scrubber system for units HR-I, HR-II, and HR-III below the permitted limit. (Category B19(g)(1) violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 3 PERMIT
Special Condition 4 PERMIT
Special Condition 5E PERMIT
Special Term and Condition 1A OP
Special Term Condition 8 OP

Description: Failure to maintain a cap, blind flange, plug or second valve on nine (9) open ended lines. (Category C10 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(1)
5C THSC Chapter 382 382.085(b)
Special Conditon 4 PERMIT
Special Term and Condition 1A OP

Description: Failure to collect quarterly cooling tower water samples. (Category C1 violation)

Date: 12/14/2009 (781122) CN600131395

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition (SC) #5 PERMIT
Special Term and Condition (ST&C) #8 OP

Description: Failure to maintain the liquid temperature of tank #91329 (EPN PN-MMA-9) below 65 degrees from August 22, 2008 to September 6, 2008. (Category B19g(1))

Date: 01/06/2010 (785258) CN600131395

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during an emissions event. Specifically, the RE released 823.30 lbs of NOx. Rohm and Haas failed to provide sufficient

information on the cause of the tube failure in the interstage section of the 2-stage Oxidation reactor.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085(b)
Description: Failed to submit Initial Notification within 24 hours of discovery of the emissions event.

Date: 01/28/2010 (782607) CN600131395

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Description: Failure to prevent unauthorized emissions. Specifically, Rohm & Haas failed to prevent a line from rupturing in the unit.

Date: 01/31/2010 (804723)

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: 02/05/2010 (781123)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 13 OP
SC 25B PERMIT
Description: Failure to operate thermal oxidizers at required temperature (B18).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
SC 1A OP

Description: Failure to operate flares with net heating values at or above 200 Btu/scf (B18).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)
5C THSC Chapter 382 382.085(b)
SC 1A OP

Description: Failure to conduct annual inspection on a storage tank (C1).

Date: 03/31/2010 (830911)

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: 04/06/2010 (797359) CN600131395

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Speical Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions during an emissions event. Specifically, the RE released 196.7 lbs of anhydrous ammonia. Rohm and Haas failed to provide sufficient information on the cause of the failure of the steam pressure transmitter.

Date: 04/08/2010 (797735) CN600131395

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during an emissions event. Rohm and Haas failed to provide sufficient information on the cause for the failure of the switching input circuitry.

Date: 07/31/2010 (866839)

Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter
Date: 08/17/2010 (803068)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
Special Condition 6E PA
Special Terms & Conditions 1A & 15 OP
Description: Failure to seal two open-ended valves or lines at the Acetylene Unit with a cap, blind flange, plug, or a second valve. (Category C10)
Date: 12/22/2010 (858196) CN600131395
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP STC 11 OP
FOP STC 1A OP
NSR SC 5 PERMIT
Description: Failure to maintain the bulk liquid temperature of the VOC in Tank No. 96674 (EPN: PN-MMA-2) at or below 65 degrees Fahrenheit on August 7, 2009 through August 27, 2009; Tank Nos. 91325 (EPN:BMA-1) and 91326 (EPN: BMA-2) on September 27, 2009; November 25, 2009; January 19, 2010; February 13, 2010; and May 12, 2010. (Category B19g1 violation)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
FOP SCT 1A OP
FOP STC 11 OP
NSR SC 7E PERMIT
Description: Failure to seal two open-ended valves while in VOC service on December 9, 2009 and May 12, 2010 on Unit ID: MMA-PRO. (Category C10 violation)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP STC 1A OP
NSR SC 3 PERMIT
Description: Failure to maintain the run down rate as specified in Table 2 for Unit ID: MMA-PRO during the period of July 15, 2008 through February 14, 2010. (Category C4 violation)
Date: 12/31/2010 (902314)
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: 03/11/2011 (877865) CN600131395
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 15 PERMIT
Description: Failure to comply with flare net heating value (NHV) requirements. (Category C4)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 10 (C)(2) PERMIT
Special Term and Condition 13 OP
Description: Failure to perform the required daily spans and zero calibrations for the CO and NOx CEMs for the HT-1 Thermal Oxidizer (EPN HT-3) and for the C-Train Flare (EPN HT-10). (Category C1)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 5H PERMIT
Special Term and Condition 13 OP
Description: Failure to repair a fugitive component (Tag No. P111) within 15 days. (Category C4)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.340(c)(1)(G)
5C THSC Chapter 382 382.085(b)
Description: Failure to prevent the NOx CEMs downtime for EPN HT-11 to exceed 5 percent of the operating time. (Category C1 violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to report all deviations. (C4 violation)

F. Environmental audits.

Notice of Intent Date: 10/02/2007 (599285)
Disclosure Date: 12/12/2007

Viol. Classification: Minor
Citation: 40 CFR Chapter 263, SubChapter I, PT 263, SubPT C 264.15
Rqmt Prov: PERMIT 50102, Section V.I.7.e

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

Viol. Classification: Minor
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT B 265.15

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

Viol. Classification: Minor
Citation: 4C THSC Chapter 262, SubChapter A 262.001
Description: Failure to properly maintain waste manifest required information.

Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.112

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

Notice of Intent Date: 03/13/2008 (640851)
No DOV Associated

Notice of Intent Date: 02/09/2009 (740157)
No DOV Associated

Notice of Intent Date: 04/23/2009 (746495)
No DOV Associated

Notice of Intent Date: 08/04/2009 (765566)
No DOV Associated

Notice of Intent Date: 09/17/2009 (778256)
No DOV Associated

Notice of Intent Date: 10/14/2009 (782823)
No DOV Associated

Notice of Intent Date: 01/19/2010 (792301)
No DOV Associated

Notice of Intent Date: 02/02/2010 (796606)
No DOV Associated

Notice of Intent Date: 02/02/2010 (796609)
No DOV Associated

Notice of Intent Date: 03/15/2010 (798933)
No DOV Associated

Notice of Intent Date: 04/21/2010 (826776)
No DOV Associated

Notice of Intent Date: 04/23/2010 (826783)

No DOV Associated
Notice of Intent Date: 06/15/2010 (829196)
No DOV Associated
Notice of Intent Date: 06/18/2010 (829217)
No DOV Associated
Notice of Intent Date: 07/29/2010 (826782)
No DOV Associated
Notice of Intent Date: 08/13/2010 (860346)
No DOV Associated
Notice of Intent Date: 08/17/2010 (860060)
No DOV Associated
Notice of Intent Date: 08/18/2010 (860069)
No DOV Associated
Notice of Intent Date: 09/27/2010 (870802)
No DOV Associated
Notice of Intent Date: 01/24/2011 (901279)
No DOV Associated
Notice of Intent Date: 01/27/2011 (901282)
No DOV Associated
Notice of Intent Date: 02/08/2011 (901290)
No DOV Associated
Notice of Intent Date: 04/11/2011 (914791)
No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Addendum to Compliance History Federal Enforcement Actions

CUSTOMER (Defendant):	ROHM AND HAAS TEXAS INCORPORATED	CUSTOMER NO.:	CN600131395
REGULATED ENTITY:	ROHM & HAAS TEXAS INCORPORATED	REG. ENTITY NO.:	RN100223205
REG. ENTITY ADDRESS:	1900 TIDAL RD.		
REG. ENTITY CITY:	DEER PARK		

Violations

EPA CASE NO: 06-1999-0944 ORDER ISSUED DATE (YYYYMMDD): 20060810 ENFORCEMENT ACTION TYPE: Consent Decree/Court Order CASE RESULT: Final Order With Penalty	CLASSIFICATION: MODERATE STATUTE: CAA SECT. OF STATUTE: CITATION: 40 CFR CITE PART: CITE SECT: PROGRAM: NESHAPS VIOLATION TYPE: Failure to conduct weekly inspections
EPA CASE NO: 06-1999-0944 ORDER ISSUED DATE (YYYYMMDD): 20060810 ENFORCEMENT ACTION TYPE: Consent Decree/Court Order CASE RESULT: Final Order With Penalty	CLASSIFICATION: MINOR STATUTE: CAA SECT. OF STATUTE: CITATION: CITE PART: CITE SECT: PROGRAM: VIOLATION TYPE: Failure to record meter readings
EPA CASE NO: 06-1999-0944 ORDER ISSUED DATE (YYYYMMDD): 20060810 ENFORCEMENT ACTION TYPE: Consent Decree/Court Order CASE RESULT: Final Order With Penalty	CLASSIFICATION: MODERATE STATUTE: RCRA SECT. OF STATUTE: 3002 CITATION: 40 CFR CITE PART: CITE SECT: PROGRAM: Solid Waste Management - Sub C VIOLATION TYPE: Cracks in secondary containment
EPA CASE NO: 06-1999-0944 ORDER ISSUED DATE (YYYYMMDD): 20060810 ENFORCEMENT ACTION TYPE: Consent Decree/Court Order CASE RESULT: Final Order With Penalty	CLASSIFICATION: MODERATE STATUTE: RCRA SECT. OF STATUTE: CITATION: CITE PART: CITE SECT: PROGRAM: VIOLATION TYPE: Open waste containers/No accum. date
EPA CASE NO: 06-1999-0944 ORDER ISSUED DATE (YYYYMMDD): 20060810 ENFORCEMENT ACTION TYPE: Consent Decree/Court Order CASE RESULT: Final Order With Penalty	CLASSIFICATION: MODERATE STATUTE: RCRA SECT. OF STATUTE: CITATION: CITE PART: CITE SECT: PROGRAM: VIOLATION TYPE: Failure to implement schedule for insp.
EPA CASE NO: 06-1999-0944 ORDER ISSUED DATE (YYYYMMDD): 20060810 ENFORCEMENT ACTION TYPE: Consent Decree/Court Order CASE RESULT: Final Order With Penalty	CLASSIFICATION: MODERATE STATUTE: CWA SECT. OF STATUTE: 301 CITATION: CITE PART: CITE SECT: PROGRAM: NPDES - Other Unpermitted Discharge VIOLATION TYPE: Effluent Limit Viol./not otherwise spec.
EPA CASE NO: 06-1999-0944 ORDER ISSUED DATE (YYYYMMDD): 20060810 ENFORCEMENT ACTION TYPE: Consent Decree/Court Order CASE RESULT: Final Order With Penalty	CLASSIFICATION: MINOR STATUTE: CAA SECT. OF STATUTE: CITATION: CITE PART: CITE SECT: PROGRAM: VIOLATION TYPE: Failure to calibrate detection equipment

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2011-0510-AIR-E**

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

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

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

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

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During a record review on February 7 through 11, 2011, TCEQ staff documented that the Respondent failed to operate thermal oxidizers Emission Point Nos. ("EPN") HT-3, HT-11, HT-30, and HT-46 at the required minimum temperatures [in degrees Fahrenheit ("°F")] for a total of 156 hours as follows:

Thermal Oxidizer	EPN	Begin Date	Total Hours	Actual Temperature (°F)	Minimum Permit Limit (°F)
A/B Train (HT-1)	HT-3	December 3, 2009	6	145-694	762
		December 30, 2009	17	41-47	762
		February 19, 2010	6	726-757	762
		April 11, 2010	1	823	829
		June 30, 2010	1	766	767
C-Train	HT-11	December 3, 2009	1	1157	1551
		December 25, 2009	2	1556-1557	1570
		March 5, 2010	1	1540	1560
		May 14, 2010	1	1519	1560
D-Train	HT-30	July 19, 2009	1	1622	1627
		August 4, 2009	5	1027-1575	1592 to 1652
		August 7, 2009	2	1479-1646	1650 to 1651
		August 16, 2009	2	1605-1633	1609 to 1637
		September 1, 2009	2	1595-1620	1596-1622
		October 11, 2009	49	252-1319	1375
		October 16, 2009	8	455-1342	1375
		October 29, 2009	1	1651	1652
		November 1, 2009	1	1650	1651
		November 4, 2009	1	1648	1651
		November 6, 2009	1	1650	1651
		November 16, 2009	1	1650	1651
		November 17, 2009	1	1650	1651
		November 18, 2009	1	1650	1651
		November 19, 2009	1	1651	1652
		November 25, 2009	2	1650	1651
		November 30, 2009	1	1616	1652
		December 3, 2009	1	1650	1652
		December 5, 2009	3	1553-1581	1561-1583
		December 6, 2009	4	1557-1561	1561-1562
		December 8, 2009	3	1563-1584	1564-1585
		December 9, 2009	1	1611	1615
		December 19, 2009	2	1559-1603	1561-1604
January 9, 2010	2	1189-1605	1375-1606		
February 15, 2010	1	1554	1558		
March 5, 2010	2	1623-1633	1624-1635		

Thermal Oxidizer	EPN	Begin Date	Total Hours	Actual Temperature (°F)	Minimum Permit Limit (°F)
D-Train	HT-30	March 15, 2010	1	1560	1570
		May 21, 2010	1	1628	1632
		July 7, 2010	1	1611	1613
E-Train	HT-46	July 17, 2009	1	1535	1544
		July 18, 2009	1	1541	1544
		January 8, 2010	1	1542	1544
		January 9, 2010	1	1542	1544
		May 20, 2010	14	1084-1206	1527-1586

4. During a record review on March 8 through 16, 2011, TCEQ staff documented that the Respondent failed to submit the permit compliance certification for Federal Operating Permit ("FOP") No. O-01583 for the period of May 21, 2009 through April 30, 2010 no later than 30 days after the end of the certification period.
5. During a record review on March 8 through 16, 2011, TCEQ staff documented that the Respondent failed to include a signed certification of accuracy and completeness with the deviation report dated May 28, 2010 for the reporting period of November 1, 2009 through April 30, 2010.
6. The Respondent received notices of the violations on March 16 and April 19, 2011.
7. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. By December 31, 2009, upgraded the thermocouples to improve their reliability and added a feed forward to the incinerator temperature control to add extra fuel to the thermal oxidizers before the firebox temperature drops;
 - b. On March 15, 2011, submitted the permit compliance certification for the period of May 21, 2009 through April 30, 2010 and the signed certification of accuracy and completeness with the revised deviation report for the reporting period of November 1, 2009 through April 30, 2010; and
 - c. By April 1, 2011, added an 18°F buffer to the thermal oxidizers temperature set point curves by modifying the equation programmed into the computer control system.

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 operate thermal oxidizers EPN HT-3, HT-11, HT-30, and HT-46 at the required minimum temperatures for a total of 156 hours, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); New Source Review Permit Nos. 8838 and N61, Special Conditions Nos. 10.B.(1) and 10.C.(1); Federal Operating Permit No. O-02236, Special Terms and Conditions No. 13; and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Findings of Fact No. 4, the Respondent failed to submit the permit compliance certification for FOP No. O-01583 for the period of May 21, 2009 through April 30, 2010 no later than 30 days after the end of the certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2); FOP No. O-01583, General Terms and Conditions ("GTC"); and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Findings of Fact No. 5, the Respondent failed to include a signed certification of accuracy and completeness with the deviation report dated May 28, 2010 for the reporting period of November 1, 2009 through April 30, 2010, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4), 122.143(15), and 122.165(a)(7); FOP No. O-01583, GTC; and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. 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.
6. An administrative penalty in the amount of One Hundred Twenty-Four Thousand Four Hundred Five Dollars (\$124,405) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Sixty-Two Thousand Two Hundred Three Dollars (\$62,203) of the administrative penalty. Sixty-Two Thousand Two Hundred Two Dollars (\$62,202) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project.

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 One Hundred Twenty-Four Thousand Four Hundred Five Dollars (\$124,405) as set forth in Section II,

Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Rohm and Haas Texas Incorporated, Docket No. 2011-0510-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 Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 6 above, Sixty-Two Thousand Two Hundred Two Dollars (\$62,202) 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

9/20/11
Date

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

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

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

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

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


Signature

7/13/11
Date

Harry Engelhardt, Jr.
Name (Printed or typed)
Authorized Representative of
Rohm and Haas Texas Incorporated

Site Leader
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: 2011-0510-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Rohm and Haas Texas Incorporated
Payable Penalty Amount:	One Hundred Twenty-Four Thousand Four Hundred Five Dollars (\$124,405)
SEP Amount:	Sixty-Two Thousand Two Hundred Two Dollars (\$62,202)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program
Location of SEP:	Texas Air Quality Control Region 216 – Houston-Galveston

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

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Houston-Galveston AERCO** for the **Clean Cities/Clean Vehicles Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration’s (“FHWA”) Congestion Mitigation/Air Quality Funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the EPA. SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter traps, diesel particulate matter filters, Nitrogen

Rohm and Haas Texas Incorporated
Agreed Order - Attachment A

oxides reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by EPA or the California Air Resources Board.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions of buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

C. Minimum Expenditure

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

2. Performance Schedule

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

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

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

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

Rohm and Haas Texas Incorporated
Agreed Order - Attachment A

4. Failure to Fully Perform

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

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

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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