

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2010-1079-AIR-E **TCEQ ID:** RN102736089 **CASE NO.:** 39965  
**RESPONDENT NAME:** Lucite International, Inc.

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> <b>1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING</b>
<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> <b>AIR</b>	<input type="checkbox"/> <b>MULTI-MEDIA (check all that apply)</b>	<input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>
<input type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>	<input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>
<input type="checkbox"/> <b>WATER QUALITY</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>
<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>	<input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Lucite Beaumont Site, 6350 North Twin City Highway, Nederland, Jefferson County</p> <p><b>TYPE OF OPERATION:</b> Industrial organic chemical plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on December 27, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Raymond Marlow, P.G., Enforcement Division, Enforcement Team 5, MC R-10, (409) 899-8785; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Marney Gillmore, Site Manager/Director, Lucite International, Inc., 6350 North Twin City Highway, Nederland, Texas 77627  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> May 3, 2010</p> <p><b>Date of NOV/NOE Relating to this Case:</b> June 24, 2010 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>Failed to maintain emission rates below the allowable emission limits for tanks MMA/MDTK, MMA/AIMTK, MMA/CMTK and SAR/SART and properly operate a vapor recovery system on Tank MMA/MDTK. Specifically, tank MMA/MDTK vented an average of 0.04 pounds per hour ("lbs/hr") of volatile organic compounds ("VOC") to the atmosphere from January 25, 2009 through June 25, 2009; tank MMA/AIMTK vented an average of 0.70 lbs/hr of VOC to the atmosphere from January 25, 2009 through June 9, 2009; tank MMA/CMTK vented an average of 0.07 lbs/hr of VOC to the atmosphere from January 25, 2009 through May 4, 2009; tank SAR/SART vented an average of 0.002 lbs/hr of VOC to the atmosphere from January 25, 2009 through July 26, 2009. Therefore, the total emissions for all tanks were 2,588 pounds ("lbs") of VOC and this exceeded the annual permitted VOC limit for the tanks [30 TEX. ADMIN. CODE §§ 101.20(3), 115.112(a)(1), 116.115(b)(2)(F), (b)(2)(G) and (c), and 112.143(4), Federal Operating Permit No. O-001437, General Terms and Conditions, and Special Condition ("SC") 11, Air Permit No. 19003, General Condition 8 and SC 3, Air Permit 19005/PSD-TX-753, SC 1 and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$14,550</p> <p><b>Total Deferred:</b> \$2,910  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$11,640</p> <p><b>Compliance History Classifications:</b>                      Person/CN - Average                      Site/RN - Average</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that by July 16, 2010, the Respondent had trained all operators and the Process Manager assigned to the Methyl Methacrylate Unit. The training targeted existing procedures that emphasize control devices and the need for an operating control device when tanks requiring a control device are in service.</p>

Additional ID No(s): Air Account JE0425E



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	24-Jun-2010	<b>Screening</b>	1-Jul-2010	<b>EPA Due</b>	21-Mar-2010
	<b>PCW</b>	4-Oct-2010				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Lucite International, Inc.
<b>Reg. Ent. Ref. No.</b>	RN102736089
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	39965	<b>No. of Violations</b>	1
<b>Docket No.</b>	2010-1079-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Raymond Marlow, P.G.
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$5,000
---	-------------------	---------

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

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

<b>Compliance History</b>	216.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$10,800
---------------------------	--------------------	--------------------------------	----------

Notes: Enhancement for eight NOVs with similar violations, eight NOVs with dissimilar violations, and eight orders with denials.

<b>Culpability</b>	No 0.0% Enhancement	<b>Subtotal 4</b>	\$0
--------------------	---------------------	-------------------	-----

Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$1,250
--	-------------------	---------

<b>Economic Benefit</b>	0.0% Enhancement	<b>Subtotal 6</b>	\$0
-------------------------	------------------	-------------------	-----

Total EB Amounts \$37  
Approx. Cost of Compliance \$500  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$14,550
-----------------------------	-----------------------	----------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
---	------	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$14,550
-----------------------------	----------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$14,550
-----------------------------------	-------------------------------	----------

<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$2,910
-----------------	-----------------	-------------------	----------

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

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$11,640
------------------------	----------

Screening Date 1-Jul-2010

Docket No. 2010-1079-AIR-E

PCW

Respondent Lucite International, Inc.

Policy Revision 2 (September 2002)

Case ID No. 39965

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102736089

Media [Statute] Air

Enf. Coordinator Raymond Marlow, P.G.

### 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 (number of NOVs meeting criteria)	8	40%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	8	160%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an Intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 216%

>> 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 eight NOVs with similar violations, eight NOVs with dissimilar violations, and eight orders with denials.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 216%

Screening Date 1-Jul-2010

Docket No. 2010-1079-AIR-E

PCW

Respondent Lucite International, Inc.

Policy Revision 2 (September 2002)

Case ID No. 39965

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN102736089

Media [Statute] Air

Enf. Coordinator Raymond Marlow, P.G.

Violation Number

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3); 115.112(a)(1), 116.115(h)(2)(F), (b)(2)(G) and (c); and 112.143(4), Federal Operating Permit No. O-001437, General Terms and Conditions, and Special Condition ("SC") 11, Air Permit No. 19003, General Condition 8 and SC 3, Air Permit 19005/PSD-TX-753, SC 1 and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain emission rates below the allowable emission limits for tanks MMA/MDTK, MMA/AIMTK, MMA/CMTK and SAR/SART and to properly operate a vapor recovery system on tank MMA/MDTK. Specifically, tank MMA/MDTK vented an average of 0.04 pounds per hour ("lbs/hr") of volatile organic compounds ("VOC") to the atmosphere from January 25, 2009 through June 25, 2009; tank MMA/AIMTK vented an average of 0.70 lbs/hr of VOC to the atmosphere from January 25, 2009 through June 9, 2009; tank MMA/CMTK vented an average of 0.07 lbs/hr of VOC to the atmosphere from January 25, 2009 through May 4, 2009; tank SAR/SART vented an average of 0.002 lbs/hr of VOC to the atmosphere from January 25, 2009 through July 26, 2009. Therefore, the total emissions for all tanks were 2,588 pounds ("lbs") of VOC and this exceeded the annual permitted VOC limit for the tanks.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	25%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2 Number of violation days 182

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

Violation Base Penalty \$5,000

Two quarterly events are recommended based on the first and last dates of the violation (January 25, 2009 through July 26, 2009).

Good Faith Efforts to Comply

25.0% Reduction

\$1,250

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

Notes The Respondent achieved compliance on July 16, 2010, prior to the July 19, 2010 NOE.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$37

Violation Final Penalty Total \$14,550

This violation Final Assessed Penalty (adjusted for limits) \$14,550

# Economic Benefit Worksheet

**Respondent:** Lucite International, Inc.

**Case ID No.:** 39965

**Reg. Ent. Reference No.:** RN102736089

**Media:** Air

**Violation No.:** 1

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling	\$500	25-Jan-2009	16-Jul-2010	1.47	\$37	\$37
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to train all operators and the Process Manager assigned to the Methyl Methacrylate Unit. The training targeted existing procedures that emphasize control devices and the need of an operating control device when tanks requiring a control device are in service. The date required is the earliest date of noncompliance and the final date is the date 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

<b>Approx. Cost of Compliance</b>	\$500	6	<b>TOTAL</b>	537	\$37
-----------------------------------	-------	---	--------------	-----	------

# Compliance History Report

Customer/Respondent/Owner-Operator: CN601448764 Lucite International, Inc. Classification: AVERAGE Rating: 8.17  
Regulated Entity: RN102736089 LUCITE BEAUMONT SITE Classification: AVERAGE Site Rating: 10.84

ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD988088761
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	81282
	AIR NEW SOURCE PERMITS	REGISTRATION	92740
	AIR NEW SOURCE PERMITS	REGISTRATION	92505
	AIR NEW SOURCE PERMITS	PERMIT	19005
	AIR NEW SOURCE PERMITS	PERMIT	19004
	AIR NEW SOURCE PERMITS	PERMIT	19003
	AIR NEW SOURCE PERMITS	REGISTRATION	29568
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JE0425E
	AIR NEW SOURCE PERMITS	REGISTRATION	53554
	AIR NEW SOURCE PERMITS	AFS NUM	4824500136
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX753
	AIR NEW SOURCE PERMITS	PERMIT	1743
	AIR NEW SOURCE PERMITS	PERMIT	2796A
	AIR NEW SOURCE PERMITS	PERMIT	318
	AIR NEW SOURCE PERMITS	REGISTRATION	79737
	AIR NEW SOURCE PERMITS	REGISTRATION	80291
	AIR NEW SOURCE PERMITS	REGISTRATION	81499
	AIR NEW SOURCE PERMITS	REGISTRATION	81877
	AIR NEW SOURCE PERMITS	REGISTRATION	89987
	AIR NEW SOURCE PERMITS	REGISTRATION	90567
	AIR OPERATING PERMITS	PERMIT	1437
	AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0425E
	AIR OPERATING PERMITS	PERMIT	1959
	AIR OPERATING PERMITS	PERMIT	1960
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230066
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW100
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW101
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW389
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW390
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	JE0425E

Location: 6350 N TWIN CITY HWY, NEDERLAND, TX, 77627

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: July 01, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 24, 2005 to June 24, 2010

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

Name: Raymond Marlow, P.G. Phone: 409-899-8785

**Site Compliance History Components**

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

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

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

**Effective Date: 12/15/2005 ADMINORDER 2005-0310-AIR-E**

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

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

Description: Failed to properly notify the regional office of a reportable emissions event within 24 hours from the discovery of the event which occurred on September 12, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: 19003, Special Condition 1 PERMIT

Description: Failed to maintain an emission rate below the allowable emission limit at EPN 357 during an emissions event which occurred on September 12, 2004 and lasted 9 hours and 51 minutes.

**Effective Date: 06/29/2007 ADMINORDER 2006-2104-AIR-E**

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(A)

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

Description: Failure to report the initial report as soon as practical, but not later than 24 hours after the discovery of an emissions event (Incidents #74015, 74928 and #75556).

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

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

Rqmt Prov: FOP O-01437, Special Condition 12 PERMIT

NSR - 19003 PERMIT

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

**Effective Date: 01/12/2008 ADMINORDER 2007-0750-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: 19005/PSD-TX-753, SC 1 PERMIT  
O-01437, GENERAL CONDITIONS OP  
O-01437, SPECIAL CONDITION 12 OP  
O-01437, SPECIAL CONDITION 2(I) OP

Description: Failure to maintain an emission rate below the allowable limit for Sulfur dioxide (SO<sub>2</sub>) at the Spent Acid Regeneration Unit Main Stack, EPN SAR-SARSTK, from October 26, 2006 through October 27, 2006.

**Effective Date: 03/12/2009** **ADMINORDER 2008-0822-AIR-E**

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: NSR No. 19003, Special Condition 3 PERMIT

Description: Failed to maintain an emission rate below the allowable emission limits. Specifically, the foam box sealing membrane in the MMA tank ruptured, resulting in the release of 8,889.38 pounds of MMA over an estimated period of 98 days. Since the emission event was avoidable, the demonstrations for affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.

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: FOP O-01437, Special Condition 12 OP  
NSR Permit 19003, Special Condition 4 PERMIT

Description: Failed to monitor the Acetone Cyanohydrin Cooling Tower on a monthly basis for volatile organic compounds ("VOCs"). Specifically, the Respondent failed to monitor the Acetone Cyanohydrin Cooling Tower from April 30, 2006 through July 24, 2007.

**Effective Date: 03/23/2009** **ADMINORDER 2008-1293-AIR-E**

Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 115, SubChapter B 115.112(a)(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart G 63.120(d)(5)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 19 OP  
FOP O-01960, Special Condition 1A OP  
FOP O-01960, Special Condition 1D OP  
FOP O-01960, Special Condition 4 OP  
NSR Permit 1743, Special Condition 10 PERMIT  
NSR Permit 1743, Special Condition 2 PERMIT

Description: Failure to maintain the water flow to scrubbers ACR/ABS156, ACR/ABS159, ACR/ABS61, and ACR/ABS218. EIC A,8,c,1,B MOD 2,G

Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 16 OP  
FOP O-01960, Special Condition 19 OP  
NSR Permit 1743, Special Condition 1 PERMIT

Description: Failure to maintain emission rates below the allowable emission limits. EIC A,8,c,2,A,ii

**Effective Date: 05/18/2009**

**ADMINORDER 2007-1876-AIR-E**

Classification: Moderate

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

Rqmt Prov: NSR Permit 1743, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 115, SubChapter B 115.112(a)(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart G 63.120(d)(5)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 19 OP  
FOP O-01960, Special Condition 1A OP  
FOP O-01960, Special Condition 1E OP  
FOP O-01960, Special Condition 4 OP  
NSR Permit 1743, Special Condition 10 PERMIT  
NSR Permit 1743, Special Condition 2 PERMIT

Description: Failed to maintain the required water flow to scrubbers ACR/ABS156, ACR/ABS61, ACR/ABS159 and ACR/ABS218.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart G 63.120(d)(5)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 19 OP  
FOP O-01960, Special Condition 1A OP  
FOP O-01960, Special Condition 1E OP  
NSR Permit 1743, Special Condition 12 PERMIT  
NSR Permit 1743, Special Condition 2 PERMIT

Description: Failed to maintain the daily average temperature of incinerator ACR/INC60 above the established minimum limit.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart G 63.120(d)(5)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01960 General Terms and Conditions OP

FOP O-01960, Special Condition 19 OP  
FOP O-01960, Special Condition 1A OP  
FOP O-01960, Special Condition 1E OP  
NSR Permit 1743, Special Condition 12 PERMIT  
NSR Permit 1743, Special Condition 2 PERMIT

Description: Failed to maintain the daily average temperature of vapor combuster ACR/VC51 above the established minimum limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01437 General Terms and Conditions OP  
FOP O-01437, Special Condition 12 OP

NSR Permit 19005/PSD-TX-753, SC 1 PERMIT

Description: Failure to maintain emission rates below the allowable emission limits for SO2.

**Effective Date: 07/20/2009**

**ADMINORDER 2009-0171-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01960 General Terms and Conditions OP  
FOP O-01960 Special Condition 2F OP  
NSR Permit 1743 Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 110434.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01960 General Terms and Conditions OP  
FOP O-01960 Special Condition 2 OP

Description: Failed to identify the compound descriptive type of the individually listed compounds or mixtures of all air contaminants released during Incident No. 110434 which exceeded the reportable quantity ("RQ").

**Effective Date: 10/18/2009**

**ADMINORDER 2009-0522-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01437 General Terms and Conditions OP  
FOP O-01437, Special Condition 11 OP  
NSR Permit 19004, Special Condition 1 PERMIT

Description: Failed to maintain emissions below the allowable emissions limit of 0.70 tons per year ("TPY") of volatile organic compounds ("VOCs") from the Acetone Cyanohydrin Cooling Tower, emission point number ("EPN") ACH-CTW, for calendar year 2007. Specifically, during 2007, emissions were 1.46 TPY of VOCs from EPN ACH-CTW.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01437 General Terms and Conditions OP  
FOP O-01437, Special Condition 11 OP  
NSR Permit 19003 Special Condition 3 PERMIT

Description: Failed to maintain emissions below allowable emissions limit of 0.42 TPY of nitrogen oxides ("NOx") from the Methyl Methacrylate Dock Flare, EPN MMA-DKFL, for calendar year 2007. Specifically, during 2007, emissions were 0.66 TPY of NOx from EPN MMA-DKFL.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01437 General Terms and Conditions OP  
FOP O-01437, Special Condition 11 OP  
NSR Permit 19005 Special Condition 1 PERMIT

Description: Failed to prevent emissions of 0.05 tons of VOCs in 2007 from the Spent Acid Recovery Unit Stack, EPN SAR-SARSTK, which is not authorized to release VOCs.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 115, SubChapter D 115.354(1)(A)  
30 TAC Chapter 115, SubChapter D 115.354(2)(B)  
30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
30 TAC Chapter 115, SubChapter D 115.354(7)(B)  
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 60.482-2(a)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(1)(I)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(3)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)(I)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01437 General Terms and Conditions OP  
FOP O-01437 Special Condition 1A OP  
FOP O-01437, Special Condition 11 OP  
FOP O-01437, Special Condition 8 OP

Description: Failed to monitor 6, 903 components in the Methyl Methacrylate Unit and 1,248 components in the Acetone Cyanohydrin Unit between July 25, 2008 and December 31, 2008.

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	11/10/2005	(435904)
2	12/21/2005	(440007)
3	01/04/2006	(450132)
4	02/21/2006	(454858)
5	02/23/2006	(454749)
6	02/27/2006	(457064)
7	02/28/2006	(457230)
8	02/28/2006	(457248)
9	02/28/2006	(457291)
10	02/28/2006	(457587)
11	04/11/2006	(461173)
12	04/21/2006	(461908)
13	04/26/2006	(460716)
14	05/11/2006	(464040)
15	11/01/2006	(511600)
16	11/27/2006	(465011)
17	12/19/2006	(519732)
18	12/20/2006	(515191)
19	02/02/2007	(644092)
20	03/04/2007	(644203)
21	04/26/2007	(554316)
22	04/27/2007	(542915)
23	07/06/2007	(553815)
24	07/16/2007	(567527)
25	07/23/2007	(566920)
26	07/31/2007	(562729)
27	08/29/2007	(562598)
28	08/30/2007	(571807)
29	09/01/2007	(569972)
30	09/26/2007	(573162)

31	10/04/2007	(571825)
32	11/08/2007	(596423)
33	11/16/2007	(600604)
34	11/28/2007	(597501)
35	11/29/2007	(566137)
36	12/17/2007	(609306)
37	12/17/2007	(609325)
38	01/30/2008	(616247)
39	02/05/2008	(612654)
40	02/13/2008	(618056)
41	02/26/2008	(615126)
42	02/26/2008	(616567)
43	04/23/2008	(638274)
44	04/29/2008	(641775)
45	04/29/2008	(641779)
46	05/16/2008	(641188)
47	05/30/2008	(641709)
48	06/01/2008	(517487)
49	06/03/2008	(681474)
50	06/03/2008	(681490)
51	06/18/2008	(653895)
52	07/18/2008	(684992)
53	07/25/2008	(687655)
54	07/31/2008	(683183)
55	10/13/2008	(703217)
56	10/13/2008	(704748)
57	10/14/2008	(701152)
58	10/14/2008	(701155)
59	12/05/2008	(708549)
60	12/05/2008	(708605)
61	12/05/2008	(708616)
62	12/15/2008	(702442)
63	12/17/2008	(708747)
64	12/17/2008	(708752)
65	12/19/2008	(708717)
66	01/21/2009	(709969)
67	01/27/2009	(720924)
68	01/29/2009	(722241)
69	02/03/2009	(709856)
70	03/24/2009	(737219)
71	03/24/2009	(737307)
72	04/02/2009	(736195)
73	04/08/2009	(740807)
74	04/23/2009	(743049)
75	04/28/2009	(743121)
76	05/05/2009	(742525)
77	05/05/2009	(742530)
78	06/23/2009	(744448)
79	07/07/2009	(760884)
80	07/15/2009	(749165)
81	08/14/2009	(763341)
82	08/14/2009	(763352)
83	08/20/2009	(766630)
84	09/02/2009	(767311)
85	09/02/2009	(767314)
86	09/08/2009	(775047)
87	09/10/2009	(763438)
88	11/11/2009	(778021)
89	11/13/2009	(779887)

90 11/25/2009 (781623)  
 91 12/09/2009 (784938)  
 92 12/21/2009 (783028)  
 93 03/08/2010 (794463)  
 94 04/01/2010 (789872)  
 95 04/12/2010 (794258)  
 96 04/15/2010 (794684)  
 97 04/15/2010 (794967)  
 98 06/11/2010 (802969)  
 99 06/11/2010 (802978)  
 100 06/24/2010 (790962)

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

Date: 02/02/2007 (644092)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(2)  
 Description: BACT - NONACUTE MCL (5% OR >1)

Date: 03/04/2007 (644203)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(1)(A)  
 Description: PUBLIC NOTICE

Date: 08/29/2007 (562598)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 335, SubChapter A 335.13(k)  
 Description: Failure to submit an exception report as required.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter Q 335.474  
 Description: Failure to prepare a five-year pollution prevention plan and update the plan as necessary.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A)  
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT C 265.37  
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.52(d)  
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT D 265.52(e)

Description: Failure to update the facility's contingency plan.

Date: 10/04/2007 (571825)  
 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 THC Chapter 382, SubChapter A 382.085(b)  
 O-01959, Special Condition 1A OP

Description: Failure to maintain or keep accurate records concerning Ammonia Flare observations.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 318, Special Condition 5 PERMIT  
 5C THC Chapter 382, SubChapter A 382.085(b)

O-01959, General Terms and Conditions OP  
 O-01959, Special Condition 8 OP  
 Description: Failure to conduct Audio, Visual, and Olfactory (AVO) checks for NH3 leaks within Lucite's operating area once per 12 hr shift.

Self Report? NO Classification: Moderate  
 Citation: 2796A, Special Condition 8A PERMIT  
 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)  
 O-01959, General Terms and Conditions OP

O-01959, Special Condition 8 OP

**Description:** Failure to prevent Boiler 7 (B7) from exceeding the Nitrogen Oxides (NOx) emissions standard of 30 parts per million (ppm) on a rolling hourly average when firing at a rate of 76.25 Million British Thermal Units (MMBTU/hr).

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

**Citation:** 2796A, Special Condition 8A PERMIT  
 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)  
 O-01959, General Terms and Conditions OP  
 O-01959, Special Condition 8 OP

**Description:** Failure to prevent B7 from exceeding the Carbon Monoxide (CO) emissions standard of 100 ppm on a rolling hourly average when firing at a rate of 76.25 MMBtu/hr.

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

**Citation:** 2796A, Special Condition 1 PERMIT  
 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.49b(w)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 O-01959, General Terms and Conditions OP  
 O-01959, Special Condition 1A OP  
 O-01959, Special Condition 8 OP

**Description:** Failure to submit a Semi-annual New Source Performance Standard (NSPS) report concerning B7 in a timely manner.

**Date:** 11/08/2007 (596951)

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

**Citation:** 30 TAC Chapter 101, SubChapter A 101.20(1)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Part 60, Subpart A 60.7(c)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01960 General Terms and Conditions OP  
 FOP O-01960, Special Condition 19 OP  
 FOP O-01960, Special Condition 8 OP  
 NSR Permit 1743, Special Condition 15B PERMIT  
 NSR Permit 1743, Special Condition 2 PERMIT

**Description:** Failure to submit quarterly CEMS Summary Reports for the units ACR/TOU51 and ACR/INC60 in a timely manner.

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

**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01960 General Terms and Conditions OP  
 FOP O-01960, Special Condition 19 OP  
 NSR Permit 1743, Special Condition 12 PERMIT

**Description:** Failure to maintain the operating parameter temperature of the thermal oxidizer ACR/TOU51.

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

**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01960 General Terms and Conditions OP  
 FOP O-01960, Special Condition 19 OP  
 NSR Permit 1743, Special Condition 10 PERMIT

**Description:** Failure to maintain the water flow to scrubber ACR/ABS219.

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

**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 FOP O-01960 General Terms and Conditions OP  
 FOP O-01960, Special Condition 19 OP

NSR Permit 1743, Special Condition 12 PERMIT

Description: Failure to maintain the operating parameter Oxygen concentration of Incinerator ACR/INC60.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 19 OP  
NSR Permit 1743, Special Condition 8B PERMIT

Description: Failure to maintain the operating parameter temperature of Vapor Combustor ACR/VVC51.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)  
FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 19 OP  
NSR Permit 1743, Special Condition 2 PERMIT

Description: Failure to perform weekly AVO inspections of the light liquid pumps in the Reaction Fugitives Area, Purification Fugitives Area, Recovery Fugitives Area, and the HCN Synthesis Fugitives Area.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 3,A,iv,1 OP

Description: Failure to perform quarterly visible emission observations of the Startup Air Heater and the Catalyst Filter discharge.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01960 General Terms and Conditions OP  
FOP O-01960 Special Condition 18 OP

Description: Failure to perform weekly visible emission inspections of the Incinerator, Thermal Oxidizer, and the Vapor Combustor.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.262(a)(3)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 20 OP

Description: Failure to submit the PI-7 form for the PBR authorization of the Ammonia Blow down Operation within ten days.

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 THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 1A OP

Description: Failure to perform daily observations of Flares ACR/FL57 and ACR/PRC58.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 19 OP  
NSR Permit 318, Special Condition 5A PERMIT

Description: Failure to perform semi-daily Audio, Visual and Olfactory (AVO) inspections of the AMM/FDKAMB operating area.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01960 General Terms and Conditions OP

FOP O-01960, Special Condition 19 OP  
Description: Failure to comply with the representations of the application for NSR Permit 1743.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 19 OP  
NSR Permit 1743, Special Condition 1 PERMIT

Description: Failure to maintain emission rates below the allowable emission limits.

Date: 11/28/2007 (597556)

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 THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01437 General Terms and Conditions OP  
FOP O-01437, Special Condition 1A OP

Description: Failure to perform daily observations of Flare ACH/CBFLR.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 60, Subpart H 60.82(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01437 General Terms and Conditions OP  
FOP O-01437, Special Condition 12 OP  
FOP O-01437, Special Condition 1A OP  
NSR Permit 19005, Special Condition 2 PERMIT  
NSR Permit 19005, Special Condition 4 PERMIT

Description: Failure to limit the SO2 emission rate from exceeding 4 pounds (lbs) of SO2 per ton of 100 % H2SO4.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter D 115.354(3)  
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 60.482-2(a)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01437 General Terms and Conditions OP  
FOP O-01437, Special Condition 12 OP  
FOP O-01437, Special Condition 1A OP  
NSR Permit 19003, Special Condition 1E PERMIT  
NSR Permit 19003, Special Condition 5 PERMIT  
NSR Permit 19004, Special Condition 2 PERMIT  
NSR Permit 19004, Special Condition 5E PERMIT

Description: Failure to perform weekly AVO inspections of the pumps and flanges in the Acetone Cyanohydrin Unit Process Fugitives Area and the Methyl Methacrylate Production Unit Fugitives Area.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter B 115.126(1)(B)  
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 Kb 60.112b(a)(3)(ii)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(f)  
40 CFR Part 60, Subpart A 60.18(f)(2)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01437 General Terms and Conditions OP  
FOP O-01437, Special Condition 12 OP  
FOP O-01437, Special Condition 1A OP  
NSR Permit 19004, Special Condition 2 PERMIT  
NSR Permit 19004, Special Condition 3 PERMIT

Description: Failure to record the presence of a pilot flame for Flare ACH/CBFLR.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter B 115.126(1)(B)  
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 Kb 60.112b(a)(3)(ii)

40 CFR Part 60, Subpart A 60.18(f)(2)  
40 CFR Part 60, Subpart NNN 60.665(f)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01437 General Terms and Conditions OP  
FOP O-01437, Special Condition 12 OP  
FOP O-01437, Special Condition 1A OP  
NSR Permit 19003 Special Condition 5 & 6 PERMIT  
NSR Permit 19003, Special Condition 4 PERMIT  
NSR Permit 19003, Special Condition 7 PERMIT

Description: Failure to record the presence of a pilot flame for Flare MMA/DKFL.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01437 General Terms and Conditions OP  
FOP O-01437, Special Condition 12 OP  
FOP O-01437, Special Condition 1A OP  
NSR Permit 19005, Special Condition 13B PERMIT  
NSR Permit 19005, Special Condition 2 PERMIT

Description: Failure to correctly perform the First and Second Quarter 2006 CGAs for the SAR/SARSTK.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
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 60.482-7(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01437 General Terms and Conditions OP  
FOP O-01437, Special Condition 12 OP  
FOP O-01437, Special Condition 1A OP  
NSR Permit 19003, Special Condition 1F PERMIT  
NSR Permit 19003, Special Condition 5 PERMIT

Description: Failure to monitor all accessible valves.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01437 General Terms and Conditions OP  
NSR Permit 19005, Special Condition 13 PERMIT  
NSR Permit 19005, Special Condition 2 PERMIT

Description: Failure to continuously measure and record the in-stack concentration of Nitrogen Oxides (NOx) and SO2 from the SAR-SARSTK.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(A)(I)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter D 382.085(b)  
FOP O-01437 General Terms and Conditions OP  
FOP O-01437, Special Condition 1A OP

Description: Failure to record the exhaust gas temperature of the SAR Furnaces.

Date: 05/16/2008 (641188)

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

30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01959, General Terms and Condition OP  
 FOP O-01959, Special Condition 8 OP  
 NSR Permit 318, Special Condition 5A PERMIT  
**Description:** Failure to perform Audio Visual and Olfactory inspections of the Ammonia Operating Unit.

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

30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01959, General Terms and Condition OP  
 FOP O-01959, Special Condition 8 OP  
 NSR Permit 2796A, Special Condition 8A PERMIT  
**Description:** Failure to limit NOx emissions from exceeding the emission standard of 30 ppm NOx.

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01959, General Terms and Condition OP  
 FOP O-01959, Special Condition 8 OP  
 NSR Permit 2796A, Special Condition 8 PERMIT

**Description:** Failure to limit CO emissions from exceeding the emission standard of 100 ppm CO.

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01959, General Terms and Condition OP  
 FOPO-01959 Special Condition 3(B)(iv)(1) OP

**Description:** Failure to perform second quarter observation of Boiler Number 7.

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e)(2)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(c)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01959 General Terms and Conditions OP  
 FOP O-01959, Special Condition 5E OP  
 FOP O-01959, Special Condition 8 OP  
 NSR Permit 2796A, Special Condition 10 PERMIT

**Description:** Failure to continuously record the in-stack concentration of NOx, CO, and O2 from Boiler Number 7.

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 106, SubChapter K 106.262(a)(3)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01959 General Terms and Conditions OP  
 FOP O-01959, Special Condition 9 OP

**Description:** Failure to submit the PI-7 form for the PBR authorization of the wastewater pond pump engines, wastewater pond pump tanks, and diesel tanks within ten days after construction.

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01959 General Terms and Conditions OP

**Description:** Failure to report a deviation on the semi-annual deviation report for the reporting period of July 13, 2007, through January 12, 2008.

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.146(1)  
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01959 General Terms and Conditions OP

Description: Failure to accurately certify the ACC for the certification period of January 11, 2007, through January 12, 2008.

Date: 05/30/2008 (641710)

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)  
FOP O-01437 General Terms and Conditions OP  
FOP O-01437 Special Condition 1A OP

Description: Failure to perform daily observations of Flares ACH/CBFLR and MMA/DKFL.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.130  
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)(2)  
5C THSC Chapter 382 382.085(b)  
FOP O-01437 General Terms and Conditions OP  
FOP O-01437 Special Condition 12 OP  
FOP O-01437 Special Condition 1A OP  
NSR Permit 19003 Special Condition 1E PERMIT  
NSR Permit 19003 Special Condition 5 PERMIT

Description: Failure to maintain a sealing device on an open-ended line.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 115, SubChapter D 115.354(3)  
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 60.482-2(a)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)  
5C THSC Chapter 382 382.085(b)  
FOP O-01437 General Terms and Conditions OP  
FOP O-01437 Special Condition 12 OP  
FOP O-01437 Special Condition 1A OP  
FOP O-01437 Special Condition 9 OP  
NSR Permit 19003 Special Condition 1E PERMIT  
NSR Permit 19003 Special Condition 5 PERMIT

Description: Failure to perform weekly AVO inspections of the pumps and flanges in the Acetone Cyanohydrin Unit Process Fugitives Area and the Methyl Methacrylate Production Unit Area Fugitives.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
FOP O-01437 General Terms and Conditions OP

Description: Failure to report a deviation.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THSC Chapter 382 382.085(b)  
FOP O-01437 General Terms and Conditions OP

Description: Failure to accurately certify the ACC for the period of January 25, 2006, through January 24, 2008.

Date: 07/31/2008 (683183)

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)  
5C THSC Chapter 382 382.085(b)  
FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 17 OP

**Description:** Failure to perform semi-weekly Audio, Visual and Olfactory (AVO) inspections of pumps in the Hydrogen Cyanide Acrylonitrile (HCN/ACRN) area. EIC B,1 MOD 2,A  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 17 OP

**Description:** Failure to record the weekly observation of the ACR Incinerator, the ACR Thermal Oxidizer, and the ACR Vapor Combustor. EIC B,1 MOD 2,A  
**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)  
FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 1A OP

**Description:** Failure to record daily observations of Flares ACR/FL57 and ACR/FLR58. EIC B,1 MOD 2,A  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 19 OP  
NSR Permit 1743, Special Condition 10 PERMIT

**Description:** Failure to maintain the water flow to scrubbers ACR/ABS219 and ACR/ABS59. EIC B,19,g,1 MOD 2,G  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 19 OP  
NSR Permit 1743, Special Condition 8B PERMIT  
NSR Permit, Special Condition 12 PERMIT

**Description:** Failure to maintain the operating parameter temperature of the ACR Incinerator, the ACR Thermal Oxidizer, and the ACR Vapor Combustor. EIC B,19,g,1 MOD 2,G  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 19 OP  
NSR Permit 1743, Special Condition 12 PERMIT

**Description:** Failure to maintain the Oxygen concentration for Incinerator ACR/INC60. EIC B,19,g,1 MOD 2,G  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 19 OP  
NSR Permit 1743, Special Condition 8C PERMIT

**Description:** Failure to reach "full fire" for the Vapor Combustor within five minutes of the introduction of the absorber off-gas (AOG). EIC B,19,g,1 MOD 2,G

**Date:** 11/18/2008 (708605)  
**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01959, General Terms and Condition OP  
FOP O-01959, Special Condition 8 OP

NSR Permit 318, Special Condition 5A PERMIT

Description: Failure to perform Audio Visual and Olfactory inspections of the Ammonia Operating Unit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01959, General Terms and Condition OP  
FOP O-01959, Special Condition 8 OP  
NSR Permit 2796A, Special Condition 8A PERMIT

Description: Failure to limit NOx emissions from exceeding the emission standard of 30 ppm NOx.

Self Report? NO Classification: Moderate

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

FOP O-01959, General Terms and Condition OP  
FOP O-01959, Special Condition 8 OP  
NSR Permit 2796A, Special Condition 8 PERMIT

Description: Failure to limit CO emissions from exceeding the emission standard of 100 ppm CO.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01959, General Terms and Condition OP  
FOPO-01959 Special Condition 3(B)(iv)(1) OP

Description: Failure to perform second quarter observation of Boiler Number 7.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e)(2)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(c)  
5C THSC Chapter 382 382.085(b)  
FOP O-01959 General Terms and Conditions OP  
FOP O-01959, Special Condition 5E OP  
FOP O-01959, Special Condition 8 OP  
NSR Permit 2796A, Special Condition 10 PERMIT

Description: Failure to continuously record the in-stack concentration of NOx, CO, and O2 from Boiler Number 7.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.262(a)(3)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01959 General Terms and Conditions OP  
FOP O-01959, Special Condition 9 OP

Description: Failure to submit the PI-7 form for the PBR authorization of the wastewater pond pump engines, wastewater pond pump tanks, and diesel tanks within ten days after construction.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
FOP O-01959 General Terms and Conditions OP

Description: Failure to report a deviation on the semi-annual deviation report for the reporting period of July 13, 2007, through January 12, 2008.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THSC Chapter 382 382.085(b)  
FOP O-01959 General Terms and Conditions OP

Description: Failure to accurately certify the ACC for the certification period of January 11, 2007, through January 12, 2008.

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)  
FOP O-01437 General Terms and Conditions OP  
FOP O-01437 Special Condition 1A OP

Description: Failure to perform daily observations of Flares ACH/CBFLR and MMA/DKFL.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 113, SubChapter C 113.130  
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)(2)  
5C THSC Chapter 382 382.085(b)  
FOP O-01437 General Terms and Conditions OP  
FOP O-01437 Special Condition 12 OP  
FOP O-01437 Special Condition 1A OP  
NSR Permit 19003 Special Condition 1E PERMIT

NSR Permit 19003 Special Condition 5 PERMIT

Description: Failure to maintain a sealing device on an open-ended line.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 115, SubChapter D 115.354(3)  
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 60.482-2(a)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)  
5C THSC Chapter 382 382.085(b)  
FOP O-01437 General Terms and Conditions OP  
FOP O-01437 Special Condition 12 OP  
FOP O-01437 Special Condition 1A OP  
FOP O-01437 Special Condition 9 OP  
NSR Permit 19003 Special Condition 1E PERMIT  
NSR Permit 19003 Special Condition 5 PERMIT

Description: Failure to perform weekly AVO inspections of the pumps and flanges in the Acetone Cyanohydrin Unit Process Fugitives Area and the Methyl Methacrylate Production Unit Area Fugitives.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
FOP O-01437 General Terms and Conditions OP

Description: Failure to report a deviation.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(5)(C)(v)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THSC Chapter 382 382.085(b)  
FOP O-01437 General Terms and Conditions OP

Description: Failure to accurately certify the ACC for the period of January 25, 2006, through January 24, 2008.

Date: 11/18/2008 (708549)

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)  
5C THSC Chapter 382 382.085(b)  
FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 17 OP

Description: Failure to perform semi-weekly Audio, Visual and Olfactory (AVO) inspections of pumps in the Hydrogen Cyanide Acrylonitrile (HCN/ACRN) area. EIC B,1 MOD 2,A

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

5C THSC Chapter 382 382.085(b)  
FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 17 OP

Description: Failure to record the weekly observation of the ACR Incinerator, the ACR Thermal Oxidizer, and the ACR Vapor Combustor. EIC B,1 MOD 2,A

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)  
FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 1A OP

Description: Failure to record daily observations of Flares ACR/FL57 and ACR/FLR58. EIC B,1 MOD 2,A

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 19 OP  
NSR Permit 1743, Special Condition 10 PERMIT

Description: Failure to maintain the water flow to scrubbers ACR/ABS219 and ACR/ABS59. EIC B,19,g,1 MOD 2,G

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 19 OP  
NSR Permit 1743, Special Condition 8B PERMIT  
NSR Permit, Special Condition 12 PERMIT

Description: Failure to maintain the operating parameter temperature of the ACR Incinerator, the ACR Thermal Oxidizer, and the ACR Vapor Combustor. EIC B,19,g,1 MOD 2,G

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 19 OP  
NSR Permit 1743, Special Condition 12 PERMIT

Description: Failure to maintain the Oxygen concentration for Incinerator ACR/INC60. EIC B,19,g,1 MOD 2,G

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 19 OP  
NSR Permit 1743, Special Condition 8C PERMIT

Description: Failure to reach "full fire" for the Vapor Combustor within five minutes of the introduction of the absorber off-gas (AOG). EIC B,19,g,1 MOD 2,G

Date: 04/01/2009 (736195)

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)  
FOP O-01437 General Terms and Conditions OP  
FOP O-01437 Special Condition 1A OP

Description: Failure to perform daily observations of Flare ACH/CBFLR. EIC B,1 MOD 2,A

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 H 60.82

5C THSC Chapter 382 382.085(b)  
 FOP O-01437 General Terms and Conditions OP  
 FOP O-01437 Special Condition 12 OP  
 FOP O-01437 Special Condition 1A OP  
 NSR Permit 19005 Special Condition 2 PERMIT

**Description:** Failure to limit the SO2 emission rate from exceeding 4 pounds (lbs) of SO2 per ton of 100 % H2SO4. EIC B,13 MOD 2,D

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

**Citation:** 30 TAC Chapter 113, SubChapter C 113.130  
 30 TAC Chapter 115, SubChapter D 115.354(3)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01437 General Terms and Conditions OP  
 FOP O-01437 Special Condition 12 OP  
 FOP O-01437 Special Condition 1A OP  
 NSR Permit 19003, Special Condition 1E PERMIT  
 NSR Permit 19004 Special Condition 5E PERMIT

**Description:** Failure to perform weekly AVO inspections of the Acetone Cyanohydrin (ACH) Unit Process Fugitives Area and the Methyl Methacrylate (MMA) Production Unit Area Fugitives. EIC B,1 MOD 2,A

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

**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01437 General Terms and Conditions OP  
 FOP O-01437 Special Condition 12 OP  
 FOP O-01437 Special Condition 1A OP  
 NSR Permit 19005 Special Condition 13B PERMIT  
 NSR Permit 19005 Special Condition 2 PERMIT

**Description:** Failure to correctly perform the Third Quarter 2008 CGA of the SAR/SARSTK. EIC B,18 MOD 2,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)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01437 General Terms and Conditions OP  
 FOP O-01437 Special Condition 12 OP  
 FOP O-01437 Special Condition 8E OP  
 NSR Permit 19005 Special Condition 2 PERMIT

**Description:** Failure to continuously measure and record the in-stack concentration of Nitrogen Oxide (NOx) and Sulfur Dioxide (SO2) from the SAR-SARSTK. EIC B,1 MOD 2,A

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

**Citation:** 30 TAC Chapter 115, SubChapter B 115.126(1)(A)(i)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(c)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01437 General Terms and Conditions OP  
 FOP O-01437 Special Condition 1A OP

**Description:** Failure to record the gas exhaust temperature of the SARS Furnaces. EIC B,3 MOD 2,A

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

**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01437 General Terms and Conditions OP  
 FOP O-01437 Special Condition 12 OP  
 NSR Permit 19003 Special Condition 3 PERMIT

**Description:** Failure to maintain emission rates below the allowable emission limits for EPN MMA-PFL. EIC B,13 MOD 2,D

Date: 06/24/2009 (744448)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01959 General Terms and Conditions OP  
FOP O-01959, Special Condition 8 OP  
NSR Permit 318, Special Condition 1 PERMIT

Description: Failure to maintain emission rates below the allowable emission limits. EIC B,13  
MOD 2,D

Date: 04/14/2010 (794258)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.120  
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 63.152(c)(1)  
5C THSC Chapter 382 382.085(b)  
FOP O-01960, General Terms and Condition OP  
FOP O-01960, Special Condition 19 OP  
FOP O-01960, Special Condition 1A OP  
FOP O-01960, Special Condition 1D OP  
Permit 1743, Special Condition 3 PERMIT

Description: Failure to submit a semiannual periodic report within 60 days after the end of the  
six month reporting period. MIN 3C EIC C3

Date: 06/24/2010 (790962)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01959, General Terms and Condition OP  
FOP O-01959, Special Condition 8 OP  
NSR Permit 2796A, Special Condition 8A PERMIT

Description: Failure to meet the 30 ppm NOx emissions standard and 100 ppm CO emissions  
standard when at a firing rate of 76.25 MMBtu/hr or higher from Boiler No. 7. EIC  
B13 MOD(2)(D)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(A)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)  
5C THSC Chapter 382 382.085(b)  
FOP O-01959, General Terms and Condition OP  
FOP O-01959, Special Condition 8 OP  
NSR Permit 2796A, Special Condition 10C PERMIT

Description: Failure to conduct quarterly cylinder gas audit (CGA) for the Boiler No. 7 NOx  
CEMS. EIC B1 MOD(2)(A)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP O-01959, General Terms and Condition OP  
FOP O-01959, Special Condition 8 OP  
NSR Permit 318, Special Condition 2B PERMIT

Description: Failure to continuously monitor the Ammonia Flare pilot flame. EIC B1 MOD(2)(A)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

FOP O-01959, General Terms and Condition OP  
 FOP O-01959, Special Condition 8 OP  
 NSR Permit 2796A, Special Condition 2 PERMIT  
**Description:** Failure to maintain an emission rate below the allowable emission limit. EIC B13 MOD(2)(G)

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01959, General Terms and Condition OP  
 FOP O-01959, Special Condition 3(B)(iv)(1) OP

**Description:** Failure to perform the second quarter observation of stationary vents for EPNs AMM/PMP185, AMM/PMP186, P and S-BLR7, SIT/ENG175, SIT/ENG178, and SIT/ENG177. EIC B1 MOD(2)(A)

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01960, General Terms and Condition OP  
 FOP O-01960, Special Condition 19 OP  
 NSR Permit 1743, Special Condition 10 PERMIT

**Description:** Failure to maintain the water flow to scrubbers ACR/ABS219 and ACR/ABS59. EIC B19(g)(1) MOD(2)(G)

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01960, General Terms and Condition OP  
 FOP O-01960, Special Condition 19 OP

NSR Permit 1743, Special Condition 11B PERMIT  
 NSR Permit 1743, Special Condition 12 PERMIT  
 NSR Permit 1743, Special Condition 8A PERMIT  
 NSR Permit 1743, Special Condition 8B PERMIT

**Description:** Failure to maintain the minimum operating temperature of the ACR Incinerator, the ACR Thermal Oxidizer, and the ACR Vapor Combustor. EIC B19(g)(1) MOD(2)(G)

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01960, General Terms and Condition OP  
 FOP O-01960, Special Condition 19 OP  
 NSR Permit 1743, Special Condition 8C PERMIT

**Description:** Failure to reach "full fire" for the Vapor Combustor within five minutes after the introduction of AOG. EIC B19(g)(1) MOD(2)(G)

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01960, General Terms and Condition OP  
 FOP O-01960, Special Condition 19 OP  
 NSR Permit 1743, Special Condition 12 PERMIT

**Description:** Failure to maintain the O2 concentration for Incinerator ACR/INC60. EIC B19(g)(1) MOD(2)(G)

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01960, General Terms and Condition OP  
 FOP O-01960, Special Condition 19 OP

**Description:** Failure to comply with the representations of the permit application for NSR Permit 1743. B19(g)(1) MOD(2)(G)

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01960, General Terms and Condition OP

Description: FOP O-01960, Special Condition 16 OP  
 Failure to comply with the representations of the permit application for NSR Permit 1743. B19(g)(1) MOD(2)(G)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01960, General Terms and Condition OP  
 FOP O-01960, Special Condition 19 OP  
 NSR Permit 1743, Special Condition 1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit. EIC B13 MOD(2)(G)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 113, SubChapter C 113.130  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(3)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)(i)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01960, General Terms and Condition OP  
 FOP O-01960, Special Condition 1D OP

Description: Failure to monitor 122 valves and connectors. EIC B1 MOD(2)(A)

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 Db 60.49b(i)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.49b(w)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01959, General Terms and Condition OP

Description: FOP O-01959, Special Condition 1A OP  
 FOP O-01959, Special Condition 8 OP  
 NSR Permit 2796A, Special Condition 1 PERMIT  
 Failure to submit NOx standard reports for Boiler No. 7. EIC B3 MOD(2)(B)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01959, General Terms and Condition OP  
 FOP O-01960, General Terms and Condition OP

Description: Failure to report all instances of deviations on semi-annual deviation reports (SDRs). EIC B3 MOD(2)(B)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.146(1)  
 30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01959, General Terms and Condition OP  
 FOP O-01960, General Terms and Condition OP

Description: Failure to accurately certify Annual Compliance Certifications (ACCs). EIC B3 MOD(2)(B)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 113, SubChapter C 113.130  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)  
 5C THSC Chapter 382 382.085(b)  
 FOP O-01960, General Terms and Condition OP  
 FOP O-01960, Special Condition 19 OP  
 FOP O-01960, Special Condition 1A OP

Description: Failure to perform weekly audio, visual, and olfactory (AVO) inspections of the HCN/ACRN Unit's light liquid pumps. EIC B1 MOD(2)(A)

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 O-01960, General Terms and Condition OP

FOP O-01960, Special Condition 19 OP  
NSR Permit 1743, Special Condition 10 PERMIT

Description: Failure to continuously monitor and record the circulating water flow rate of  
Scrubber ACR/ABS61. EIC C3 MIN(3)(C)

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: FOP O-01960, General Terms and Condition OP  
Failure to submit the ACC within 30 days after the end of the certification period.

EIC B3 MOD(2)(B)

- F. Environmental audits.
  - G. Type of environmental management systems (EMSs).  
N/A
  - H. Voluntary on-site compliance assessment dates.  
N/A
  - I. Participation in a voluntary pollution reduction program.  
N/A
  - J. Early compliance.  
N/A
- Sites Outside of Texas  
N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



<b>IN THE MATTER OF AN</b>	<b>§</b>	<b>BEFORE THE</b>
<b>ENFORCEMENT ACTION</b>	<b>§</b>	
<b>CONCERNING</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>LUCITE INTERNATIONAL, INC.</b>	<b>§</b>	
<b>RN102736089</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

## **AGREED ORDER DOCKET NO. 2010-1079-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

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

1. The Respondent owns and operates an industrial organic chemical plant at 6350 North Twin City Highway in Nederland, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about June 29, 2010.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fourteen Thousand Five Hundred Fifty Dollars (\$14,550) is assessed by the Commission in settlement of the violations alleged in

- Section II ("Allegations"). The Respondent has paid Eleven Thousand Six Hundred Forty Dollars (\$11,640) of the administrative penalty and Two Thousand Nine Hundred Ten Dollars (\$2,910) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
  8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
  9. The Executive Director recognizes that by July 16, 2010, the Respondent had trained all operators and the Process Manager assigned to the Methyl Methacrylate Unit. The training targeted existing procedures that emphasize control devices and the need for an operating control device when tanks requiring a control device are in service.
  10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
  11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
  12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to maintain emission rates below the allowable emission limits for tanks MMA/MDTK, MMA/AIMTK, MMA/CMTK and SAR/SART and properly operate a vapor recovery system on Tank MMA/MDTK, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 115.112(a)(1), 116.115(b)(2)(F), (b)(2)(G) and (c), and 112.143(4), Federal Operating Permit No. O-001437, General Terms and Conditions, and Special Condition ("SC") 11, Air Permit No. 19003, General Condition 8 and SC 3, Air Permit 19005/PSD-TX-753, SC 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation on May 3, 2010. Specifically, tank MMA/MDTK vented an average of 0.04 pounds per hour ("lbs/hr") of volatile organic compounds ("VOC") to the atmosphere from January 25, 2009 through June 25, 2009; tank MMA/AIMTK vented an average of 0.70 lbs/hr of VOC to the atmosphere from January 25, 2009 through June 9, 2009; tank MMA/CMTK vented an average of 0.07 lbs/hr of VOC to the atmosphere from January 25, 2009 through May 4, 2009; tank SAR/SART vented an average of 0.002 lbs/hr of VOC to the atmosphere from January 25, 2009 through July 26, 2009. Therefore, the total emissions for all

tanks were 2,588 pounds ("lbs") of VOC and this exceeded the annual permitted VOC limit for the tanks.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Lucite International, Inc., Docket No. 2010-1079-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 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.
3. 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.
4. 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.

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

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

John Szlein  
For the Executive Director

12/6/2010  
Date

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

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

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

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

Marney Gillmore  
Signature

10-18-2010  
Date

Marney Gillmore  
Name (Printed or typed)  
Authorized Representative of  
Lucite International, Inc.

Site Manager  
Title

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

