

**Executive Summary – Enforcement Matter – Case No. 41366**  
**Akzo Nobel Surface Chemistry LLC**  
**RN100219393**  
**Docket No. 2011-0451-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Azko Nobel Surface Chemistry, 15200 Almeda Road, Houston, Fort Bend County

**Type of Operation:**

Chemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2010-1709-AIR-E.

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** June 10, 2011

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$3,300

**Amount Deferred for Expedited Settlement:** \$660

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$2,640

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

**Executive Summary – Enforcement Matter – Case No. 41366**  
**Akzo Nobel Surface Chemistry LLC**  
**RN100219393**  
**Docket No. 2011-0451-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** January 18 to 27, 2011  
**Date(s) of NOE(s):** March 11, 2011

***Violation Information***

Failed to maintain the scrubber (V-004) vapor temperature at or below 100 degrees Fahrenheit on May 28, 2010, June 21, 2010, June 22, 2010, July 15, 2010, and July 24, 2010 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Federal Operating Permit No. O1328, Special Terms and Conditions No. 9, Air Permit No. 9600, Special Conditions No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

On July 28, 2010, the Respondent installed a heat exchanger in order to maintain the scrubber (V-004) vapor temperature at or below 100 degrees Fahrenheit.

**Technical Requirements:**

N/A

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** John Hoffman, Plant Manager, Akzo Nobel Surface Chemistry LLC, 15000 Almeda Road, Houston, Texas 77053  
**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	14-Mar-2011	<b>Screening</b>	22-Mar-2011	<b>EPA Due</b>	
	<b>PCW</b>	25-Mar-2011				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<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

<b>CASE INFORMATION</b>		<b>No. of Violations</b>	1
<b>Enf./Case ID No.</b>	41366	<b>Order Type</b>	1660
<b>Docket No.</b>	2011-0451-AIR-E	<b>Government/Non-Profit</b>	No
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	Nadia Hameed
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>
			\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$2,500**

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

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

**Compliance History** **57.0%** Enhancement **Subtotals 2, 3, & 7** **\$1,425**

**Notes** Enhancement for one order without denial of liability, five same/similar NOV's, and four dissimilar NOV's. Reduction for one Notice of Audit letter.

**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** **\$625**

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

Total EB Amounts **\$64**  
 Approx. Cost of Compliance **\$7,700**  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$3,300**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** **\$3,300**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$3,300**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$660**

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

**Notes**

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$2,640**

Screening Date 22-Mar-2011

Docket No. 2011-0451-AIR-E

PCW

Respondent Akzo Nobel Surface Chemistry LLC

Policy Revision 2 (September 2002)

Case ID No. 41366

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219393

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> )	5	25%
	Other written NOVs	4	8%
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	1	25%
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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 57%

>> 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 one order without denial of liability, five same/similar NOVs, and four dissimilar NOVs. Reduction for one Notice of Audit letter.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 57%

Screening Date 22-Mar-2011

Docket No. 2011-0451-AIR-E

PCW

Respondent Akzo Nobel Surface Chemistry LLC

Policy Revision 2 (September 2002)

Case ID No. 41366

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219393

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Federal Operating Permit No. O1328, Special Terms and Conditions No. 9, Air Permit No. 9600, Special Conditions No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain the scrubber (V-004) vapor temperature at or below 100 degrees Fahrenheit on May 28, 2010, June 21, 2010, June 22, 2010, July 15, 2010, and July 24, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

5 Number of violation days

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

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$625

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

Notes

The Respondent completed the corrective actions on July 28, 2010, prior to the March 11, 2011, NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$64

Violation Final Penalty Total \$3,300

This violation Final Assessed Penalty (adjusted for limits) \$3,300

# Economic Benefit Worksheet

**Respondent** Akzo Nobel Surface Chemistry LLC  
**Case ID No.** 41366  
**Reg. Ent. Reference No.** RN100219393  
**Media** Air  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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				0.00	\$0	n/a	\$0
Other (as needed)	\$7,700	28-May-2010	28-Jul-2010	0.17	\$64	n/a	\$64

**Notes for DELAYED costs**

Estimated expense of installing a heat exchanger to ensure that the temperature of the scrubber is maintained at the required level. The Date Required is the date of the initial non-compliance. The Final Date is the date the corrective action was 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 \$7,700

**TOTAL** \$64

# Compliance History

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	FG0042L
	AIR OPERATING PERMITS	PERMIT	1328
	POLLUTION PREVENTION PLANNING	ID NUMBER	P00932
	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: April 01, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 01, 2006 to April 01, 2011

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: 02/05/2011 ADMINORDER 2010-0738-AIR-E

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

Rqmt Prov: Special Condition 14 PERMIT  
Special Term and Condition 9 OP

Description: Failed to maintain the minimum liquid flow rate on the scrubbers.

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: Failed to submit a complete semi-annual deviation report.

- 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	04/19/2006	(451106)
2	04/19/2006	(460125)
3	04/19/2006	(460126)
4	04/19/2006	(460127)
5	04/20/2006	(462467)
6	05/21/2006	(465561)
7	07/20/2006	(484804)
8	07/20/2006	(486285)
9	07/20/2006	(486297)
10	07/20/2006	(486301)
11	11/21/2006	(518889)
12	11/21/2006	(518896)
13	03/26/2007	(519043)
14	08/02/2007	(532533)
15	03/12/2007	(540378)
16	04/12/2007	(542580)
17	04/12/2007	(542588)
18	04/12/2007	(542594)
19	04/25/2007	(555262)
20	04/25/2007	(557780)
21	07/09/2007	(563230)
22	07/24/2007	(565069)
23	10/05/2007	(593535)

24 12/10/2007 (595705)  
25 12/17/2007 (599106)  
26 12/17/2007 (599107)  
27 11/19/2007 (608775)  
28 11/19/2007 (608778)  
29 12/20/2007 (611960)  
30 02/27/2008 (613212)  
31 02/27/2008 (613333)  
32 02/26/2008 (613362)  
33 03/06/2008 (613879)  
34 03/12/2008 (618863)  
35 02/28/2008 (618956)  
36 04/28/2008 (636789)  
37 04/02/2008 (637640)  
38 04/29/2008 (638524)  
39 04/29/2008 (638527)  
40 04/29/2008 (638528)  
41 06/04/2008 (654634)  
42 02/16/2009 (684854)  
43 11/25/2008 (708053)  
44 11/25/2008 (708054)  
45 11/25/2008 (708059)  
46 11/25/2008 (708765)  
47 02/06/2009 (723302)  
48 08/25/2009 (737244)  
49 04/06/2009 (737465)  
50 04/06/2009 (737466)  
51 04/06/2009 (737467)  
52 05/05/2009 (738969)  
53 04/29/2009 (741850)

54 04/29/2009 (741852)  
55 04/29/2009 (741853)  
56 08/25/2009 (763141)  
57 08/26/2009 (766420)  
58 08/27/2009 (766423)  
59 08/28/2009 (766424)  
60 10/08/2009 (776620)  
61 04/14/2010 (784744)  
62 02/18/2010 (789374)  
63 04/22/2010 (796147)  
64 04/22/2010 (796150)  
65 04/22/2010 (796151)  
66 07/08/2010 (828012)  
67 07/08/2010 (828014)  
68 07/08/2010 (828016)  
69 09/29/2010 (850491)  
70 11/02/2010 (864936)  
71 11/19/2010 (865202)  
72 11/02/2010 (865211)  
73 09/29/2010 (865269)  
74 12/07/2010 (873407)  
75 12/16/2010 (873408)  
76 12/16/2010 (873409)  
77 12/14/2010 (873410)  
78 03/11/2011 (877596)  
79 12/08/2010 (879966)  
80 12/08/2010 (879973)  
81 12/14/2010 (884508)  
82 03/15/2011 (899085)  
83 03/15/2011 (899095)

84 03/15/2011 (899101)

85 03/01/2011 (900866)

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

Date: 08/02/2007 (532533)CN601580566

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) CN601580566  
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) CN601580566  
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) CN601580566  
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)

CN601580566

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)

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: 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.

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 Condtition 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) CN601580566

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: 11/30/2010 (873407) CN601580566  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter A 335.4  
TWC Chapter 26 26.121  
Description: General prohibition and unauthorized discharge  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 335, SubChapter C 335.62  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11  
Description: Hazardous waste determination and waste classification

Date: 03/11/2011 (877596) CN601580566  
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 & Condition 9 OP  
Description: Failure to maintain the scrubber (K-300) exhaust temperature on 8/21/10.  
(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 14 PERMIT  
Special Term & Condition 9 OP  
Description: Failure to maintain records of scrubbers (V-004, V-003, & V-008) fluid circulation  
records. (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 8D PERMIT  
Special Term & Condition 9 OP  
Description: Failure to maintain scrubber (A100D) exhaust temperature. (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 8G PERMIT  
Special Term & Condition 9 OP  
Description: Failure to maintain scrubber (A100D) pH fluid. (Category B18 Violation)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Term & Condition 2F OP  
Description: Failure to create final records of eight non reportable emission events during the  
period 2/20/10 through 8/20/10. (Category B3 Violation)

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**

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**BEFORE THE  
  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2011-0451-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 plant at 15200 Almeda 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 March 16, 2011.
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 Three Thousand Three Hundred Dollars (\$3,300) is assessed by the Commission in settlement of the violations alleged in Section

II ("Allegations"). The Respondent has paid Two Thousand Six Hundred Forty Dollars (\$2,640) of the administrative penalty and Six Hundred Sixty Dollars (\$660) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on July 28, 2010, the Respondent installed a heat exchanger in order to maintain the scrubber (V-004) vapor temperature at or below 100 degrees Fahrenheit.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to maintain the scrubber (V-004) vapor temperature at or below 100 degrees Fahrenheit on May 28, 2010, June 21, 2010, June 22, 2010, July 15, 2010, and July 24, 2010, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Federal Operating Permit No. O1328, Special Terms and Conditions No. 9, Air Permit No. 9600, Special Conditions No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted from January 18 to 27, 2011.

## 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. 2011-0451-AIR-E" to:  
  

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

\_\_\_\_\_  
Date 6/8/2011

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 May 4, 2011

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

\_\_\_\_\_  
Title PLANT 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.