

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2010-1388-AIR-E **TCEQ ID:** RN100220581 **CASE NO.:** 40274
RESPONDENT NAME: Rhodia Inc.

| | | |
|--|---|--|
| ORDER TYPE: | | |
| <input checked="" type="checkbox"/> 1660 AGREED ORDER | <input type="checkbox"/> FINDINGS AGREED ORDER | <input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER | <input type="checkbox"/> SHUTDOWN ORDER | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER | <input type="checkbox"/> EMERGENCY ORDER | |
| CASE TYPE: | | |
| <input checked="" type="checkbox"/> AIR | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE |
| <input type="checkbox"/> PUBLIC WATER SUPPLY | <input type="checkbox"/> PETROLEUM STORAGE TANKS | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION |
| <input type="checkbox"/> WATER QUALITY | <input type="checkbox"/> SEWAGE SLUDGE | <input type="checkbox"/> UNDERGROUND INJECTION CONTROL |
| <input type="checkbox"/> MUNICIPAL SOLID WASTE | <input type="checkbox"/> RADIOACTIVE WASTE | <input type="checkbox"/> DRY CLEANER REGISTRATION |
| <p>SITE WHERE VIOLATION(S) OCCURRED: Rhodia Houston Plant, 8615 Manchester Street, Houston, Harris County</p> <p>TYPE OF OPERATION: Sulfuric acid manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions regarding this facility location, Docket Nos. 2010-0951-AIR-E and 2009-1329-IWD-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 17, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Miriam Hall, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-1044; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. William J. McConnell, Plant Manager, Rhodia Inc., 8615 Manchester Street, Houston, Texas 77012 Mr. Samuel Keen, Environmental Engineer, Rhodia Inc., 8615 Manchester Street, Houston, Texas 77012 Respondent's Attorney: Not represented by counsel on this enforcement matter</p> | | |

VIOLATION SUMMARY CHART:

| VIOLATION INFORMATION | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED |
|---|---|---|
| <p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 23, 2010</p> <p>Date of NOV/NOE Relating to this Case: July 30, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>AIR</p> <p>Failed to conduct a stack test on the Regenerator II Preheater and submit the test report prior to the March 31, 2007 deadline. Additionally, it was documented that the preheater was only operated for 20 days between October 20, 2007 and October 2, 2009 [30 TEX. ADMIN. CODE §§ 117.9020(2)(C)(i) and 117.335(a), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> | <p>Total Assessed: \$1,410</p> <p>Total Deferred: \$282 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,128</p> <p>Compliance History Classifications: Person/CN - Average Site/RN - Average</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> | <p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. On October 2, 2009, the reference method stack test was completed on the Regenerator II Preheater (Emission Point No. 128); and</p> <p>b. On November 30, 2009, the test report was submitted to the TCEQ Houston Regional Office.</p> |

Additional ID No(s): Air Account HGo6970



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

ICEQ

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|-------------|
| DATES | Assigned | 2-Aug-2010 | Screening | 23-Aug-2010 | EPA Due | 26-Apr-2011 |
| | PCW | 25-Aug-2010 | | | | |

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

| | | | |
|--|-----------------|------------------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 40274 | No. of Violations | 1 |
| Docket No. | 2010-1388-AIR-E | Order Type | 1660 |
| Media Program(s) | Air | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | Miriam Hall |
| | | 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 | \$1,000 |
|---|-------------------|----------------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | |
|---------------------------|--------------------------|--------------------------------|--------------|
| Compliance History | 66.0% Enhancement | Subtotals 2, 3, & 7 | \$660 |
|---------------------------|--------------------------|--------------------------------|--------------|

Notes: Enhancement for 16 dissimilar NOVs and two orders with denial.
Reduction for two DOVs and two NOIs.

| | | | | |
|--------------------|----|-------------------------|-------------------|------------|
| 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 | \$250 |
|--|-------------------|--------------|

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

Total EB Amounts: \$801
Approx. Cost of Compliance: \$6,000
*Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|----------------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$1,410 |
|-----------------------------|-----------------------|----------------|

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

| | |
|-----------------------------|----------------|
| Final Penalty Amount | \$1,410 |
|-----------------------------|----------------|

| | | |
|-----------------------------------|-------------------------------|----------------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$1,410 |
|-----------------------------------|-------------------------------|----------------|

| | | | |
|-----------------|------------------------|-------------------|---------------|
| DEFERRAL | 20.0% Reduction | Adjustment | -\$282 |
|-----------------|------------------------|-------------------|---------------|

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

Notes: Deferral offered for expedited settlement.

| | |
|------------------------|----------------|
| PAYABLE PENALTY | \$1,128 |
|------------------------|----------------|

Screening Date 23-Aug-2010

Docket No. 2010-1388-AIR-E

PCW

Respondent Rhodia Inc.

Policy Revision 2 (September 2002)

Case ID No. 40274

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100220581

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>) | 0 | 0% |
| | Other written NOVs | 16 | 32% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 2 | 40% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) | 2 | -2% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 2 | -4% |

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) 66%

>> 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 dissimilar NOVs and two orders with denial. Reduction for two DOVs and two NOIs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 66%

Screening Date 23-Aug-2010

Docket No. 2010-1388-AIR-E

PCW

Respondent Rhodia Inc.

Policy Revision 2 (September 2002)

Case ID No. 40274

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100220581

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 117.335(a) and 117.9020(2)(C)(i), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to conduct a stack test on the Regenerator II Preheater (Emission Point No. 128) and submit the test report prior to the March 31, 2007 deadline. Specifically, the reference method stack test was completed on October 2, 2009, and the test report was submitted to the TCEQ Houston Regional Office on November 30, 2009. Additionally, it was documented that the preheater was only operated for 20 days between October 20, 2007 and October 2, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

| | Falsification | Major | Moderate | Minor | Percent |
|--|---------------|-------|----------|-------|---------|
| | | | | | 0% |

Matrix Notes Human health or the environment could have been exposed to insignificant emissions which would not exceed levels that are protective of human health or environmental receptors as a result of this violation. The preheater was only operated for 20 days during the noncompliant period.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 20

| | | |
|-------------------------|--------------|---|
| 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.

Good Faith Efforts to Comply

25.0% Reduction

\$250

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

Notes The Respondent came into compliance on November 30, 2009, and the NOE was issued on July 30, 2010.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$801

Violation Final Penalty Total \$1,410

This violation Final Assessed Penalty (adjusted for limits) \$1,410

Economic Benefit Worksheet

Respondent Rhodia Inc.
Case ID No. 40274
Req. Ent. Reference No. RN100220581
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

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|------|----------------|---------------|-----------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | \$6,000 | 31-Mar-2007 | 30-Nov-2009 | 2.67 | \$801 | n/a | \$801 |
| 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 actual cost of conducting the stack test from the due date to the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

20

Approx. Cost of Compliance \$6,000

TOTAL \$801

Compliance History Report

| | | | |
|---|--|----------------------------------|-------------------|
| Customer/Respondent/Owner-Operator: | CN600125330 Rhodia Inc. | Classification: AVERAGE | Rating: 4.83 |
| Regulated Entity: | RN100220581 RHODIA HOUSTON PLANT | Classification: AVERAGE | Site Rating: 0.62 |
| ID Number(s): | INDUSTRIAL AND HAZARDOUS WASTE | PERMIT | 50095 |
| | INDUSTRIAL AND HAZARDOUS WASTE | EPA ID | TXD008099079 |
| | INDUSTRIAL AND HAZARDOUS WASTE | SOLID WASTE REGISTRATION # (SWR) | 31019 |
| | INDUSTRIAL AND HAZARDOUS WASTE | SOLID WASTE REGISTRATION # (SWR) | 30507 |
| | AIR OPERATING PERMITS | ACCOUNT NUMBER | HG06970 |
| | AIR OPERATING PERMITS | PERMIT | 3049 |
| | PETROLEUM STORAGE TANK REGISTRATION | REGISTRATION | 80070 |
| | WASTEWATER | PERMIT | WQ0000542000 |
| | WASTEWATER | EPA ID | TX0007072 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 92041 |
| | AIR NEW SOURCE PERMITS | PERMIT | 10622 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 13219 |
| | AIR NEW SOURCE PERMITS | PERMIT | 19282 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 36032 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 46657 |
| | AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | HG06970 |
| | AIR NEW SOURCE PERMITS | PERMIT | 4802 |
| | AIR NEW SOURCE PERMITS | AFS NUM | 4820100037 |
| | AIR NEW SOURCE PERMITS | PERMIT | 56566 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 56485 |
| | AIR NEW SOURCE PERMITS | EPA ID | PSDTX1081 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 80725 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 81025 |
| | AIR EMISSIONS INVENTORY | ACCOUNT NUMBER | HG06970 |
| Location: | 8615 MANCHESTER ST, HOUSTON, TX, 77012 | | |
| TCEQ Region: | REGION 12 - HOUSTON | | |
| Date Compliance History Prepared: | August 19, 2010 | | |
| Agency Decision Requiring Compliance History: | Enforcement | | |
| Compliance Period: | August 19, 2005 to August 19, 2010 | | |

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: 9/1/2009 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: 11/13/2009 ADMINORDER 2008-0102-MLM-E

Classification: Major

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

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

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

Classification: Moderate

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

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

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

Classification: Moderate

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

Rqmt Prov: II.B.4. PERMIT

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

Effective Date: 05/09/2010

ADMINORDER 2009-1540-AIR-E

Classification: Minor

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

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

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

Classification: Minor

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

Rqmt Prov: ST&C 12 OP
ST&C 1A OP

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

Classification: Minor

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

Rqmt Prov: SC 11 PERMIT

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

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

N/A

C. Chronic excessive emissions events.

N/A

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

| | | |
|----|------------|----------|
| 1 | 08/24/2005 | (398096) |
| 2 | 09/14/2005 | (440976) |
| 3 | 10/10/2005 | (468678) |
| 4 | 10/26/2005 | (431733) |
| 5 | 11/28/2005 | (468679) |
| 6 | 12/27/2005 | (468680) |
| 7 | 01/17/2006 | (468681) |
| 8 | 02/13/2006 | (468676) |
| 9 | 03/20/2006 | (498376) |
| 10 | 04/11/2006 | (468677) |
| 11 | 05/22/2006 | (498377) |
| 12 | 06/13/2006 | (498378) |

| | | |
|----|------------|----------|
| 13 | 06/16/2006 | (466806) |
| 14 | 06/16/2006 | (480107) |
| 15 | 07/17/2006 | (498379) |
| 16 | 08/18/2006 | (520387) |
| 17 | 08/30/2006 | (457592) |
| 18 | 09/12/2006 | (520388) |
| 19 | 10/17/2006 | (575653) |
| 20 | 11/21/2006 | (575654) |
| 21 | 11/21/2006 | (575656) |
| 22 | 12/21/2006 | (575655) |
| 23 | 02/26/2007 | (575647) |
| 24 | 03/27/2007 | (575648) |
| 25 | 04/16/2007 | (575649) |
| 26 | 04/23/2007 | (554349) |
| 27 | 04/26/2007 | (554784) |
| 28 | 05/22/2007 | (575650) |
| 29 | 05/31/2007 | (575652) |
| 30 | 06/14/2007 | (575651) |
| 31 | 06/18/2007 | (543573) |
| 32 | 08/20/2007 | (607586) |
| 33 | 09/26/2007 | (607587) |
| 34 | 10/16/2007 | (619641) |
| 35 | 11/15/2007 | (600496) |
| 36 | 11/20/2007 | (619642) |
| 37 | 12/11/2007 | (619643) |
| 38 | 12/13/2007 | (597131) |
| 39 | 12/20/2007 | (600277) |
| 40 | 01/21/2008 | (672167) |
| 41 | 02/22/2008 | (672166) |
| 42 | 03/09/2008 | (614586) |
| 43 | 03/19/2008 | (690074) |
| 44 | 04/23/2008 | (690075) |
| 45 | 05/19/2008 | (690076) |
| 46 | 06/02/2008 | (654235) |
| 47 | 06/11/2008 | (710862) |
| 48 | 07/21/2008 | (686244) |
| 49 | 07/24/2008 | (710863) |
| 50 | 08/13/2008 | (636945) |
| 51 | 08/20/2008 | (710864) |
| 52 | 09/26/2008 | (710865) |
| 53 | 10/01/2008 | (750384) |
| 54 | 10/20/2008 | (727572) |
| 55 | 11/18/2008 | (727573) |
| 56 | 12/08/2008 | (750383) |
| 57 | 01/09/2009 | (722942) |
| 58 | 01/26/2009 | (750382) |
| 59 | 03/23/2009 | (768443) |
| 60 | 04/16/2009 | (737974) |
| 61 | 04/17/2009 | (738044) |
| 62 | 04/23/2009 | (768444) |
| 63 | 04/27/2009 | (700846) |
| 64 | 05/14/2009 | (804960) |
| 65 | 06/17/2009 | (827784) |
| 66 | 06/23/2009 | (804961) |
| 67 | 06/23/2009 | (804963) |
| 68 | 07/01/2009 | (760178) |
| 69 | 07/23/2009 | (804962) |
| 70 | 08/03/2009 | (748768) |
| 71 | 08/10/2009 | (765277) |

72 08/24/2009 (766185)
 73 08/25/2009 (737246)
 74 09/18/2009 (804964)
 75 09/23/2009 (804965)
 76 09/23/2009 (804968)
 77 09/28/2009 (777186)
 78 11/23/2009 (804959)
 79 11/23/2009 (804966)
 80 12/15/2009 (784086)
 81 12/18/2009 (804967)
 82 01/22/2010 (785155)
 83 03/25/2010 (780616)
 84 03/26/2010 (830988)
 85 03/26/2010 (830989)
 86 04/08/2010 (794422)
 87 04/20/2010 (788027)
 88 04/20/2010 (788028)
 89 04/23/2010 (788029)
 90 04/23/2010 (788030)
 91 05/24/2010 (830990)
 92 05/26/2010 (801206)
 93 05/27/2010 (794145)
 94 06/14/2010 (846303)
 95 07/06/2010 (788452)
 96 07/30/2010 (842803)
 97 08/12/2010 (842148)

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

Date: 08/24/2005 (398096) CN600125330
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 40 CFR Part 61, Subpart V 61.247(b)
 TCEQ WM Permit No. HW-50095-001 Sec X.B.1 PERMIT
 Description: Failed to submit the semiannual report under the 40 CFR § 61.247(b)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 40 CFR Part 61, Subpart V 61.245(b)(1)
 40 CFR Part 61, Subpart V 61.245(b)(4)(ii)
 TCEQ WMP Permit No. HW-50095-001 Sec X.B.1 PERMIT
 Description: Failed calibrate their Toxic Vapor Analyzer with 10,000 parts per million methane gas
 under 40 CFR Part 61, Subpart V.
 Date: 08/31/2005 (440976) CN600125330
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 09/30/2005 (468678) CN600125330
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 06/30/2006 (498379) CN600125330
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/30/2006 (457592) CN600125330
 Self Report? YES Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 NSR Permit 4802 Special Condition 9J PERMIT

Description: Failure to maintain authorized hydrocarbon monitoring.
 Date: 08/31/2006 (520388) CN600125330
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter
 Date: 06/19/2007 (543573) CN600125330
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-01609 SC 12 OP
 NSR Permit 4802 SC 1 PERMIT

Description: Failed to maintain emissions from the Vapor Combuster below the MAERT of NSR permit 4802.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 FOP O-01609 GC OP

Description: Failure to report a deviation on semi-annual Deviation Report.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-01609 SC 13 OP

Description: Failure to maintain lid on parts cleaner closed.
 Date: 12/20/2007 (600277) CN600125330
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter A 335.8(b)
 II.C.1.d. PERMIT

Description: Failure to notify of the closure of two surface impoundments (NOR 009 and NOR 012) and demonstrate in writing that closure was completed appropriately.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(4)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT E 264.75
 II.B.7. PERMIT

Description: Failure to prepare and submit the biennial report by March 1, 2006.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(4)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT E 264.73(b)(9)
 II.B.9. PERMIT

Description: Failure to annually certify a waste minimization statement by January 25 for the previous calendar year.
 Date: 01/31/2008 (672166) CN600125330
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date: 06/02/2008 (654235) CN600125330
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(a)
 30 TAC Chapter 319, SubChapter A 319.11(b)

Description: Failure to properly collect volatile samples as required. The permit requires the analysis of composite samples for volatiles. Volatiles must be collected in individual 40 milliliter volatile bottles with no headspace, preserved, and then composited according to the regulations.
 Date: 08/13/2008 (636945) CN600125330
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(2)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP

Description: Failure to submit an annual compliance certification within the required time frame.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(C)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failure to submit a semi-annual deviation report within the required time frame.
 Date: 12/31/2008 (750384) CN600125330
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/31/2009 (750382) CN600125330
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 06/17/2009 (827784) CN600125330
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Date: 04/16/2010 (788027) CN600125330
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
 Permit Provision II-C-1 PERMIT
 Description: NOR was not updated.
 Date: 05/28/2010 (794145) CN600125330
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 12 OP
 SC 7A PERMIT
 Description: Uploading railcars without an operating furnace and a vapor combustor (B18).
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 11 PERMIT
 SC 12 OP
 Description: Failed to operate a vapor combustor essential to a storage tank vent control (B18).
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 GC 1 OP
 Description: Failed to report all deviations (C3).
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 12 OP
 SC 6A PERMIT
 Description: Failed to perform daily calibration on CEMS (C1).
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 GC 1 PERMIT
 SC 12 OP
 Description: Vapor combustor failed to meet 98% control efficiency (B18).

F. Environmental audits.

Notice of Intent Date: 02/15/2006 (461055)
 Disclosure Date: 08/07/2006

Viol. Classification: Moderate
Rqmt Prov: PERMIT Permit No. 19282, SC 6
PERMIT Permit No. 19282, SC 7

Description: Failure to maintain SO2 emission rate limits for unit no. 8. Failure to report exceedances to the TCEQ. Specifically, the temperature used in the calculation was incorrect. The temperature measuring device failed.

Viol. Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THC Chapter 382, SubChapter A 382.0518(G)

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

Viol. Classification: Moderate
Rqmt Prov: PERMIT Permit No. 4802, SC 3

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

Viol. Classification: Moderate
Rqmt Prov: PERMIT Permit Nos. 4802 and 56566

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

Viol. Classification: Major
Rqmt Prov: PERMIT Permit No. 4802, SC 7

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

Viol. Classification: Major
Rqmt Prov: PERMIT Permit No. 19282

Description: Failure to include air pollutants in air permit no. 19282 for chlorine and metals, arsenic antimony, barium beryllium, cadmium, chromium, lead, mercury, nickel, selenium, silver, and thallium.

Viol. Classification: Major
Citation: 30 TAC Chapter 122, SubChapter B 122.145
30 TAC Chapter 122, SubChapter B 122.146

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

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

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

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

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

Notice of Intent Date: 04/07/2009 (744272)
Disclosure Date: 05/29/2009

Viol. Classification: Moderate
Rqmt Prov: PERMIT 40 CFR 266 App. IX Section 2
PERMIT 40 CFR Part 60 Appendix B
PERMIT HW 50095-001, Sec. V.I.5.c

Description: Failure to conduct cylinder gas audits and relative accuracy test audit for Unit 2 SO2 Monitor-EPN 104 (2004-2008), Unit 8 SO2 Monitor-EPN 101 (2004-2008); Perform calibration error test and relative accuracy test for Unit No. 2 CO and O2 Monitors (2004-2008); Cylinder gas audit for Package Boiler NOx Monitor EPN 117; Perform daily calibrations for Unit 8 SO2 Monitor-EPN 101; Conducted relative accuracy test audit on Unit 2 CO2 and O2 monitors.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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

**AGREED ORDER
DOCKET NO. 2010-1388-AIR-E**

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a sulfuric acid manufacturing plant at 8615 Manchester Street in Houston, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 4, 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 One Thousand Four Hundred Ten Dollars (\$1,410) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand One Hundred Twenty-Eight Dollars (\$1,128) of the administrative penalty and Two Hundred Eighty-Two Dollars (\$282) 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 the Respondent has implemented the following corrective measures at the Plant:
 - a. On October 2, 2009, the reference method stack test was completed on the Regenerator II Preheater (Emission Point No. 128); and
 - b. On November 30, 2009, the test report was submitted to the TCEQ Houston Regional Office.
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 conduct a stack test on the Regenerator II Preheater and submit the test report prior to the March 31, 2007 deadline, in violation of 30 TEX. ADMIN. CODE §§ 117.9020(2)(C)(i) and 117.335(a), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 23, 2010. Additionally, it was documented that the preheater was only operated for 20 days between October 20, 2007 and October 2, 2009.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Rhodia Inc., Docket No. 2010-1388-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 Sredin
For the Executive Director

12/16/2010
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.

William J. McConnell
Signature

10/12/2010
Date

William J. McConnell
Name (Printed or typed)
Authorized Representative of
Rhodia Inc.

Plant Manager
Title

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