

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2010-1709-AIR-E **TCEQ ID:** RN100219393 **CASE NO.:** 40560  
**RESPONDENT NAME:** Akzo Nobel Surface Chemistry LLC

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Akzo Nobel Surface Chemistry, 15200 Almeda Road, Houston, Fort Bend County</p> <p><b>TYPE OF OPERATION:</b> Chemical manufacturing facility</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2011-0120-UIC-E.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on April 4, 2011. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R14, (361) 825-3420; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. John Hoffman, Plant Manager, Akzo Nobel Surface Chemistry LLC, 15200 Almeda Road, Houston, Texas 77053  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> September 22, 2010</p> <p><b>Date of NOV/NOE Relating to this Case:</b> September 30, 2010 (NOE)</p> <p><b>Background Facts:</b> This was a records review.</p> <p><b>AIR</b></p> <p>Failed to operate the K-400B scrubber system with no less than a 99 percent efficiency in the removal of carbon compounds captured by the collection system. Specifically, during the investigation, it was documented that the control efficiency of the K-400B scrubber system was calculated to be 93.75 percent, resulting in the release of approximately 2,125 pounds of volatile organic compounds [Federal Operating Permit No. O1328, Special Terms and Conditions No. 9, New Source Review Permit No. 562, Special Conditions No. 4, 30 TEX. ADMIN. CODE §§ 122.143(4) and 116.115(c), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$9,675</p> <p><b>Total Deferred:</b> \$1,935  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$7,740</p> <p><b>Compliance History Classification:</b>            Person/CN – Average            Site/RN – Average</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 180 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with the 99 percent removal efficiency for the K-400B scrubber system required by New Source Review Permit No. 562 Special Condition No. 4, or any alternative measure of compliance approved through a permit amendment; and</p> <p>b. Written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision b.</p>

Additional ID No(s): FG0042L



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	12-Oct-2010	<b>Screening</b>	18-Oct-2010	<b>EPA Due</b>	N/A
	<b>PCW</b>	18-Oct-2010				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Akzo Nobel Surface Chemistry LLC		
<b>Reg. Ent. Ref. No.</b>	RN100219393		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	40560	<b>No. of Violations</b>	1
<b>Docket No.</b>	2010-1709-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Rebecca Johnson
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$7,500**

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

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

**Compliance History** **29.0%** Enhancement **Subtotals 2, 3, & 7** **\$2,175**

Notes: Enhancement for four similar NOVs and five dissimilar NOVs. Reduction for one Notice of Audit submitted.

**Culpability** **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  \*Capped at the Total EB \$ Amount  
 Approx. Cost of Compliance

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$9,675**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** **\$9,675**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$9,675**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$1,935**

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

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$7,740**

**Screening Date** 18-Oct-2010

**Docket No.** 2010-1709-AIR-E

**PCW**

**Respondent** Akzo Nobel Surface Chemistry LLC

Policy Revision 2 (September 2002)

**Case ID No.** 40560

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN100219393

**Media [Statute]** Air

**Enf. Coordinator** Rebecca Johnson

**Compliance History Worksheet**

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	4	20%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%

Please Enter Yes or No

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

**Adjustment Percentage (Subtotal 2)** 29%

>> **Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for four similar NOVs and five dissimilar NOVs. Reduction for one Notice of Audit submitted.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 29%

Screening Date 18-Oct-2010

Docket No. 2010-1709-AIR-E

PCW

Respondent Akzo Nobel Surface Chemistry LLC

Policy Revision 2 (September 2002)

Case ID No. 40560

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219393

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 1

Rule Cite(s) Federal Operating Permit No. O1328, Special Terms and Conditions No. 9, New Source Review Permit No. 562, Special Conditions No. 4, 30 Tex. Admin. Code §§ 122.143(4) and 116.115(c), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to operate the K-400B scrubber system with no less than a 99 percent efficiency in the removal of carbon compounds captured by the collection system. Specifically, during the investigation, it was documented that the control efficiency of the K-400B scrubber system was calculated to be 93.75 percent, resulting in the release of approximately 2,125 pounds of volatile organic compounds.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (25%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0%).

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3 Number of violation days 242

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

Violation Base Penalty \$7,500

Three quarterly events are recommended based on the initial investigation date of February 18, 2010 to the October 18, 2010 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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 \$135

Violation Final Penalty Total \$9,675

This violation Final Assessed Penalty (adjusted for limits) \$9,675

## Economic Benefit Worksheet

**Respondent** Akzo Nobel Surface Chemistry LLC  
**Case ID No.** 40560  
**Req. Ent. Reference No.** RN100219393  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$2,000	18-Feb-2010	26-Jun-2011	1.35	\$135	n/a	\$135
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to submit and obtain a permit amendment to revise the control efficiency requirements. The date required is the initial investigation date. The final date is the projected date corrective measures will be completed.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$2,000

TOTAL

\$135

# Compliance History Report

Customer/Respondent/Owner-Operator: CN601580566 Akzo Nobel Surface Chemistry LLC Classification: AVERAGE Rating: 0.60  
Regulated Entity: RN100219393 AKZO NOBEL SURFACE CHEMISTRY Classification: AVERAGE Site Rating: 1.20

ID Number(s):			
	AIR OPERATING PERMITS	ACCOUNT NUMBER	FL0042L
	AIR OPERATING PERMITS	PERMIT	1328
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0790413
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW111
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW139
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW343
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW421
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW420
	AIR NEW SOURCE PERMITS	PERMIT	524
	AIR NEW SOURCE PERMITS	PERMIT	562
	AIR NEW SOURCE PERMITS	PERMIT	563
	AIR NEW SOURCE PERMITS	PERMIT	3847
	AIR NEW SOURCE PERMITS	REGISTRATION	6449
	AIR NEW SOURCE PERMITS	PERMIT	6450
	AIR NEW SOURCE PERMITS	PERMIT	7078
	AIR NEW SOURCE PERMITS	REGISTRATION	8207
	AIR NEW SOURCE PERMITS	REGISTRATION	9001
	AIR NEW SOURCE PERMITS	PERMIT	9536
	AIR NEW SOURCE PERMITS	PERMIT	9600
	AIR NEW SOURCE PERMITS	PERMIT	19449
	AIR NEW SOURCE PERMITS	PERMIT	19803
	AIR NEW SOURCE PERMITS	REGISTRATION	38949
	AIR NEW SOURCE PERMITS	REGISTRATION	40311
	AIR NEW SOURCE PERMITS	REGISTRATION	41732
	AIR NEW SOURCE PERMITS	REGISTRATION	46165
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	FG0042L
	AIR NEW SOURCE PERMITS	PERMIT	56693
	AIR NEW SOURCE PERMITS	PERMIT	56694
	AIR NEW SOURCE PERMITS	PERMIT	56695
	AIR NEW SOURCE PERMITS	PERMIT	56696
	AIR NEW SOURCE PERMITS	PERMIT	56697
	AIR NEW SOURCE PERMITS	PERMIT	56698
	AIR NEW SOURCE PERMITS	PERMIT	56699
	AIR NEW SOURCE PERMITS	PERMIT	56692
	AIR NEW SOURCE PERMITS	PERMIT	56691

AIR NEW SOURCE PERMITS	AFS NUM	4815700021
AIR NEW SOURCE PERMITS	REGISTRATION	79386
AIR NEW SOURCE PERMITS	REGISTRATION	78930
AIR NEW SOURCE PERMITS	REGISTRATION	80481
AIR NEW SOURCE PERMITS	REGISTRATION	80490
AIR NEW SOURCE PERMITS	REGISTRATION	81051
AIR NEW SOURCE PERMITS	REGISTRATION	84542
AIR NEW SOURCE PERMITS	REGISTRATION	87729
AIR NEW SOURCE PERMITS	REGISTRATION	91524
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD065078826
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30300
STORMWATER	PERMIT	TXR05R455
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	FG0042L

Location: 15200 ALMEDA RD, HOUSTON, TX, 77053

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: October 18, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 18, 2005 to October 18, 2010

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

Name: Rebecca Johnson Phone: (361) 825-3420

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2010 Repeat Violator: NO

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.  
N/A
- 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 10/21/2005 (434207)
- 2 10/21/2005 (434214)
- 3 04/19/2006 (451106)

4 01/24/2006 (451215)  
5 01/24/2006 (451216)  
6 04/19/2006 (460125)  
7 04/19/2006 (460126)  
8 04/19/2006 (460127)  
9 04/20/2006 (462467)  
10 05/21/2006 (465561)  
11 07/20/2006 (484804)  
12 07/20/2006 (486285)  
13 07/20/2006 (486297)  
14 07/20/2006 (486301)  
15 11/21/2006 (518889)  
16 11/21/2006 (518896)  
17 03/26/2007 (519043)  
18 08/02/2007 (532533)  
19 03/12/2007 (540378)  
20 04/12/2007 (542580)  
21 04/12/2007 (542588)  
22 04/12/2007 (542594)  
23 04/25/2007 (555262)  
24 04/25/2007 (557780)  
25 07/09/2007 (563230)  
26 07/24/2007 (565069)  
27 10/05/2007 (593535)  
28 12/10/2007 (595705)  
29 12/17/2007 (599106)  
30 12/17/2007 (599107)  
31 11/19/2007 (608775)  
32 11/19/2007 (608778)  
33 12/20/2007 (611960)  
34 02/27/2008 (613212)

35 02/27/2008 (613333)  
36 02/26/2008 (613362)  
37 03/06/2008 (613879)  
38 03/12/2008 (618863)  
39 02/28/2008 (618956)  
40 04/28/2008 (636789)  
41 04/02/2008 (637640)  
42 04/29/2008 (638524)  
43 04/29/2008 (638527)  
44 04/29/2008 (638528)  
45 06/04/2008 (654634)  
46 02/16/2009 (684854)  
47 11/25/2008 (708053)  
48 11/25/2008 (708054)  
49 11/25/2008 (708059)  
50 11/25/2008 (708765)  
51 02/06/2009 (723302)  
52 08/25/2009 (737244)  
53 04/06/2009 (737465)  
54 04/06/2009 (737466)  
55 04/06/2009 (737467)  
56 05/05/2009 (738969)  
57 04/29/2009 (741850)  
58 04/29/2009 (741852)  
59 04/29/2009 (741853)  
60 08/25/2009 (763141)  
61 08/26/2009 (766420)  
62 08/27/2009 (766423)  
63 08/28/2009 (766424)  
64 10/08/2009 (776620)

65 04/14/2010 (784744)  
 66 02/18/2010 (789374)  
 67 04/22/2010 (796147)  
 68 04/22/2010 (796150)  
 69 04/22/2010 (796151)  
 70 07/08/2010 (828012)  
 71 07/08/2010 (828014)  
 72 07/08/2010 (828016)  
 73 09/29/2010 (850491)  
 74 09/29/2010 (865269)

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

**Date: 02/21/2006 (451106)**

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 331, SubChapter D 331.65(b)(1)  
 30 TAC Chapter 331, SubChapter D 331.67(a)(1)  
 WDW-111, PP X PERMIT

Description: Self reporting showed errors.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 331, SubChapter D 331.65(b)(1)  
 30 TAC Chapter 331, SubChapter D 331.67(a)(4)  
 PP X PERMIT

Description: Alarm records were not being maintained.

**Date: 02/22/2006 (460125)**

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 331, SubChapter D 331.65(b)(1)  
 30 TAC Chapter 331, SubChapter D 331.67(a)(2)  
 PP X PERMIT

Description: Self-reporting errors were noted.

**Date: 08/02/2007 (532533)**

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)  
 9600, Special Condition 14 PERMIT  
 O-01328, SC 9.A. OP

Description: Failure to maintain the minimum scrubbing fluid flow rate on the following scrubbers: V-004 (04/15/2005-05/08/2005); V-003 (09/25/2005); and V-008 (01/01-02-2006; 02/06-13/2006; 08/01/2006-09/19/2006) which constitutes a violation of permit no. 9600, SC 14.

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)  
 9600, Special Condition 15 PERMIT  
 O-01328, SC 9.A. OP

Description: Failure to keep the exit temperature of the condenser associated with V-500 below 110 degrees Fahrenheit on January 4, 2006, from 3:15 a.m. to 3:45 a.m. This constitutes a violation of permit no. 9600, SC 15.

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 THC Chapter 382, SubChapter D 382.085(b)  
 O-01328, General Terms and Conditions OP

Description: Failure to submit all instances of deviation.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-01328, SC 1.A. OP

Description: Failure to conduct bottom loading of butylamine (vapor pressure 7.65 psia).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)(6)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-01328, 5.D. OP

Description: Failure to maintain records of the hours of operation for the diesel engines that operate the pit wastewater emergency pump and the emergency air compressor.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)(10)(A)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-01328, SC 5.E. OP

Description: Failure to maintain records for each time the emergency diesel engines were fired including dates of operation.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)(10)(B)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-01328, SC 5.E. OP

Description: Failure to maintain records for each time the emergency diesel engines were fired including the start and end times of operation.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)(10)(C)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-01328, SC 5.E. OP

Description: Failure to maintain records for each time the emergency diesel engines were fired including the identification of the engine.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)(10)(D)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 O-01328, SC 5.E. OP

Description: Failure to maintain records for each time the emergency diesel engines were fired including the total hours of operation for each month and for the most recent 12 months.

**Date: 04/14/2008 (654634)**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)(C)

Description: Failure to provide monthly operating reports.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)(3)

Description: Failure to submit a copy of the purchase water contract.

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.39(e)  
 30 TAC Chapter 290, SubChapter D 290.39(h)(1)

Description: Failure to submit plans for ground storage tank, service pumps, or pressure tanks for review.

**Date: 04/28/2008 (636789)**

Self Report? NO Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THSC Chapter 382 382.085(b)  
O-01328, GENERAL TERMS AND CONDITIONS OP

Description: Failure to submit permit compliance certification no later than 30 days after the end of the reporting period

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THSC Chapter 382 382.085(b)  
O-01328, GENERAL TERMS AND CONDITIONS OP

Description: Failure to submit the deviation reports no later than 30 days after the end of the reporting period

Date: 08/25/2009 (737244)

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 14 PERMIT  
ST&C 9 OP

Description: Failure to meet the minimum scrubbing fluid flow rate for Scrubber V-008.  
(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)  
SC 8C PERMIT  
ST&C 9 OP

Description: Failure to meet the minimum scrubbing fluid flow rate for Scrubber A-100.  
(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 Provision 3 PERMIT  
ST&C 9 OP

Description: Failure to meet the minimum scrubbing solution pH for Scrubber A-200C.  
(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)  
SC 7B PERMIT  
ST&C 9 OP

Description: Failure to meet the minimum scrubbing fluid flow rate for Scrubber Z-4000.  
(Category C1 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 7B PERMIT  
ST&C 9 OP

Description: Failure to meet the maximum scrubber exhaust temperature for Scrubber K-200.  
(Category C1 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 7C PERMIT  
ST&C 9 OP

Description: Failure to meet the maximum scrubber exhaust temperature for K-300. (Category C1 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 4 PERMIT  
 ST&C 9 OP  
 Description: Failure to meet the minimum scrubbing fluid flow rate for Scrubber K-600  
 (Category C1 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 14 PERMIT  
 SC&T 9 OP  
 Description: Failure to meet the minimum scrubbing fluid flow rate for Scrubber V-003.  
 (Category C1 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 14 PERMIT  
 ST&C 9 OP  
 Description: Failure to meet the minimum scrubbing fluid flow rate for Scrubber V-004.  
 (Category C1 violation)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 117, SubChapter D 117.2003(a)(2)(H)(i)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 ST&C 6B OP  
 Description: Failure to operate East Fire Pump #1 and West Fire Pump #2 less than the  
 exemption amount stated in 30 TAC 117.2003(a)(2)(H)(i). (Category C4 violation)

**Date: 10/06/2009 (776620)**

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 14 PERMIT  
 ST&C 9 OP  
 Description: Failure to meet the minimum scrubbing fluid flow rate for Scrubber V-008.  
 (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)  
 SC 8C PERMIT  
 ST&C 9 OP  
 Description: Failure to meet the minimum scrubbing fluid flow rate for Scrubber A-100.  
 (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 Provision 3 PERMIT  
 ST&C 9 OP  
 Description: Failure to meet the minimum scrubbing solution pH for Scrubber A-200C.  
 (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)  
 SC 7B PERMIT  
 ST&C 9 OP  
 Description: Failure to meet the minimum scrubbing fluid flow rate for Scrubber Z-4000.  
 (Category C1 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 7B PERMIT  
 ST&C 9 OP  
 Description: Failure to meet the maximum scrubber exhaust temperature for Scrubber K-200.  
 (Category C1 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 7C PERMIT  
 ST&C 9 OP  
 Description: Failure to meet the maximum scrubber exhaust temperature for K-300. (Category  
 C1 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 4 PERMIT  
 ST&C 9 OP  
 Description: Failure to meet the minimum scrubbing fluid flow rate for Scrubber K-600  
 (Category C1 violation)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 117, SubChapter D 117.2003(a)(2)(H)(i)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 ST&C 6B OP  
 Description: Failure to operate East Fire Pump #1 and West Fire Pump #2 less than the  
 exemption amount stated in 30 TAC 117.2003(a)(2)(H)(i). (Category C4 violation)

**Date: 04/15/2010 (784744)**

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 7B PERMIT  
 Special Term and Condition 9 OP  
 Description: Failure to maintain scrubber exhaust temperatures for K-200 and K-300.  
 (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)  
 Special Conditon 3 PERMIT  
 Special Term and Condition 9 OP  
 Description: Failure to maintain the minimum scrubber fluid NaOH concentration for scrubber  
 R-400A. (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)  
 Special Condition 4 PERMIT  
 Special Term and Condition 9 OP  
 Description: Failure to maintain the minimum scrubber fluid pH on scrubber K-600. (category  
 C4 violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 117, SubChapter B 117.300(3)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 5 OP  
 Description: Failure to operate emergency diesel pumps and air compressors according to 30  
 TAC 117 Subchapter B requirements. (category C4 violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter B 115.126(4)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 1A OP

Description: Failure to maintain records for exempted vents. (category C3 violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)(10)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Term and Condition 5E OP

Description: Failure to record the hours of operation of the emergency diesel engines during testing and maintenance (category B3 violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 4 PERMIT  
 Special Term and Condition 9 OP

Description: Failure to demonstrate a 99% destruction efficiency for the K-400B scrubber system. (category B3 violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 12A PERMIT  
 Special Term and Condition 9 OP

Description: Failure to demonstrate a 99.95% destruction efficiency for propylene oxide on scrubber V-004. (Category B18 violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 13 PERMIT  
 Special Term and Condition 9 OP

Description: Failure to maintain the V-004 scrubber stack above 100 degrees Fahrenheit. (category B3 violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 6B PERMIT  
 Special Condition 7B PERMIT  
 Special Condition 7C PERMIT  
 Special Condition 7D PERMIT  
 Special Condition 7E PERMIT  
 Special Term and Condition 9 OP

Description: Failure to maintain adequate temperature data for condensers Z4000 and Z5000. (category B3 violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 14B(1) PERMIT  
 Special Term and Condition 7F OP  
 Special Term and Condition 9 OP

Description: Failure to perform CEMS quality assurance according to 40 CFR 60 Appendix F. (category B1 violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 14F PERMIT  
 Special Term and Condition 9 OP

Description: Failure to maintain the CEMS for scrubber V-004. (category B18 violation)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 7C PERMIT

Special Condition 7D PERMIT  
Special Condition 7E PERMIT  
Special Term and Condition 9 OP

Description: Failure to calibrate temperature monitoring devices. (category B3 violation)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 7C PERMIT  
Special Term and Condition 9 OP  
Description: Failure to maintain the liquid flow rate of scrubber A100D above 45 gpm.  
(category B18 violation)

**Date: 08/18/2010 (850491)**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)(C)  
Description: Failure to provide monthly operating reports.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)(3)  
Description: Failure to submit a copy of the purchase water contract.  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter D 290.39(e)  
30 TAC Chapter 290, SubChapter D 290.39(h)(1)  
Description: Failure to submit plans for ground storage tank, service pumps, or pressure tanks for review.

F. Environmental audits.

**Notice of Intent Date: 04/23/2010 (826009)**

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
AKZO NOBEL SURFACE  
CHEMISTRY LLC  
RN100219393**

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

## **AGREED ORDER DOCKET NO. 2010-1709-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 Akzo Nobel Surface Chemistry 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 appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical manufacturing facility at 15200 Alameda Road in Houston, Fort Bend 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 October 5, 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 Nine Thousand Six Hundred Seventy-Five Dollars (\$9,675) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand Seven Hundred Forty Dollars (\$7,740) of the administrative penalty and One Thousand Nine Hundred Thirty-Five Dollars (\$1,935) 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 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.
10. 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.
11. 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 operate the K-400B scrubber system with no less than a 99 percent efficiency in the removal of carbon compounds captured by the collection system, in violation of Federal Operating Permit No. O1328, Special Terms and Conditions No. 9, New Source Review Permit No. 562, Special Conditions No. 4, 30 TEX. ADMIN. CODE §§ 122.143(4) and 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on September 22, 2010. Specifically, during the investigation, it was documented that the control efficiency of the K-400B scrubber system was calculated to be 93.75 percent, resulting in the release of approximately 2,125 pounds of volatile organic compounds.

## **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: Akzo Nobel Surface Chemistry LLC, Docket No. 2010-1709-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. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 180 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with the 99 percent removal efficiency for the K-400B scrubber system required by New Source Review Permit No. 562 Special Condition No. 4, or any alternative measure of compliance approved through a permit amendment; and
  - b. Written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certifications shall 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 fine 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. 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.
7. 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.

8. 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

  
\_\_\_\_\_  
For the Executive Director

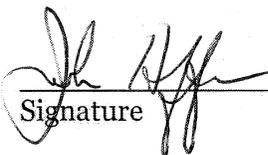
3/4/2011  
\_\_\_\_\_  
Date

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.

  
\_\_\_\_\_  
Signature

1/20/2011  
\_\_\_\_\_  
Date

JOHN HOFFMAN  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Akzo Nobel Surface Chemistry LLC

PLANT MANAGER  
\_\_\_\_\_  
Title

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