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EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2010-2043-AIR-E **TCEQ ID:** RN100221589 **CASE NO.:** 40884
RESPONDENT NAME: The Lubrizol Corporation

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Lubrizol Deer Park Plant, 41 Tidal Road, Deer Park, Harris County</p> <p>TYPE OF OPERATION: Chemical manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There are two additional pending enforcement actions regarding this facility location: Docket Nos. 2011-0014-IWD-E and 2010-1468-AIR-E.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on May 2, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Ms. Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Anthony Shick, General Manager, The Lubrizol Corporation, P.O. Box 158, Deer Park, Texas 77536 Ms. Jennifer Nesbitt, Environmental Engineer, The Lubrizol Corporation, P.O. Box 158, Deer Park, Texas 77536 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: September 17, 2010</p> <p>Date of NOV/NOE Relating to this Case: November 18, 2010 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>AIR</p> <p>1) Failed to submit stack test results for the Anglamol Unit Thermal Oxidizer and Scrubber, Emission Point Number ("EPN") FI-07, within the required 60 days. Specifically, a stack test was conducted on May 31, 2007, and the results were not received until November 16, 2007 by the Houston Regional Office [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Air Permit No. 22048, Special Conditions No. 9E, Federal Operating Permit ("FOP") No. O-02191, Standard Terms and Conditions No. 5, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failed to demonstrate initial compliance for the destruction of hydrogen sulfide ("H₂S"), volatile organic compounds ("VOC"), and sulfur dioxide ("SO₂") in the Anglamol Unit Thermal Oxidizer and Scrubber, EPN FI-07, by the required deadline. The stack test conducted on May 31, 2007 did not include SO₂ and the test data provided was determined to be invalid due to numerous errors. A 60 day extension to the May 1, 2007 deadline was granted by the TCEQ, making the deadline to test by June 30, 2007, but the initial demonstration of compliance was not completed until August 28, 2008 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Air Permit No. 22048, Special Conditions Nos. 7, 8 and 9C, FOP No. O-02191</p>	<p>Total Assessed: \$17,450</p> <p>Total Deferred: \$3,490 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$6,980</p> <p>Total Paid to General Revenue: \$6,980</p> <p>Compliance History Classifications: Person/CN - Average Site/RN - Average</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. On August 28, 2008, the Anglamol Unit Thermal Oxidizer and Scrubber, EPN FI-07, was retested to demonstrate compliance; and</p> <p>b. On November 7, 2008, the stack test results for the test conducted on August 28, 2008 on the Anglamol Unit Thermal Oxidizer and Scrubber, EPN FI-07, were received by the Houston Regional Office and demonstrated compliance for the destruction efficiency of H₂S, VOC, and SO₂.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)</p>

Standard Terms and Conditions No. 5, and TEX. HEALTH & SAFETY CODE § 382.085(b)].		
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Additional ID No(s): Air Account HGO459J



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	22-Nov-2010	Screening	21-Dec-2010	EPA Due	15-Aug-2011
	PCW	22-Dec-2010				

RESPONDENT/FACILITY INFORMATION

Respondent	The Lubrizol Corporation		
Reg. Ent. Ref. No.	RN100221589		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	40884	No. of Violations	2	
Docket No.	2010-2043-AIR-E	Order Type	1660	
Media Program(s)	Air	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Nadia Hameed	
		EC's Team	Enforcement Team 5	
Admin. Penalty \$ Limit Minimum		\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$5,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **274.0%** Enhancement **Subtotals 2, 3, & 7** **\$13,700**

Notes: Enhancement for four agreed orders with denial of liability, two orders without denial of liability, one court order with denial of liability, 12 same/similar NOVs and 36 dissimilar NOVs. Reduction for three Notices of Audit, having environmental management systems in place for one year or more, and an early compliance with federal rules.

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** **\$1,250**

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

Total EB Amounts **\$751**
 Approx. Cost of Compliance **\$12,000**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$17,450**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$17,450**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$17,450**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$3,490**

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 **\$13,960**

Screening Date 21-Dec-2010

Docket No. 2010-2043-AIR-E

PCW

Respondent The Lubrizol Corporation

Policy Revision 2 (September 2002)

Case ID No. 40884

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221589

Media [Statute] Air

Enf. Coordinator Nadia Hameed

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>)	12	60%
	Other written NOVs	36	72%
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	2	50%
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>)	1	30%
	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>)	3	-3%
	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	Yes	-10%
	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	Yes	-5%

Adjustment Percentage (Subtotal 2) 274%

>> 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 agreed orders with denial of liability, two orders without denial of liability, one court order with denial of liability, 12 same/similar NOVs and 36 dissimilar NOVs. Reduction for three Notices of Audit, having environmental management systems in place for one year or more, and an early compliance with federal rules.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 274%

Screening Date 21-Dec-2010

Docket No. 2010-2043-AIR-E

PCW

Respondent The Lubrizol Corporation

Policy Revision 2 (September 2002)

Case ID No. 40884

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221589

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Air Permit No. 22048, Special Conditions No. 9E, Federal Operating Permit ("FOP") No. O-02191, Standard Terms and Conditions No. 5, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to submit stack test results for the Anglamol Unit Thermal Oxidizer and Scrubber, Emission Point Number ("EPN") FI-07, within the required 60 days. Specifically, a stack test was conducted on May 31, 2007, and the results were not received until November 16, 2007 by the Houston Regional Office.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification			Percent
	Major	Moderate	Minor	
	X			25%
100 percent of the rule requirement was not met.				

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 110 Number of violation days

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

Violation Base Penalty \$2,500

One single event is recommended for the one late report.

Good Faith Efforts to Comply

25.0% Reduction

\$625

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

Notes The corrective actions were completed on November 7, 2008 prior to the November 18, 2010 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$128

Violation Final Penalty Total \$8,725

This violation Final Assessed Penalty (adjusted for limits) \$8,725

Economic Benefit Worksheet

Respondent The Lubrizol Corporation
Case ID No. 40884
Reg. Ent. Reference No. RN100221589
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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)	\$2,000	30-Jul-2007	7-Nov-2008	1.28	\$128	n/a	\$128

Notes for DELAYED costs

Estimated cost for submitting the results of the stack test which demonstrated compliance in a timely manner. The date required is based on the start date of the violation. The final date is the date the corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$128

Screening Date 21-Dec-2010

Docket No. 2010-2043-AIR-E

PCW

Respondent The Lubrizol Corporation

Policy Revision 2 (September 2002)

Case ID No. 40884

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221589

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Air Permit No. 22048, Special Conditions Nos. 7, 8 and 9C, FOP No. O-02191 Standard Terms and Conditions No. 5, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to demonstrate initial compliance for the destruction of hydrogen sulfide, volatile organic compounds and sulfur dioxide ("SO2") in the Anglamol Unit Thermal Oxidizer and Scrubber, EPN FI-07, by the required deadline. The stack test conducted on May 31, 2007 did not include SO2 and the test data provided was determined to be invalid due to numerous errors. A 60 day extension to the May 1, 2007 deadline was granted by the TCEQ, making the deadline to test by June 30, 2007, but the initial demonstration of compliance was not completed until August 28, 2008.

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 25%

Matrix Notes

100 percent of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

455 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$2,500

One single event is recommended for failure to demonstrate compliance by the deadline.

Good Faith Efforts to Comply

25.0% Reduction

\$625

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

Notes

The corrective actions were completed on August 28, 2008 prior to the November 18, 2010 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$623

Violation Final Penalty Total \$8,725

This violation Final Assessed Penalty (adjusted for limits) \$8,725

Economic Benefit Worksheet

Respondent The Lubrizol Corporation
Case ID No. 40884
Req. Ent. Reference No. RN100221589
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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)	\$10,000	31-May-2007	28-Aug-2008	1.25	\$623	n/a	\$623

Notes for DELAYED costs

Estimated cost for conducting accurate stack testing to demonstrate compliance with Air Permit No. 22048. The date required is based on the start date of the violation. The final date is the date the corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$623

Attachment A
Docket Number: 2010-2043-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: The Lubrizol Corporation

Payable Penalty Amount: Thirteen Thousand Nine Hundred Sixty Dollars (\$13,960)

SEP Amount: Six Thousand Nine Hundred Eighty Dollars (\$6,980)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. (“RC&D”)- Clean School Buses

Location of SEP: Texas Air Quality Control Region 216 – Houston-Galveston (Harris County preferred)

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency (“EPA”) or the California Air Resources Board.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

C. Minimum Expenditure

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

2. Performance Schedule

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

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 507
Bryan, Texas 77802-2700

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

The Lubrizol Corporation
Agreed Order - Attachment A

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Compliance History

Customer/Respondent/Owner-Operator:	CN600269617 The Lubrizol Corporation	Classification: AVERAGE	Rating: 3.49
Regulated Entity:	RN100221589 LUBRIZOL DEER PARK PLANT	Classification: AVERAGE	Site Rating: 6.74
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50077
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30324
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD041067638
	AIR OPERATING PERMITS	PERMIT	1934
	AIR OPERATING PERMITS	PERMIT	1932
	AIR OPERATING PERMITS	PERMIT	1931
	AIR OPERATING PERMITS	PERMIT	1930
	AIR OPERATING PERMITS	PERMIT	1929
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0459J
	AIR OPERATING PERMITS	PERMIT	1933
	AIR OPERATING PERMITS	PERMIT	1935
	AIR OPERATING PERMITS	PERMIT	2191
	AIR OPERATING PERMITS	PERMIT	1581
	AIR OPERATING PERMITS	PERMIT	1929
	AIR OPERATING PERMITS	PERMIT	1930
	AIR OPERATING PERMITS	PERMIT	1931
	AIR OPERATING PERMITS	PERMIT	1932
	AIR OPERATING PERMITS	PERMIT	1934
	WASTEWATER	PERMIT	WQ0000639000
	WASTEWATER	EPA ID	TX0007048
	AIR NEW SOURCE PERMITS	REGISTRATION	93712
	AIR NEW SOURCE PERMITS	REGISTRATION	93716
	AIR NEW SOURCE PERMITS	REGISTRATION	91830
	AIR NEW SOURCE PERMITS	REGISTRATION	92624
	AIR NEW SOURCE PERMITS	REGISTRATION	71099
	AIR NEW SOURCE PERMITS	PERMIT	669
	AIR NEW SOURCE PERMITS	PERMIT	2757
	AIR NEW SOURCE PERMITS	PERMIT	3663
	AIR NEW SOURCE PERMITS	PERMIT	3921
	AIR NEW SOURCE PERMITS	PERMIT	5847
	AIR NEW SOURCE PERMITS	PERMIT	7577
	AIR NEW SOURCE PERMITS	PERMIT	10807
	AIR NEW SOURCE PERMITS	REGISTRATION	14714
	AIR NEW SOURCE PERMITS	PERMIT	19465
	AIR NEW SOURCE PERMITS	PERMIT	19487

AIR NEW SOURCE PERMITS	PERMIT	19804
AIR NEW SOURCE PERMITS	PERMIT	21715
AIR NEW SOURCE PERMITS	PERMIT	21933
AIR NEW SOURCE PERMITS	PERMIT	22044
AIR NEW SOURCE PERMITS	PERMIT	22045
AIR NEW SOURCE PERMITS	PERMIT	22046
AIR NEW SOURCE PERMITS	PERMIT	22048
AIR NEW SOURCE PERMITS	PERMIT	22049
AIR NEW SOURCE PERMITS	PERMIT	22051
AIR NEW SOURCE PERMITS	PERMIT	22055
AIR NEW SOURCE PERMITS	PERMIT	22056
AIR NEW SOURCE PERMITS	PERMIT	22059
AIR NEW SOURCE PERMITS	PERMIT	22060
AIR NEW SOURCE PERMITS	PERMIT	22095
AIR NEW SOURCE PERMITS	PERMIT	22050
AIR NEW SOURCE PERMITS	PERMIT	23695
AIR NEW SOURCE PERMITS	REGISTRATION	38145
AIR NEW SOURCE PERMITS	REGISTRATION	39308
AIR NEW SOURCE PERMITS	REGISTRATION	40048
AIR NEW SOURCE PERMITS	REGISTRATION	46323
AIR NEW SOURCE PERMITS	REGISTRATION	46464
AIR NEW SOURCE PERMITS	REGISTRATION	46920
AIR NEW SOURCE PERMITS	REGISTRATION	49758
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0459J
AIR NEW SOURCE PERMITS	REGISTRATION	76173
AIR NEW SOURCE PERMITS	AFS NUM	4820100109
AIR NEW SOURCE PERMITS	PERMIT	71546
AIR NEW SOURCE PERMITS	REGISTRATION	50658
AIR NEW SOURCE PERMITS	REGISTRATION	73602
AIR NEW SOURCE PERMITS	REGISTRATION	74835
AIR NEW SOURCE PERMITS	REGISTRATION	76823
AIR NEW SOURCE PERMITS	REGISTRATION	77948
AIR NEW SOURCE PERMITS	REGISTRATION	84324
AIR NEW SOURCE PERMITS	REGISTRATION	87415
AIR NEW SOURCE PERMITS	REGISTRATION	47016
AIR NEW SOURCE PERMITS	REGISTRATION	84298
AIR NEW SOURCE PERMITS	PERMIT	84764
AIR NEW SOURCE PERMITS	REGISTRATION	83439

AIR NEW SOURCE PERMITS	REGISTRATION	87880
AIR NEW SOURCE PERMITS	REGISTRATION	89542
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011526
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30324
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0459J

Location: 41 TIDAL RD, DEER PARK, TX, 77536

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: November 30, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 30, 2005 to November 30, 2010

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

Name: Nadia Hameed Phone: 713-767-3629

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

Effective Date: 12/15/2005 ADMINORDER 2004-0674-IWD-E
 Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: Effluent Limits PERMIT
 Description: Failure to comply with permitted effluent limits.

Effective Date: 05/28/2006 ADMINORDER 2005-1020-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: Air Permit No. 22046, Special Cond No. 1 PERMIT
 Description: Failed to prevent the unauthorized release of 1,200 pounds of butene from a valve plug on a liquid discharge line during an emissions event that occurred on September 19, 2004 and lasted for 36 hours.
 Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failed to notify the TCEQ of the September 18, 2004 emissions event within 24 hours of discovery.

Effective Date: 06/15/2006

ADMINORDER 2005-1554-AIR-E

Classification: Moderate

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

Rqmt Prov: 19465, SC 6 PERMIT

Description: Failed to route waste streams from Storage Tank Q-3 to the FI-02 Incinerator, resulting in the unauthorized emissions from January 15, 2002 to May 16, 2005, as reported in a July 28, 2005 deviation report.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to amend the Title V Federal Operating Permit (FOP) O-01930 to include Emission Point Numbers covered by Air Permit No. 71546.

Effective Date: 08/21/2006

COURTORDER

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: MAERT PERMIT

Description: On February 3, 2005, Lubrizol emitted into the atmosphere a highly reactive volatile organic compound from their site.

Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
2D TWC Chapter 26, SubChapter A 26.121(c)

Description: On July 14, 2005, Lubrizol discharged industrial and/or other waste into Patrick Bayou.

Effective Date: 05/03/2009

ADMINORDER 2008-1282-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.165(a)(7)
30 TAC Chapter 122, SubChapter B 122.165(a)(8)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01933 OP

Description: Failed to ensure that a responsible official certified the accuracy and completeness of the annual compliance certification submitted for the March 18, 2007 through March 17, 2008 annual compliance certification reporting period; and the semi-annual deviation reports submitted for the March 18, 2007 through September 17, 2007 and September 18, 2007 through March 17, 2008 semi-annual deviation reporting periods.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.165(a)(7)
30 TAC Chapter 122, SubChapter B 122.165(a)(8)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-01931 General Terms and Conditions OP

Description: Failed to ensure that a responsible official certified the accuracy and completeness of the annual compliance certification submitted for the March 18, 2007 through March 17, 2008 annual compliance certification reporting period; and the semi-annual deviation reports submitted for the March 18, 2007 through September 17, 2007 and September 18, 2007 through March 17, 2008 semi-annual deviation reporting periods.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.165(a)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failed to ensure that a responsible official certified the accuracy and completeness of the semi-annual deviation report submitted for the January 27, 2007 through July 26, 2007 semi-annual deviation reporting period.

Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.165(a)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GENERAL TERMS AND CONDITIONS OP

Description: Failed to ensure that a responsible official certified the accuracy and completeness of the semi-annual deviation report submitted for the March 12, 2007 through September 11, 2007 semi-annual deviation reporting period.

Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.165(a)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failed to ensure that a responsible official certified the accuracy and completeness of the semi-annual deviation report submitted for the March 12, 2007 through September 11, 2007 semi-annual deviation reporting period.

Classification: Major
Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.165(a)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP, O-02191, Gen Term & Cond. OP

Description: Failed to ensure that a responsible official certified the accuracy and completeness of the semi-annual deviation reports submitted for the March 1, 2007 through August 31, 2007 semi-annual deviation reporting period.

Classification: Major
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: 22048, Gen. Cond. 9 PERMIT
O-02191, Special Term & Cond. 5 OP

Description: Failed to maintain the thermal oxidizer, EPN FI-07, in good working order.

Effective Date: 06/26/2010 ADMINORDER 2009-2073-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failure to report deviations and accurately certify the Annual Compliance Certification. Specifically, the Annual Compliance Certification report for the period of March 1, 2008 through February 28, 2009, did not include all instances of deviations and therefore was not accurately certified.

Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(B)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failure to timely submit a semiannual deviation report. Specifically, one deviation report was submitted on March 30, 2009, to cover both the March 1, 2008 through August 31, 2008 and the September 1, 2008 through February 28, 2009 reporting periods.

Effective Date: 08/09/2010 ADMINORDER 2009-1605-AIR-E

Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failed to submit a timely and complete deviation report for the emissions units in FOP No. O-01933.

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: Failed to comply with permitted emissions limits.
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: FOP O-01934, General Terms & Conditions OP

Description: Failed to submit a timely and complete deviation report for the emissions units in FOP No. O-01934.
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)
Rqmt Prov: FOP O-01934, General Terms & Conditions OP
Description: Failed to submit a complete deviation report for the emissions units in FOP No. O-01934.

- 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 06/14/2008 (434921)
- 2 02/22/2006 (436030)
- 3 12/08/2005 (438073)
- 4 05/30/2006 (451682)
- 5 05/30/2006 (451683)
- 6 05/30/2006 (452323)
- 7 02/22/2006 (455180)
- 8 02/23/2006 (455875)
- 9 02/23/2006 (455899)
- 10 02/28/2006 (456744)
- 11 02/25/2006 (456961)
- 12 02/25/2006 (457099)
- 13 02/28/2006 (457146)
- 14 02/28/2006 (457155)
- 15 02/27/2006 (457163)
- 16 02/27/2006 (457166)
- 17 05/24/2006 (457271)

18 06/12/2006 (457300)
19 08/28/2006 (457312)
20 06/16/2006 (457349)
21 08/25/2006 (457352)
22 03/09/2006 (457679)
23 06/20/2006 (460607)
24 05/31/2006 (461636)
25 02/13/2006 (468654)
26 03/23/2006 (468656)
27 12/20/2005 (468658)
28 01/24/2006 (468659)
29 08/30/2006 (479887)
30 08/28/2006 (479896)
31 07/05/2006 (484702)
32 04/20/2006 (498351)
33 05/11/2006 (498352)
34 06/15/2006 (498353)
35 05/11/2006 (498354)
36 09/20/2006 (512786)
37 10/31/2006 (515469)
38 10/31/2006 (515868)
39 10/31/2006 (515877)
40 03/18/2009 (519307)
41 08/21/2006 (520363)
42 09/29/2006 (520364)
43 01/24/2007 (537230)
44 10/20/2006 (544701)
45 10/20/2006 (544702)
46 12/15/2006 (544703)
47 01/22/2007 (544704)

48 05/31/2007 (560002)
49 08/22/2007 (566797)
50 08/14/2007 (568549)
51 08/17/2007 (568659)
52 08/31/2007 (568678)
53 08/17/2007 (568681)
54 08/17/2007 (568779)
55 08/17/2007 (568798)
56 08/27/2007 (571102)
57 08/21/2007 (571104)
58 09/27/2007 (574135)
59 02/23/2007 (575607)
60 03/12/2007 (575608)
61 05/13/2007 (575609)
62 05/16/2007 (575610)
63 06/18/2007 (575611)
64 07/18/2007 (575612)
65 04/05/2007 (593183)
66 07/03/2007 (593184)
67 10/05/2007 (593429)
68 10/05/2007 (595350)
69 03/31/2008 (597321)
70 08/15/2007 (601706)
71 09/24/2007 (601707)
72 10/25/2007 (619635)
73 11/26/2007 (619636)
74 04/22/2008 (636227)
75 04/29/2008 (636620)
76 04/30/2008 (636878)
77 04/07/2008 (639677)
78 05/15/2008 (657083)

79 02/25/2008 (672161)
80 01/14/2008 (672162)
81 02/04/2008 (672163)
82 07/22/2008 (680031)
83 08/29/2008 (680040)
84 08/18/2008 (680047)

85 07/21/2008 (680059)
86 06/15/2008 (681639)
87 07/25/2008 (686128)
88 07/21/2008 (686152)
89 07/25/2008 (686620)
90 07/25/2008 (686985)
91 04/03/2008 (690068)
92 04/23/2008 (690069)
93 05/22/2008 (690070)
94 06/23/2008 (690071)
95 06/05/2008 (690072)
96 08/29/2008 (701700)
97 01/05/2009 (709045)
98 08/19/2008 (710854)
99 09/26/2008 (710855)
100 10/29/2008 (710856)
101 09/26/2008 (710857)
102 02/19/2009 (722564)
103 11/20/2008 (727565)
104 12/18/2008 (727566)
105 05/05/2009 (740258)
106 06/04/2009 (741922)
107 08/17/2009 (747040)
108 09/03/2009 (747045)

109 06/23/2009 (747483)
110 09/03/2009 (747486)
111 10/16/2009 (747488)
112 10/06/2009 (747526)
113 12/15/2009 (747824)
114 06/15/2009 (749167)
115 02/20/2009 (750377)
116 03/09/2009 (750378)
117 08/12/2009 (759265)
118 07/30/2009 (764029)
119 08/06/2009 (764551)
120 08/06/2009 (764561)
121 08/06/2009 (764570)
122 08/06/2009 (764576)
123 08/06/2009 (764585)
124 08/06/2009 (764599)
125 08/06/2009 (764602)
126 04/16/2009 (768439)
127 01/05/2010 (786394)
128 03/12/2010 (786901)
129 01/13/2010 (787744)
130 03/23/2010 (793369)
131 06/04/2010 (794706)
132 08/20/2010 (803062)
133 08/16/2010 (803085)
134 08/26/2010 (803090)
135 08/20/2010 (803155)
136 02/22/2010 (804921)
137 05/14/2009 (804922)
138 06/17/2009 (804923)

139 07/15/2009 (804924)
 140 08/17/2009 (804925)
 141 09/22/2009 (804926)
 142 10/13/2009 (804927)
 143 11/18/2009 (804928)
 144 12/21/2009 (804929)
 145 10/13/2009 (804930)
 146 09/20/2010 (825297)
 147 06/22/2010 (825679)
 148 06/15/2010 (825839)
 149 03/25/2010 (830980)
 150 05/07/2010 (830981)
 151 07/28/2010 (842913)
 152 11/18/2010 (842925)
 153 09/28/2010 (843160)
 154 08/13/2010 (843649)
 155 11/08/2010 (843682)
 156 05/24/2010 (845064)
 157 06/18/2010 (846300)
 158 07/15/2010 (860891)
 159 11/17/2010 (863666)
 160 08/19/2010 (866865)
 161 10/26/2010 (872008)
 162 11/23/2010 (873523)
 163 09/17/2010 (873932)

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

Date: 12/31/2005 (468659)CN600269617
 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: 01/31/2006 (468654) CN600269617
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 06/13/2006 (457300) CN600269617
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 O-02191, SC 6 OP
 Permit 22048, SC 5 PERMIT
 Description: Failure to maintain the incinerator firebox exit temperature at a minimum of 1400 F on five occasions.

Date: 06/16/2006 (457349) CN600269617
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)(2)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 O-01931, SC 10 OP
 Description: Failure to provide a complete list of the storage tanks covered by PBR 30 TAC 106.473.

Date: 06/30/2006 (498354) CN600269617
 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: 07/31/2006 (520363) CN600269617
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: 08/25/2006 (457352) CN600269617
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.165(a)(7)
 30 TAC Chapter 122, SubChapter B 122.165(a)(8)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failed to provide a responsible official signature on the Form OP-CR01 for the annual Permit Compliance Certification report for the period of March 12, 2005 to March 11, 2006.

Date: 08/29/2006 (457312) CN600269617
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.165(a)(7)
 30 TAC Chapter 122, SubChapter B 122.165(a)(8)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Description: Failed to provide certification signatures for the annual Permit Compliance Certification and the semi-annual deviation reports were submitted for the period of March 18, 2005 to March 17, 2006.

Date: 08/30/2006 (479887) CN600269617
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.165(a)(7)
 30 TAC Chapter 122, SubChapter B 122.165(a)(8)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to provide signature (Form OP-CRO1) when the deviation reports and the Annual Compliance Certification were submitted.

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 A 382.085(b)
OP, O-01934 OP

Description: Failure to provide a complete deviation report. The regulated entity failed to report a recordable event in the deviation report

Date: 08/31/2006 (520364) CN600269617
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter

Date: 09/01/2006 (479896) CN600269617
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.165(a)(8)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to submit Permit Compliance Certification duly signed by a responsible official.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.165(a)(7)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to submit Semiannual Deviation Reports duly signed by a responsible official.

Date: 04/05/2007 (593183) CN600269617
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: 05/31/2007 (575611) CN600269617
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: 07/03/2007 (593184) CN600269617
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: 07/31/2007 (601706) CN600269617
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/17/2007 (568681) CN600269617
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01930 General Terms and Conditions OP
Description: Failure to submit the permit compliance certification within 30 days of 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 THC Chapter 382, SubChapter D 382.085(b)
O-01930 General Terms and Conditions OP

Description: Failure to submit the semiannual deviation report within 30 days of the end of the deviation reporting period.

Date: 08/17/2007 (568659) CN600269617
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01581 General Terms and Conditions OP

Description: Failure to submit the permit compliance certification within 30 days of 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 THC Chapter 382, SubChapter D 382.085(b)
O-01581 General Terms and Conditions OP

Description: Failure to submit semiannual deviation report within 30 days of end of deviation reporting period.

Date: 08/17/2007 (568779) CN600269617
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01931 General Terms and Conditions OP

Description: Failure to submit the semiannual deviation report within 30 days of the end of the deviation reporting period.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter D 382.085(b)
O-01931 General Terms and Conditions OP

Description: Failure to submit the permit compliance certification within 30 days of the end of the reporting period.

Date: 08/17/2007 (568798) CN600269617
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter D 382.085(b)
O-02191 General Terms and Conditions OP

Description: Failure to submit the permit compliance certification within 30 days of the end of the reporting period.

Date: 08/21/2007 (571104) CN600269617
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THC Chapter 382, SubChapter D 382.085(b)
General Terms and Conditions OP

Description: Failure to submit the permit compliance certification within 30 days of the end of the reporting period.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THC Chapter 382, SubChapter D 382.085(b)
General Terms and Conditions OP

Description: Failure to submit the semiannual deviation report within 30 days of the end of the deviation reporting period.

Date: 08/23/2007 (566797) CN600269617
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(3)(D)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to conduct monitoring checks of safety relief devices.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.726(c)(4)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to maintain records of the quarterly monitoring of the safety relief devices.

Date: 08/27/2007 (571102) CN600269617

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.146(2)
 5C THC Chapter 382, SubChapter D 382.085(b)
 General Terms and Conditions OP

Description: Failure to submit the permit compliance certification within 30 days of the end of the reporting period.

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)
 General Terms and Conditions OP

Description: Failure to submit the semiannual deviation report within 30 days of the end of the deviation reporting period.

Date: 08/31/2007 (568678) CN600269617

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit the Permit Compliance Certification within the required time frame.

Date: 08/31/2007 (601707) CN600269617

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: 09/30/2007 (619635) CN600269617

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: 10/31/2007 (619636) CN600269617

Self Report? YES Classification: Moderate

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

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

Date: 06/30/2008 (690072) CN600269617

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: 07/31/2008 (710854) CN600269617

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

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
FOP, O-02191, Gen Term & Cond. OP

Description: Failure to report, in writing, to the executive director all instances of deviations, the probable cause of the deviations, and any corrective actions or preventative measures taken for each emission unit addressed in the permit.

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)
O-02191, Special Term & Cond. 5 OP
Special Condition, 11E PERMIT
Special Condition, 11F PERMIT

Description: Failure to monitor line segment for Leak, Detection, and Repair (LDAR).

Date: 08/31/2008 (710855) CN600269617

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: 09/30/2008 (710856) CN600269617

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 01/05/2009 (709045) CN600269617

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition #1 PERMIT

Description: Failure to prevent unauthorized emissions.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THSC Chapter 382 382.085(b)

Description: Failure to include the permit number in the report.

Date: 06/04/2009 (741922) CN600269617

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
EL&MR, Pages 2-2c, Nos. 1-2 PERMIT

Description: Failure to maintain compliance with the permit limits for pH, oil and grease (O&G), total zinc, and carbonaceous biochemical oxygen demand (CBOD).

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
M&RR, P. 5, No. 7c PERMIT

Description: Failure to provide adequate effluent violation notification letters in accordance with the permit requirements and applicable State regulations.

Date: 06/23/2009 (747483) CN600269617

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 1 PERMIT
Special Term & Condition 5 OP

Description: Failure to comply within the maximum allowable annual VOC & CO emissions rates relating to the FI-07 thermal oxidizer (EPN FI-07) for the year of 2007.

(Category B18 Violation)

Date: 07/31/2009 (804925) CN600269617
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: 08/31/2009 (804926) CN600269617
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: 09/03/2009 (747045) CN600269617
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4).
5C THSC Chapter 382 382.085(b)
Special Condition 3E PERMIT
Special Term and Condition 1A OP
Special Term and Condition 8 OP

Description: Failure to conduct a weekly AVO inspection for the week of April 12, 2008.
(Category C1 violation)

Self Report? NO Classification: Minor
Citation: 5C THSC Chapter 382 382.085(b)
SC 12B PERMIT

Description: Failure to continuously record pilot flame monitoring data for the FL-177 Flare.
The deviation report dated April 16, 2009 states recorded data was missing for
January 2008 (0.8 hrs), February 2008 (1.8 hrs), June 2008 (1.8 hrs), October
2008 (0.5 hrs), and February 2009 (0.3 hrs). During the investigation, Lubrizol
was unable to provide documentation indicating that the pilot flame was
continuously monitored. (Category C1 violation)

Date: 10/06/2009 (747526) CN600269617
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 7F PERMIT
ST&C 10 OP

Description: Failure to monitor 34 components applicable to the LDAR program. (Category C4)

Date: 10/16/2009 (747488) CN600269617
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THSC Chapter 382 382.085(b)

Description: Failure to control emission or operate in a manner so not to exceed the permitted
annual emission rates established in the MAERT for each of its NSR Permits,
#22050, #22060 and #21933.

Date: 12/15/2009 (747824) CN600269617
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.764(b)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Condition #1A OP

Description: Failure to collect a monthly HRVOC sample from the cooling tower, EPN:
POLY-CT-9. (Category C3 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.355(1)
30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)(1)
Special Condition #9(F) PERMIT
Special Terms and Condition #1A OP
Special Terms and Condition #7 OP

Description: Failure to conduct Method 21 monitoring to 261 components in HRVOC service for the first quarter of 2008. (Category B1 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition #9H PERMIT
Special Terms and Condition #1A OP
Special Terms and Condition #7 OP

Description: Failure to repair sixteen (16) leaking components in VOC service, within 15 days. (Category B3 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 #3 PERMIT
Special Terms and Condition #7 OP

Description: The Flare, EPN: Poly-FL-1, pilot temperature data was not continuously recorded and the PI historian server was down on March 9, June 14, and December 23, 2008. (Category C1 violation)

Date: 12/31/2009 (804930) CN600269617

Self Report? YES Classification: Moderate

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

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

Date: 01/31/2010 (804921) CN600269617

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: 02/28/2010 (830980) CN600269617

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: 05/19/2010 (794706) CN600269617

Self Report? NO Classification: Moderate

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

Description: Failed to amend the Title V Federal Operating Permit (FOP) O-01930 to include Emission Point Numbers covered by Air Permit No. 71546.

Date: 08/16/2010 (803085) CN600269617

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 1 PERMIT
Special Term and Condition 5 OP

Description: Failed to maintain the emission limit of 0.02 TPY of VOC and 0.68 TPY of CO on the incinerator (EPN: FI-07) for the years 2008 and 2009. (Category B14 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
Description: Failure to conduct the calculations using the equations required by 30 TAC 115.164 to evaluate whether 90% control requirements are applicable to the batch process streams. (Category B1 Violation)

Date: 08/26/2010 (803155) CN600269617
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 7 PERMIT
Special Term and Condition 8 OP
Description: Failure to repair valve leaks within the required time frame. (Category B18 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.483-2(a)(2)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(d)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP
Description: Failure to submit notification of adopting an alternative standard for 40 CFR 60 subpart VV valves. (Category C3 Violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1025(d)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 6 PERMIT
Special Term and Condition 1A OP
Special Term and Condition 8 OP
Description: Failure to monitor 40 CFR 63 subpart UU valves within three months after repairs. (Category C1 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to report all instances of deviation. (Category B3 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.164(1)
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 conduct calculations to evaluate whether 90% control requirements are applicable to the batch process streams. (Category B1 Violation)

Date: 08/31/2010 (803090) CN600269617
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.164(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Condition 1A OP
Description: Failure to comply with 30 TAC 115.164 Batch process vent calculation. (Category B1 Violation)

Date: 08/31/2010 (873932) CN600269617
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

F. Environmental audits.

09/22/2006 (515252)
Notice of Intent Date:
No DOV Associated

07/30/2009 (790720)
Notice of Intent Date:
No DOV Associated

02/04/2010 (826428)
Notice of Intent Date:
No DOV Associated

G. Type of environmental management systems (EMSs).

11/30/2007 11/30/2010 ENVIRONMENTAL MANAGEMENT SYSTEM NON 30 TAC CH 90 CERTIFIED

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

Date Achieved	Description
05/01/2006	implemeneted calculatations required by 40CFR 63.245; 2455; and 2460.

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
THE LUBRIZOL CORPORATION
RN100221589**

**§
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§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2010-2043-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 The Lubrizol Corporation ("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 plant at 41 Tidal Road in Deer Park, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. 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 November 23, 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 Seventeen Thousand Four Hundred Fifty Dollars (\$17,450) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Nine Hundred Eighty Six Dollars (\$6,980) of the administrative penalty and Three Thousand Four Hundred Ninety Dollars (\$3,490) 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. Six Thousand Nine Hundred Eighty Dollars (\$6,980) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On August 28, 2008, the Anglamol Unit Thermal Oxidizer and Scrubber, Emission Point Number ("EPN") FI-07, was retested to demonstrate compliance; and
 - b. On November 7, 2008, the stack test results for the test conducted on August 28, 2008 on the Anglamol Unit Thermal Oxidizer and Scrubber, EPN FI-07, were received by the Houston Regional Office and demonstrated compliance for the destruction efficiency of hydrogen sulfide ("H₂S"), volatile organic compounds ("VOC") and sulfur dioxide ("SO₂").
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to submit stack test results for the Anglamol Unit Thermal Oxidizer and Scrubber, EPN FI-07, within the required 60 days, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Air Permit No. 22048, Special Conditions No. 9E, Federal Operating Permit ("FOP") No. O-02191, Standard Terms and Conditions No. 5, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on September 17, 2010. Specifically, a stack test was conducted on May 31, 2007, and the results were not received until November 16, 2007 by the Houston Regional Office.
2. Failed to demonstrate initial compliance for the destruction of H₂S, VOC and SO₂ in the Anglamol Unit Thermal Oxidizer and Scrubber, EPN FI-07, by the required deadline, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Air Permit No. 22048, Special Conditions Nos. 7, 8 and 9C, FOP No. O-02191 Standard Terms and Conditions No. 5, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on September 17, 2010. The stack test conducted on May 31, 2007 did not include SO₂ and the test data provided was determined to be invalid due to numerous errors. A 60 day extension to the May 1, 2007 deadline was granted by the TCEQ, making the deadline to test by June 30, 2007, but the initial demonstration of compliance was not completed until August 28, 2008.

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: The Lubrizol Corporation, Docket No. 2010-2043-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Six Thousand Nine Hundred Eighty Dollars (\$6,980) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. 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

Date 4.13.2011

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:

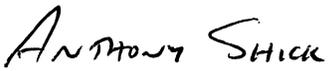
- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement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

Date 2/7/2011



Name (Printed or typed)
Authorized Representative of
The Lubrizol Corporation

Title GENERAL MANAGER

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.

Attachment A
Docket Number: 2010-2043-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: The Lubrizol Corporation

Payable Penalty Amount: Thirteen Thousand Nine Hundred Sixty Dollars (\$13,960)

SEP Amount: Six Thousand Nine Hundred Eighty Dollars (\$6,980)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. (“RC&D”)- Clean School Buses

Location of SEP: Texas Air Quality Control Region 216 – Houston-Galveston (Harris County preferred)

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency (“EPA”) or the California Air Resources Board.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

C. Minimum Expenditure

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

2. Performance Schedule

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

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 507
Bryan, Texas 77802-2700

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

The Lubrizol Corporation
Agreed Order - Attachment A

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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