

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-1148-AIR-E **TCEQ ID:** RN100209931 **CASE NO.:** 40038
RESPONDENT NAME: Bayer MaterialScience LLC

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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: Bayer Material Science Baytown Plant, 8500 West Bay Road, Baytown, Chambers County</p> <p>TYPE OF OPERATION: Polycarbonate 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 is no record of additional pending enforcement actions regarding this facility location.</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 10, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Heather Podlipny, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2603; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Rainer Mellis, Vice President, Manufacturing Polycarbonates, Bayer MaterialScience LLC, 8500 West Bay Road, Baytown, Texas 77520 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 checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: April 22, 2010 to May 6, 2010</p> <p>Date of NOV/NOE Relating to this Case: July 8, 2010 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>1) Failed to obtain authorization for the operation of the Carbon Adsorption System ("CAS") [30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b)].</p> <p>2) Failed to report all deviations on semi-annual deviation reports dated April 29, 2009 and October 30, 2009 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. O2100, General Terms and Conditions].</p>	<p>Total Assessed: \$19,836</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$19,836</p> <p>Compliance History Classification: 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>Findings Orders Justification: The Respondent has three repeated enforcement actions over the prior five year period for the same violation.</p>	<p>Corrective Actions Taken: The Executive Director recognizes that, on July 22, 2010, the Respondent submitted a permit amendment application to operate the CAS under New Source Review Permit No. 2035A.</p> <p>Ordering Provisions: The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, implement improvements to training procedures and the recordkeeping system to ensure that all deviations are completely and accurately reported;</p> <p>b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application within 30 days after the date of such requests, or by any other deadline specified in writing;</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision a.; and</p> <p>d. Within 180 day after the effective date of this Agreed Order, submit written certification that either authorization to construct and operate the CAS has been obtained or that construction/operation has ceased until such time that appropriate authorization is obtained. The certification shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance.</p>

Additional ID No(s): CI0016S



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	12-Jul-2010	Screening	15-Jul-2010	EPA Due	4-Apr-2011
	PCW	19-Jul-2010				

RESPONDENT/FACILITY INFORMATION

Respondent	Bayer MaterialScience LLC		
Reg. Ent. Ref. No.	RN100209931		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	40038	No. of Violations	2
Docket No.	2010-1148-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Heather Podlipny
		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** **\$7,600**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **161.0%** Enhancement **Subtotals 2, 3, & 7** **\$12,236**

Notes: Enhancement for eight same/similar NOVs, 21 dissimilar NOVs, and four orders with denial. Reduction for one NOI.

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** **\$0**

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

Total EB Amounts \$180
 Approx. Cost of Compliance \$5,250
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$19,836**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$19,836**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$19,836**

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

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

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$19,836**

Screening Date 15-Jul-2010

Docket No. 2010-1148-AIR-E

PCW

Respondent Bayer MaterialScience LLC

Policy Revision 2 (September 2002)

Case ID No. 40038

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100209931

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	8	40%
	Other written NOVs	21	42%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	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</i>	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 161%

>> **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 same/similar NOVs, 21 dissimilar NOVs, and four orders with denial. Reduction for one NOI.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 161%

Screening Date 15-Jul-2010

Docket No. 2010-1148-AIR-E

PCW

Respondent Bayer MaterialScience LLC

Policy Revision 2 (September 2002)

Case ID No. 40038

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100209931

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.110(a) and Tex. Health & Safety Code §§ 382.0518(a) and 382.085(b)

Violation Description Failed to obtain permit authorization for the operation of the Carbon Adsorption System ("CAS"), which is being utilized as a secondary control device for vent stream diversions from the Makrolon incinerator, as documented during an investigation conducted from April 22, 2010 to May 6, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (25%).

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3 Number of violation days 84

Table for frequency: daily, weekly, monthly (marked with x), quarterly, semiannual, annual, single event.

Violation Base Penalty \$7,500

Three monthly events are recommended based on the investigation date of April 22, 2010 to the screening date of July 15, 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with x), and Notes.

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$163

Violation Final Penalty Total \$19,575

This violation Final Assessed Penalty (adjusted for limits) \$19,575

Economic Benefit Worksheet

Respondent Bayer MaterialScience LLC
Case ID No. 40038
Reg. Ent. Reference No. RN100209931
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$5,000	22-Apr-2010	16-Dec-2010	0.65	\$163	n/a	\$163
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain authorization for the operation of the CAS as a secondary control device. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$163

Screening Date 15-Jul-2010

Docket No. 2010-1148-AIR-E

PCW

Respondent Bayer MaterialScience LLC

Policy Revision 2 (September 2002)

Case ID No. 40038

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100209931

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A) and Tex. Health & Safety Code § 382.085(b) and Federal Operating Permit No. O2100, General Terms and Conditions

Violation Description

Failed to report all deviations on semi-annual deviation reports dated April 29, 2009 and October 30, 2009, as documented during an investigation conducted from April 22, 2010 to May 6, 2010. Specifically, the Respondent failed to report the operation of the CAS as a secondary control device without permit authorization.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

More than 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

258 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

One single event is recommended based on the incomplete report.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$17

Violation Final Penalty Total \$261

This violation Final Assessed Penalty (adjusted for limits) \$261

Economic Benefit Worksheet

Respondent Bayer MaterialScience LLC
Case ID No. 40038
Reg. Ent. Reference No. RN100209931
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$250	30-Oct-2009	6-Mar-2011	1.35	\$17	n/a	\$17
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for improving the recordkeeping/reporting system for submittal of complete and accurate reports. The Date Required is the date the semi-annual deviation report was submitted and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$17

Compliance History Report

Customer/Respondent/Owner-Operator:	CN601544042 Bayer MaterialScience LLC	Classification: AVERAGE	Rating: 2.69
Regulated Entity:	RN100209931 BAYER MATERIAL SCIENCE BAYTOWN PLANT	Classification: AVERAGE	Site Rating: 2.37

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	CI0016S
	AIR OPERATING PERMITS	PERMIT	1390
	AIR OPERATING PERMITS	PERMIT	2100
	AIR OPERATING PERMITS	PERMIT	2101
	AIR OPERATING PERMITS	PERMIT	2102
	AIR OPERATING PERMITS	PERMIT	2103
	AIR OPERATING PERMITS	PERMIT	2104
	AIR OPERATING PERMITS	PERMIT	2529
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50173
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30603
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD058260977
	WASTEWATER	PERMIT	WQ0001499000
	WASTEWATER	EPA ID	TX0002798
	AIR NEW SOURCE PERMITS	REGISTRATION	92216
	AIR NEW SOURCE PERMITS	REGISTRATION	92444
	AIR NEW SOURCE PERMITS	REGISTRATION	92527
	AIR NEW SOURCE PERMITS	PERMIT	32678
	AIR NEW SOURCE PERMITS	PERMIT	32679
	AIR NEW SOURCE PERMITS	PERMIT	32835
	AIR NEW SOURCE PERMITS	REGISTRATION	32017
	AIR NEW SOURCE PERMITS	REGISTRATION	32469
	AIR NEW SOURCE PERMITS	PERMIT	33665
	AIR NEW SOURCE PERMITS	REGISTRATION	33446
	AIR NEW SOURCE PERMITS	PERMIT	34017
	AIR NEW SOURCE PERMITS	REGISTRATION	33931
	AIR NEW SOURCE PERMITS	REGISTRATION	34529
	AIR NEW SOURCE PERMITS	PERMIT	35148
	AIR NEW SOURCE PERMITS	REGISTRATION	35748
	AIR NEW SOURCE PERMITS	REGISTRATION	36361
	AIR NEW SOURCE PERMITS	REGISTRATION	36819
	AIR NEW SOURCE PERMITS	REGISTRATION	38737
	AIR NEW SOURCE PERMITS	PERMIT	39943
	AIR NEW SOURCE PERMITS	REGISTRATION	39205
	AIR NEW SOURCE PERMITS	REGISTRATION	39221

AIR NEW SOURCE PERMITS	REGISTRATION	39305
AIR NEW SOURCE PERMITS	REGISTRATION	40214
AIR NEW SOURCE PERMITS	REGISTRATION	41110
AIR NEW SOURCE PERMITS	REGISTRATION	42933
AIR NEW SOURCE PERMITS	REGISTRATION	43879
AIR NEW SOURCE PERMITS	REGISTRATION	44256
AIR NEW SOURCE PERMITS	REGISTRATION	44965
AIR NEW SOURCE PERMITS	REGISTRATION	46087
AIR NEW SOURCE PERMITS	REGISTRATION	46547
AIR NEW SOURCE PERMITS	REGISTRATION	47933
AIR NEW SOURCE PERMITS	REGISTRATION	47877
AIR NEW SOURCE PERMITS	REGISTRATION	49695
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	CI0016S
AIR NEW SOURCE PERMITS	REGISTRATION	15373
AIR NEW SOURCE PERMITS	PERMIT	1978A
AIR NEW SOURCE PERMITS	PERMIT	2005
AIR NEW SOURCE PERMITS	PERMIT	2006A
AIR NEW SOURCE PERMITS	PERMIT	2006B
AIR NEW SOURCE PERMITS	REGISTRATION	2033E
AIR NEW SOURCE PERMITS	PERMIT	2035A
AIR NEW SOURCE PERMITS	PERMIT	2141
AIR NEW SOURCE PERMITS	PERMIT	7503
AIR NEW SOURCE PERMITS	PERMIT	7870
AIR NEW SOURCE PERMITS	PERMIT	7997
AIR NEW SOURCE PERMITS	PERMIT	10789
AIR NEW SOURCE PERMITS	PERMIT	10813
AIR NEW SOURCE PERMITS	PERMIT	11261
AIR NEW SOURCE PERMITS	PERMIT	11635
AIR NEW SOURCE PERMITS	REGISTRATION	13916
AIR NEW SOURCE PERMITS	REGISTRATION	13917
AIR NEW SOURCE PERMITS	REGISTRATION	14068
AIR NEW SOURCE PERMITS	REGISTRATION	14776
AIR NEW SOURCE PERMITS	REGISTRATION	15808
AIR NEW SOURCE PERMITS	REGISTRATION	17110
AIR NEW SOURCE PERMITS	PERMIT	18033
AIR NEW SOURCE PERMITS	REGISTRATION	7877A
AIR NEW SOURCE PERMITS	PERMIT	22197
AIR NEW SOURCE PERMITS	REGISTRATION	25130
AIR NEW SOURCE PERMITS	REGISTRATION	30638

AIR NEW SOURCE PERMITS	REGISTRATION	31683
AIR NEW SOURCE PERMITS	REGISTRATION	52342
AIR NEW SOURCE PERMITS	REGISTRATION	53004
AIR NEW SOURCE PERMITS	REGISTRATION	52109
AIR NEW SOURCE PERMITS	REGISTRATION	55162
AIR NEW SOURCE PERMITS	REGISTRATION	75401
AIR NEW SOURCE PERMITS	REGISTRATION	54702
AIR NEW SOURCE PERMITS	AFS NUM	4807100009
AIR NEW SOURCE PERMITS	REGISTRATION	70871
AIR NEW SOURCE PERMITS	REGISTRATION	85625
AIR NEW SOURCE PERMITS	REGISTRATION	54695
AIR NEW SOURCE PERMITS	REGISTRATION	54700
AIR NEW SOURCE PERMITS	REGISTRATION	52086
AIR NEW SOURCE PERMITS	REGISTRATION	76915
AIR NEW SOURCE PERMITS	REGISTRATION	79855
AIR NEW SOURCE PERMITS	REGISTRATION	90373
AIR NEW SOURCE PERMITS	REGISTRATION	84249
AIR NEW SOURCE PERMITS	REGISTRATION	88112
AIR NEW SOURCE PERMITS	REGISTRATION	85907
AIR NEW SOURCE PERMITS	REGISTRATION	91451
AIR NEW SOURCE PERMITS	REGISTRATION	85149
AIR NEW SOURCE PERMITS	REGISTRATION	84777
AIR NEW SOURCE PERMITS	REGISTRATION	85448
AIR NEW SOURCE PERMITS	REGISTRATION	87521
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	75002
INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50173
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30603
INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50173
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	CI0016S

Location: 8500 W BAY RD, BAYTOWN, TX, 77523

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: July 13, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 13, 2005 to July 13, 2010

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

Name: Heather Podlipny Phone: 239 - 2603

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: 02/08/2008 ADMINORDER 2007-0400-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP No. O-02101 ST&C 11 OP
 NSR Permit No. 1849A SC No. PA
 NSR Permit No. 2005 SC No. 3C PA
 NSR Permit No. 2033 SC 9E PA
 NSR Permit No. 26246 SC No. 9E PA
 NSR Permit No. 29481 SC 7E PA

Description: Failure to seal 93 open-ended lines in VOC service from October 1, 2005 to September 30, 2006.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(2)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to meet minimum efficiency of 98% or reduce HAP to below 20 ppmv for the thermal incinerator FV11514600.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.114(d)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(f)(1)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to collect data from flow indicator of HCl incinerator from 8:14 AM through 9:14 AM on April 26, 2006 for unit ID FV11514600.

Effective Date: 02/18/2008 ADMINORDER 2007-0116-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit #T-18033, SC#1 PA

Description: Failure to prevent unauthorized emissions of ammonia and orthodichlorobenzene.

Effective Date: 04/20/2009 ADMINORDER 2008-1546-AIR-E

Classification: Moderate

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

Rqmt Prov: OP O-02100, Special Condition 7 OP
 P 2035A, Special Condition 7C PA

Description: Failed to maintain incinerator (MP-073) exit temperature at or above 1,600 degrees Fahrenheit with a retention time of one second or greater.

Effective Date: 04/25/2010

ADMINORDER 2009-1666-AIR-E

Classification: Moderate

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

Rqmt Prov: Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions during an emissions event. Specifically, Bayer failed to prevent unauthorized emissions from waste gas vent stack FV11602000.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
5C THSC Chapter 382 382.085(b)

Description: Failure to submit the Final Report for a reportable emissions event within 14 days of the end of the event.

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	07/14/2005	(396158)
2	07/25/2005	(440601)
3	08/04/2005	(401277)
4	08/05/2005	(400358)
5	08/19/2005	(400355)
6	08/23/2005	(440602)
7	08/31/2005	(407287)
8	09/23/2005	(440603)
9	10/25/2005	(468059)
10	10/25/2005	(468060)
11	11/22/2005	(468061)
12	12/05/2005	(468063)
13	12/19/2005	(468062)
14	12/21/2005	(438746)
15	02/15/2006	(438764)
16	02/22/2006	(468056)
17	03/09/2006	(433319)
18	03/14/2006	(454965)
19	03/14/2006	(468057)
20	04/05/2006	(468058)
21	05/01/2006	(463114)
22	05/11/2006	(462169)
23	05/22/2006	(497959)
24	05/24/2006	(461566)
25	06/19/2006	(497960)
26	07/20/2006	(460769)
27	08/03/2006	(486550)
28	08/18/2006	(465994)
29	09/01/2006	(485127)
30	09/19/2006	(512304)
31	10/23/2006	(519973)
32	10/23/2006	(519974)
33	10/23/2006	(544213)
34	10/23/2006	(544216)
35	11/16/2006	(544214)
36	12/21/2006	(517975)
37	12/21/2006	(544215)
38	01/19/2007	(517978)

39	01/31/2007	(532639)
40	02/20/2007	(574826)
41	03/02/2007	(532638)
42	03/02/2007	(532758)
43	03/19/2007	(574827)
44	04/05/2007	(532640)
45	04/12/2007	(532641)
46	04/20/2007	(574828)
47	05/18/2007	(574829)
48	05/29/2007	(532637)
49	06/20/2007	(574830)
50	06/20/2007	(574832)
51	06/25/2007	(532767)
52	07/23/2007	(574831)
53	08/13/2007	(601448)
54	10/05/2007	(619367)
55	10/22/2007	(619368)
56	11/19/2007	(619369)
57	11/19/2007	(619370)
58	12/17/2007	(671861)
59	01/15/2008	(599760)
60	02/11/2008	(613410)
61	02/22/2008	(610437)
62	02/22/2008	(671859)
63	03/05/2008	(610507)
64	03/18/2008	(671860)
65	03/28/2008	(610424)
66	03/28/2008	(679794)
67	03/31/2008	(610609)
68	04/09/2008	(610608)
69	04/17/2008	(610509)
70	04/22/2008	(689792)
71	05/16/2008	(689793)
72	06/05/2008	(689795)
73	06/05/2008	(689796)
74	06/20/2008	(689794)
75	08/04/2008	(687702)
76	08/04/2008	(688166)
77	08/21/2008	(710541)
78	08/29/2008	(636739)
79	10/07/2008	(727345)
80	10/27/2008	(710542)
81	10/27/2008	(710543)
82	11/18/2008	(727346)
83	12/22/2008	(727347)
84	02/12/2009	(709041)
85	02/13/2009	(750068)
86	03/05/2009	(750069)
87	04/15/2009	(750070)
88	04/24/2009	(742180)
89	05/08/2009	(768231)
90	06/03/2009	(768232)
91	06/12/2009	(768233)
92	08/21/2009	(804228)
93	09/21/2009	(761507)
94	10/09/2009	(804229)
95	11/13/2009	(804230)
96	12/09/2009	(783590)
97	12/15/2009	(804231)
98	01/05/2010	(786095)

99 01/07/2010 (804232)
 100 02/09/2010 (804227)
 101 03/04/2010 (785981)
 102 03/05/2010 (830712)
 103 03/17/2010 (786485)
 104 04/13/2010 (830713)
 105 04/29/2010 (794253)
 106 05/10/2010 (830714)
 107 05/27/2010 (748876)
 108 06/16/2010 (827079)
 109 07/08/2010 (789956)

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

Date: 07/15/2005 (396158) CN601544042
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 Description: Incomplete deviation reports.

Date: 07/15/2005 (396158) CN601544042
 Self Report? NO Classification: Minor
 Citation: 20153, SC 10E PERMIT
 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)
 O-02106, SC 1A & SC 9 OP
 Description: Missing plugs on open-ended lines.

Date: 08/04/2005 (401277) CN601544042
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 35148 Special Condition 3 A PERMIT
 Description: Failure to keep CO emissions within the 100 ppm allowable limit on August 19, 2004 from 22:00 to 23:00.

Date: 08/05/2005 (400358) CN601544042
 Self Report? NO Classification: Moderate
 Citation: # 2006A Special Condition 10E PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(c)
 Description: Failure to ensure that all open ended lines are equipped with either a cap, blind flange or a second valve.

Date: 08/31/2005 (407287) CN601544042
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 Description: Failure to ensure that there are no missing caps on valves that are in VOC service.

Date: 03/14/2006 (454965) CN601544042
 Self Report? NO Classification: Moderate
 Citation: 22197, SC 10E PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 32678, SC 3E PERMIT
 32679, SC 7E PERMIT
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THC Chapter 382, SubChapter A 382.085(b)
 O-02102, SC 7 OP
 T-18033, SC 2E PERMIT
 Description: Failure to seal open-ended lines.

Date: 03/14/2006 (454965) CN601544042
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(5)
5C THC Chapter 382, SubChapter A 382.085(b)
O-02102, SC 1E OP

Description: Failed to correctly analyze the cooling water taken at the entrance and exit of the heat exchanger.

Self Report? NO Classification: Moderate

Citation: 22197, SC 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-02102, SC 7A OP

Description: Failed to monitor, every twelve hours, the water flow rates through the scrubbers.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)
O-02102, SC 7 OP
T-18033, SC 6 PERMIT

Description: Failed to include the time of the inspection of components that are in low volatility service.

Self Report? NO Classification: Minor

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

Description: Failed to include on the semiannual deviation reports, the failure to monitor, every twelve hours, the water flow rates through the scrubbers and the failure to include the time of the inspection of components that are in low volatility service.

Date: 08/18/2006 (465994) CN601544042

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

Description: Failed to meet the Emissions Event Reporting and Recordkeeping Requirements.

Date: 12/21/2006 (517975) CN601544042

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

Description: Failure to include the facility's permit number in the final report.

Date: 01/31/2007 (532639) CN601544042

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-02529, SC 12 OP
NSR Permit No. 39943, SC 7A PA

Description: Failure to conduct AVO walk through record keeping at the tank farm/barge dock area.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-02529, SC 12 OP
NSR Permit No. 39943, SC 8E PA

Description: Failure to plug 18 open-ended lines.

Date: 03/02/2007 (532758) CN601544042

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-02104, Special Condition 8 OP
NSR #2006A, Special Condition 10E PERMIT

Description: Failure to ensure that all open ended lines are equipped with either a cap, blind flange or a second valve.

Date: 04/05/2007 (532640) CN601544042

Self Report? NO Classification: Minor

Citation: NSR Permit No. 34017 SC 12E PERMIT
O-02103 STC 5 OP

Description: Failure to plug open-ended lines.

Self Report? NO Classification: Minor

Citation: FOP O-02103 STC 5 OP
NSR Permit No. 34017 SC 5 PA

Description: failure to maintain minimum operating tempature for the HCl incinerator unit ID FV 11514600 during the compliance certification period.

Self Report? NO Classification: Minor

Citation: FOP O-02103 STC 5 OP
NSR Permit No. 34017 SC 7 PERMIT

Description: failure to operate the caustic fume scrubber FV11514000 at a minimum liquid flow rate of 15 gallons per minutes (gpm) on May 18, 2006.

Date: 04/12/2007 (532641) CN601544042

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-02100, STC 7 OP
NSR Permit No. 2035A, SC 8C PERMIT

Description: failure to maintain a minimum temperature for the thermal incinerator

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-02100, STC 7 OP
NSR Permit No. 2035A, SC 9E PERMIT

Description: failure to seal open-ended lines.

Date: 04/30/2007 (574829) CN601544042

Self Report? YES Classification: Moderate

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

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

Date: 05/29/2007 (532637) CN601544042

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-02102 STC 7 OP
NSR Permit No. 22197, SC 8A PA

Description: failure to monitor the absorber water flow rate every 12 hours during November 1, 2005 through December 21, 2005.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
FOP O-02102 STC 1 OP
FOP O-02102 STC 7 OP
NSR Permit No. 18033, SC 2E PA
NSR Permit No. 22197, SC 10E PA
NSR Permit No. 32678, SC 3E PA
NSR Permit No. 32679, SC 7E PA

Description: failure to plug open-ended lines in light liquid service in the Plastics unit during the

compliance certification period.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-02102, STC 7 OP
NSR Permit No. 18033, SC 7A PA
Description: failure to conduct AVO checks for ammonia leaks due to incident in the unit during September 26, 2006.

Date: 10/31/2007 (619369) CN601544042
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 02/26/2008 (610437) CN601544042
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)
NSR Permit 39943 SC#6A PERMIT
O-02529 SC#12 OP
Description: Failure to conduct Audio, visual and olfactory checks.

Date: 03/06/2008 (610507) CN601544042
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)
O-1390, General Terms and Conditions OP
Description: Failure to report the CO and NOx exceedances on the Title V deviation reports during the certification period.

Date: 03/28/2008 (610424) CN601544042
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
NSR 26246 SC9E, 2005 SC8E, 1849A SC4E PERMIT
O-02101, SC1D OP
Description: Failure to seal 27 open-ended valves or lines.

Date: 03/28/2008 (679794) CN601544042
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: 04/01/2008 (610609) CN601544042
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
FOP#O-02103, SC#5 OP
NSR PERMIT# 34017, SC#12E PERMIT
Description: Failure to seal 6 open-ended lines

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

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT NNNNN 63.9035(b)
5C THSC Chapter 382 382.085(b)
FOP O-02103, SC#5 OP
NSR PERMIT#34017, SC#7 PERMIT

Description: Failed to monitor HCL fume scrubber EPN FV11012101 and Caustic fume scrubber EPN FV11514000.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT NNNNN 63.9035(b)
5C THSC Chapter 382 382.085(b)
FOP O-02103, SC#5 OP
NRS PERMIT #34017, SC 7 PERMIT

Description: Flow transmitter failure of HCL fume scrubber.

Date: 04/09/2008 (610608) CN601544042

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
FOP# O-02102, STC 7 OP
FOP#O-02102, STC1D OP
NSR# 22197, SC10E PERMIT
NSR#18033, SC 2E PERMIT
NSR#32679, SC 7E PERMIT

Description: Failed to seal 11 open-ended valves. (Category C10)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(f)(1)
5C THSC Chapter 382 382.085(b)
FOP# O-02102, STC#7 OP
NSR# 32835, SC11 PERMIT

Description: Failed to monitor the thermal oxidizer EPN FV87820115.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(2)
5C THSC Chapter 382 382.085(b)
FOP# O-02102, STC 1D OP
FOP#O-02102, STC1A OP

Description: Failure to reduce emission of total organic hazardous air pollutants by 98 percent for the incinerator EPN FV11514600 and the thermal oxidizer EPN FV87820115.

Date: 04/18/2008 (610509) CN601544042

Self Report? NO Classification: Minor

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)
O-2104, Special Condition 8 OP

Description: Failure to prevent the loading of IPDA, because the loading activity was not represented in the NSR Permit 7870 application.

Date: 07/31/2008 (710541) CN601544042

Self Report? YES Classification: Moderate

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

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

Date: 08/29/2008 (636739) CN601544042
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 OP O-02100, Special Condition 7 OP
 P 2035A, Special Condition 9E PA
 Description: Failure to cap open-ended lines, Unit ID# Fugitives. Category C 10
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 OP O-02100, Special Condition 7 OP
 P 2035A, Special Condition 7D PA
 Description: Failure to maintain recycled scrubber liquor pH above 7.0, Unit ID#
 MP-073/F16452500
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to report deviations, Unit ID# MP-073/F16452500
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)(2)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to submit a complete permit application for general applicability
 determinations for cooling towers listed in FOP #O-2100, EPN# FC83006500,
 FC83006502, FC83013600, FC83015500, FC83015800.

Date: 09/30/2008 (710543) CN601544042
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 04/27/2009 (742180) CN601544042
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)
 30 TAC Chapter 319, SubChapter A 319.7(c)
 Description: Failure to properly maintain standards for chlorine analysis quality control.

Date: 03/05/2010 (785981) CN601544042
 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 5G PERMIT
 ST&C 7 OP
 Description: Failure to adequately maintain the exhaust temperature at the Off-Gas
 Incinerator/Scrubber (EPN FV11514600). (Category C4 violation)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 6G PERMIT
 ST&C 7 OP
 Description: Failure to comply with the minimum required inlet flow rate for the HCl Fume
 Scrubber (FV11012101) and the Caustic Fume Scrubber (FV11514000). (Category C4 violation)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 6E PERMIT
 ST&C 7 OP
 Description: Failure to adequately maintain records of the daily pH averages for the Caustic

Fume Scrubber (EPN FV11514000). (Category C3 violation)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
SC 10E PERMIT
SC6E PERMIT
ST&C 1A OP
ST&C 7 OP

Description: Failure to seal open ended lines. (Category C10 violation).
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)
General Terms & Conditions OP
Description: Failure to report all emission events for the October 1, 2007-March 31, 2008 reporting period. (Category C3 violation)

Date: 03/18/2010 (786485) CN601544042

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-02101 Special Term & Condition 11 OP
NSR Permit 2005 Special Condition 7 PERMIT

Description: Failure to replace the CAS Canister within the required time frame. (CATEGORY B18 Violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)
5C THSC Chapter 382 382.085(b)
FOP O-02101 General Terms & Conditions OP

Description: Failure to report all instances of deviations. (CATEGORY C3 Violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
FOP O-02101 Special Term & Condition 11 OP
FOP O-02101 Special Term & Condition 1A OP
NSR Permit 2005 Special Condition 9E PERMIT

Description: Failure to prevent open ended lines. (CATEGORY C10 Violation)

Date: 04/30/2010 (794253) CN601544042

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
Special Conditions No. 7E PERMIT
Special Terms and Conditions Nos. 1A & 9 OP

Description: Failure to equip seven open-ended lines in VOC service and six open-ended lines in HAP service with a cap, blind flange, plug or a second valve in the Barge Dock Process Fugitives Area (EPN FU75000000) from March 20, 2009 through May 13, 2009. (Category C10 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Conditions No. 6A PERMIT
Special Terms and Conditions Nos. 1A & 9 OP

Description: Failure to conduct daily Audible, Visual, and Olfactory (AVO) inspections in the Barge Dock Process Fugitives Area (EPN FU75000000) from March 5, 2009 to April 15, 2009. (Category C3 violation)

Date: 07/08/2010 (789956)

CN601544042

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 7D PERMIT
Special Term and Condition 7 OP

Description: Failure to maintain the scrubber liquor above a pH level of 7.0 (Category C1).

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 7C PERMIT
Special Term and Condition 7 OP

Description: Failure to maintain the incinerator (MP-073/F16452500) at or above 1600 degrees Fahrenheit (Category B18).

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 9E PERMIT
Special Term and Condition 1A OP
Special Term and Condition 7 OP

Description: Failure to cap or plug open-ended lines (Category C10).

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 5 PERMIT
Special Term and Condition 7 OP

Description: Failure to prevent non-fugitive emissions from relief valves containing VOCs at a concentration of greater than 1 weight percent (Category C4).

F. Environmental audits.

Notice of Intent Date: 06/08/2009 No DOV Associated (759109)

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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
BAYER MATERIALSCIENCE LLC	§	
RN100209931	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2010-1148-AIR-E

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

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

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a polycarbonate manufacturing plant at 8500 West Bay Road in Baytown, Chambers County, Texas (the “Plant”).

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation from April 22, 2010 to May 6, 2010, TCEQ staff documented the Respondent failed to obtain permit authorization for the operation of the Carbon Adsorption System ("CAS"), which is being utilized as a secondary control device for vent stream diversions from the Makrolon incinerator.
4. During an investigation from April 22, 2010 to May 6, 2010, TCEQ staff documented the Respondent failed to report all deviations on semi-annual deviation reports dated April 29, 2009 and October 30, 2009. Specifically, the Respondent failed to report the operation of the CAS as a secondary control device without permit authorization.
5. The Respondent received notice of the violations on July 12, 2010.
6. The Executive Director recognizes that, on July 22, 2010, the Respondent submitted a permit amendment application to operate the CAS under New Source Review Permit No. 2035A.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to obtain authorization for the operation of the CAS, in violation of 30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b).
3. As evidenced by Findings of Fact No. 4, the Respondent failed to report all deviations on semi-annual deviation reports dated April 29, 2009 and October 30, 2009, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b) and Federal Operating Permit No. O2100, General Terms and Conditions.
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Nineteen Thousand Eight Hundred Thirty-Six Dollars (\$19,836) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Nineteen Thousand Eight Hundred Thirty-Six Dollar (\$19,836) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Nineteen Thousand Eight Hundred Thirty-Six Dollars (\$19,836) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Bayer MaterialScience LLC, Docket No. 2010-1148-AIR-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement improvements to training procedures and the recordkeeping system to ensure that all deviations are completely and accurately reported;
 - b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application within 30 days after the date of such requests, or by any other deadline specified in writing;
 - c. Within 45 days after the effective date of this Agreed Order, submit written certification, as described in Ordering Provision No. 2.d., to demonstrate compliance with Ordering Provision No. 2.a.; and
 - d. Within 180 days after the effective date of this Agreed Order, submit written certification that either authorization to construct and operate the CAS has been obtained or that construction/operation has ceased until such time that appropriate authorization is obtained. The certification shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public, and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the

information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Srdin

For the Executive Director

2/14/2011

Date

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

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

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

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

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

Rainer Mellis

Signature

OCT 28, 2010

Date

RAINER MELLIS

Name (Printed or typed)
Authorized Representative of
Bayer MaterialScience LLC

VP MANUFACTURING POLYCARBONATES

Title

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