

Executive Summary – Enforcement Matter – Case No. 40932
The Lubrizol Corporation
RN100221589
Docket No. 2011-0014-IWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Lubrizol Deer Park Plant, 41 Tidal Road, north of State Highway 225, south of the Port Terminal Railroad, east of Patriek Bayou, and west of the East Fork of Patrick Bayou, Deer Park, Harris County

Type of Operation:

Chemical plant with an associated wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2010-2043-AIR-E and 2010-1468-AIR-E.

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 6, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$35,800

Amount Deferred for Expedited Settlement: \$7,160

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$14,320

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$14,320

Name of SEP: Armand Bayou Nature Center - Coastal Tall Grass Management-Prescribed Burn Program and Prairie Restoration Project

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. 40932
The Lubrizol Corporation
RN100221589
Docket No. 2011-0014-IWD-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: December 1, 2010
Date(s) of NOE(s): December 16, 2010

Violation Information

1. Failed to comply with permit effluent limits for flow, 5-day carbonaceous biochemical oxygen demand, and total organic carbon [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0000639000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall No. 001].
2. Failed to comply with permit effluent limit for pH minimum of 6.0 standard units (“s.u.”). Specifically, a minimum pH of 3.65 s.u. was reported for September 2010 [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0000639000, Effluent Limitations and Monitoring Requirements No. 2 for Outfall No. 005].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:

- a. By October 31, 2010, replaced a leaking valve on an operating unit and removed debris from the Parshall flume (the primary flow measurement device) to achieve compliance with the effluent limitations of TPDES Permit No. WQ0000639000 for Outfall No. 001; and
- b. By December 1, 2010, replaced the transformer controlling the pumps to ensure treatment of and to prevent discharge of untreated wastewater from Outfall 005.

Technical Requirements:

The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment 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

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The Lubrizol Corporation
RN100221589
Docket No. 2011-0014-IWD-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Merrilee Hupp, Enforcement Division,
Enforcement Team 1, MC 169, (512) 239-4490; Laurie Eaves, Enforcement Division,
MC 219, (512) 239-4495

TCEQ SEP Coordinator: Phillip Hampsten, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-6732

Respondent: Anthony Shick, General Manager, The Lubrizol Corporation, P.O. Box
158, Deer Park, Texas 77536-0158

Respondent's Attorney: N/A

Attachment A
Docket Number: 2011-0014-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: The Lubrizol Corporation

Penalty Amount: Twenty-Eight Thousand Six Hundred Forty Dollars (\$28,640)

SEP Offset Amount: Fourteen Thousand Three Hundred Twenty Dollars (\$14,320)

Type of SEP: Pre-approved

Third-Party Recipient: Armand Bayou Nature Center - Coastal Tall Grass Management-Prescribed Burn Program and Prairie Restoration Project

Location of SEP: Harris County

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 SEP offset amount to the Third-Party Recipient named above. The contribution will be to Armand Bayou Nature Center to be used for the Coastal Tall Grass Management-Prescribed Burn Program and Prairie Restoration Project Program as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to pay for the labor and materials costs associated with conducting prescribed burns, removing non-native trees, and for planting native trees and plants.

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.

The Lubrizol Corporation
Agreed Order – Attachment A

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by increasing ecosystem functionality. It will contribute to the overall prairie health by suppressing invasive brush species, increasing soil fertility, and promoting plant vigor.

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:

Armand Bayou Nature Center
Attn: Mark Kramer
PO Box 58828
Houston, Texas 77258

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:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
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.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	20-Dec-2010	Screening	29-Dec-2010	EPA Due	
	PCW	29-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.	40932	No. of Violations	2
Docket No.	2011-0014-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Merrilee Hupp
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$10,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1	
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
Compliance History	286.0% Enhancement Subtotals 2, 3, & 7
	\$28,600

Notes: Enhancement for 21 months of self-reported violations, one NOV with same/similar violations, 27 NOVs with dissimilar violations, three orders with denial, two orders without denial, and one court order with denial. Reduction for three Notices of Intent, one environmental management system, and early compliance.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$2,500
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$47	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$1,275		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$36,100
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OTHER FACTORS AS JUSTICE MAY REQUIRE	-0.8%	Adjustment	-\$300
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Reduction to prevent double-enhancement for violations that were self-reported.

Final Penalty Amount	\$35,800
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$35,800
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DEFERRAL	20.0% Reduction	Adjustment	-\$7,160
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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	\$28,640
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Screening Date: 29-Dec-2010

Docket No. 2011-0014-IWD-E

PCW

Respondent: The Lubrizol Corporation

Policy Revision 2 (September 2002)

Case ID No: 40932

PCW Revision October 30, 2008

Reg. Ent. Reference No: RN100221589

Media [Statute]: Water Quality

Enf. Coordinator: Merrilee Hupp

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>)	22	110%
	Other written NOVs	27	54%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	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%
<i>Please Enter Yes or No</i>			
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) 286%

>> 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 21 months of self-reported violations, one NOV with same/similar violations, 27 NOVs with dissimilar violations, three orders with denial, two orders without denial, and one court order with denial. Reduction for three Notices of Intent, one environmental management system, and early compliance.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 286%

Screening Date 29-Dec-2010

Docket No. 2011-0014-IWD-E

PCW

Respondent The Lubrizol Corporation

Policy Revision 2 (September 2002)

Case ID No. 40932

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221589

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1); 30 Tex. Admin. Code § 305.125(1); and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000639000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall No. 001

Violation Description

Failed to comply with permit effluent limits, as documented during a record review conducted on December 1, 2010; and shown in the attached effluent violation table.

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

A simplified model was used to evaluate carbonaceous biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Flow and total organic carbon loadings were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3

123 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Three quarterly events are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$1,875

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

Notes The Respondent achieved compliance by October 31, 2010.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$45

Violation Final Penalty Total \$26,850

This violation Final Assessed Penalty (adjusted for limits) \$26,850

Economic Benefit Worksheet

Respondent The Lubrizol Corporation
Case ID No. 40932
Reg. Ent. Reference No. RN100221589
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,075	31-Dec-2009	31-Oct-2010	0.83	\$45	n/a	\$45

Notes for DELAYED costs

Actual cost to replace a leaking valve on an operating unit and for the labor associated with the removal of debris from the Parshall flume (the primary flow measurement device). Date required is the first noncompliance date and final date is the date compliance was achieved.

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

\$1,075

TOTAL

\$45

Screening Date 29-Dec-2010

Docket No. 2011-0014-IWD-E

PCW

Respondent The Lubrizol Corporation

Policy Revision 2 (September 2002)

Case ID No. 40932

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221589

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0000639000, Effluent Limitations and Monitoring Requirements No. 2 for Outfall No. 005

Violation Description

Failed to comply with permit effluent limit for pH minimum of 6.0 standard units ("s.u."), as documented during a record review conducted on December 1, 2010. Specifically, a minimum pH of 3.65 s.u. was reported for September 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 do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

30 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended for the month of September 2010.

Good Faith Efforts to Comply

25.0% Reduction

\$625

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

Notes The Respondent achieved compliance by December 1, 2010.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$8,950

This violation Final Assessed Penalty (adjusted for limits) \$8,950

Economic Benefit Worksheet

Respondent The Lubrizol Corporation
Case ID No. 40932
Reg. Ent. Reference No. RN100221589
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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)	\$200	7-Sep-2010	1-Dec-2010	0.23	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost for replacement of the transformer controlling the pumps to ensure treatment of and to prevent the discharge of untreated wastewater from Outfall 005. Date required is the first date of noncompliance and the final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$2

Respondent: The Lubrizol Corporation
 TPDES Permit No. WQ0000639000
 Docket No. 2010-0014-IWD-E

Effluent Violation Table

<i>Effluent Parameter</i>	<i>Monitoring Period End Date</i>			
	December 2009	January 2010	August 2010	September 2010
	Reported Value	Reported Value	Reported Value	Reported Value
CBOD ₅ Daily Avg. Loading Permit Limit = 104 lbs/day	c	c	139	156
CBOD ₅ Daily Max. Loading Permit Limit = 194 lbs/day	255	219	297	338
TOC Daily Max. Loading Permit Limit = 1488 lbs/day	1552	1610	c	c
Flow Daily Avg. Permit Limit = 1.0 MGD	1.1	c	c	c
Flow Daily Max. Permit Limit = 1.44 MGD	1.63	c	c	c

Avg: average CBOD₅: 5-day carbonaceous biochemical oxygen demand Max.: maximum

TOC: total organic carbon MGD: million gallons per day c: compliant lbs/day: pounds per day

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, N. of State Hwy. 225, S. of Port Terminal
Railroad, E. of Patrick Bayou & W. of East Fork of Patrick
Bayou, DEER PARK, Harris Co., TX.

TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: December 29, 2010
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: December 29, 2005 to December 29, 2010

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

Name: Merrilee Hupp Phone: (512) 239 - 4490

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: 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 2008-2073-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.)

		(434921)
1	06/14/2008	
2	02/22/2006	(436030)
3	05/30/2006	(451682)
4	05/30/2006	(451683)
5	05/30/2006	(452323)
6	02/22/2006	(455180)
7	02/23/2006	(455875)
8	02/23/2006	(455899)
9	02/28/2006	(456744)
10	02/25/2006	(456961)
11	02/25/2006	(457099)
12	02/28/2006	(457146)
13	02/28/2006	(457155)
14	02/27/2006	(457163)
15	02/27/2006	(457166)
16	05/24/2006	(457271)
17	06/12/2006	(457300)
18	08/28/2006	(457312)
19	06/16/2006	(457349)
20	08/25/2006	(457352)
21	03/09/2006	(457679)
22	06/20/2006	(460607)
23	05/31/2006	(461636)
24	02/13/2006	(468654)
25	03/23/2006	(468656)
26	01/24/2006	(468659)
27	08/30/2006	(479887)
28	08/28/2006	(479896)
29	07/06/2006	(484702)
30	04/20/2006	(498351)
31	05/11/2006	(498352)

32	06/15/2006	(498353)
33	05/11/2006	(498354)
34	09/20/2006	(512786)
35	10/31/2006	(515469)
36	10/31/2006	(515868)
37	10/31/2006	(515877)
38	03/18/2009	(519307)
39	08/21/2006	(520363)
40	09/29/2006	(520364)
41	01/24/2007	(537230)
42	10/20/2006	(544701)
43	10/20/2006	(544702)
44	12/15/2006	(544703)
45	01/22/2007	(544704)
46	05/31/2007	(560002)
47	08/22/2007	(566797)
48	08/14/2007	(568549)
49	08/17/2007	(568659)
50	08/31/2007	(568678)
51	08/17/2007	(568681)
52	08/17/2007	(568779)
53	08/17/2007	(568798)
54	08/27/2007	(571102)
55	08/21/2007	(571104)
56	09/27/2007	(574135)
57	02/23/2007	(575607)
58	03/12/2007	(575608)
59	05/13/2007	(575609)
60	05/16/2007	(575610)
61	06/18/2007	(575611)
62	07/18/2007	(575612)
63	04/05/2007	(593183)
64	07/03/2007	(593184)
65	10/05/2007	(593429)
66	10/05/2007	(595350)
67	03/31/2008	(597321)
68	08/15/2007	(601706)
69	09/24/2007	(601707)
70	10/25/2007	(619635)
71	11/26/2007	(619636)
72	04/22/2008	(636227)
73	04/29/2008	(636620)
74	04/30/2008	(636878)
75	04/07/2008	(639677)
76	05/15/2008	(657083)
77	02/25/2008	(672161)
78	01/14/2008	(672162)
79	02/04/2008	(672163)
80	07/22/2008	(680031)
81	08/29/2008	(680040)
82	08/18/2008	(680047)
83	07/21/2008	(680059)

84	06/15/2008	(681639)
85	07/25/2008	(686128)
86	07/21/2008	(686152)
87	07/25/2008	(686620)
88	07/25/2008	(686985)
89	04/03/2008	(690068)
90	04/23/2008	(690069)
91	05/22/2008	(690070)
92	06/23/2008	(690071)
93	06/05/2008	(690072)
94	08/29/2008	(701700)
95	01/05/2009	(709045)
96	08/19/2008	(710854)
97	09/26/2008	(710855)
98	10/29/2008	(710856)
99	09/26/2008	(710857)
100	02/19/2009	(722564)
101	11/20/2008	(727565)
102	12/18/2008	(727566)
103	05/05/2009	(740258)
104	06/04/2009	(741922)
105	08/17/2009	(747040)
106	09/03/2009	(747045)
107	06/23/2009	(747483)
108	09/03/2009	(747486)
109	10/16/2009	(747488)
110	10/06/2009	(747526)
111	12/15/2009	(747824)
112	06/15/2009	(749167)
113	02/20/2009	(750377)
114	03/09/2009	(750378)
115	08/12/2009	(759265)
116	07/30/2009	(764029)
117	08/06/2009	(764551)
118	08/06/2009	(764561)
119	08/06/2009	(764570)
120	08/06/2009	(764576)
121	08/06/2009	(764585)
122	08/06/2009	(764599)
123	08/06/2009	(764602)
124	04/16/2009	(768439)
125	01/05/2010	(786394)
126	03/12/2010	(786901)
127	01/13/2010	(787744)
128	03/23/2010	(793369)
129	06/04/2010	(794706)
130	08/20/2010	(803062)
131	08/16/2010	(803085)
132	08/26/2010	(803090)
133	08/20/2010	(803155)
134	02/22/2010	(804921)

135	05/14/2009	(804922)
136	06/17/2009	(804923)
137	07/15/2009	(804924)
138	08/17/2009	(804925)
139	09/22/2009	(804926)
140	10/13/2009	(804927)
141	11/18/2009	(804928)
142	12/21/2009	(804929)
143	10/13/2009	(804930)
144	09/20/2010	(825297)
145	06/22/2010	(825679)
146	06/15/2010	(825839)
147	03/25/2010	(830980)
148	05/07/2010	(830981)
149	07/28/2010	(842913)
150	11/18/2010	(842925)
151	09/28/2010	(843160)
152	08/13/2010	(843649)
153	11/08/2010	(843682)
154	05/24/2010	(845064)
155	06/18/2010	(846300)
156	07/15/2010	(860891)
157	11/17/2010	(863666)
158	08/19/2010	(866865)
159	10/26/2010	(872008)
160	11/23/2010	(873523)
161	09/17/2010	(873932)
162	12/17/2010	(879906)
163	10/21/2010	(881533)

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

Date 08/29/2008 (680040) 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)(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	05/19/2010	(794706)	CN600269617	
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4)			

Description: 5C THC Chapter 382, SubChapter A 382.085(b)
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			
Date	09/30/2010	(881533)	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	11/30/2010	(896278)	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.

Notice of Intent Date:	09/22/2006	(515252)
No DOV Associated		
Notice of Intent Date:	07/30/2009	(790720)
No DOV Associated		
Notice of Intent Date:	02/04/2010	(826428)
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
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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 calcuations 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. 2011-0014-IWD-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. WATER CODE chs. 7 and 26. 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 plant with an associated wastewater treatment facility located at 41 Tidal Road, north of State Highway 225, south of the Port Terminal Railroad, east of Patrick Bayou, and west of the East Fork of Patrick Bayou in Deer Park, Harris County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
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 December 21, 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 Thirty-Five Thousand Eight Hundred Dollars (\$35,800) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fourteen Thousand Three Hundred Twenty Dollars (\$14,320) of the administrative penalty and Seven Thousand One Hundred Sixty Dollars (\$7,160) 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. Fourteen Thousand Three Hundred Twenty Dollars (\$14,320) 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 Facility:
 - a. By October 31, 2010, replaced a leaking valve on an operating unit and removed debris from the Parshall flume (the primary flow measurement device) to achieve compliance with the effluent limitations of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000639000 for Outfall No. 001;
 - b. By December 1, 2010, replaced the transformer controlling the pumps to ensure treatment of and to prevent the discharge of untreated wastewater from Outfall 005.
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 Facility, the Respondent is alleged to have:

- Failed to comply with permit effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0000639000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall No. 001, as documented during a record review conducted on December 1, 2010 and described in the following effluent table:

<i>Effluent Parameter</i>	<i>Monitoring Period End Date</i>			
	December 2009	January 2010	August 2010	September 2010
	Reported Value	Reported Value	Reported Value	Reported Value
CBOD ₅ Daily Avg. Loading Permit Limit = 104 lbs/day	c	c	139	156
CBOD ₅ Daily Max. Loading Permit Limit = 194 lbs/day	255	219	297	338
TOC Daily Max. Loading Permit Limit = 1488 lbs/day	1552	1610	c	c
Flow Daily Avg. Permit Limit = 1.0 MGD	1.1	c	c	c
Flow Daily Max. Permit Limit = 1.44 MGD	1.63	c	c	c

Avg: average CBOD₅: 5-day carbonaceous biochemical oxygen demand Max.: maximum

TOC: total organic carbon MGD: million gallons per day c: compliant lbs/day: pounds per day

- Failed to comply with permit effluent limit for pH minimum of 6.0 standard units ("s.u."), in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0000639000, Effluent Limitations and Monitoring Requirements No. 2 for Outfall No. 005, as documented during a record review conducted on December 1, 2010. Specifically, a minimum pH of 3.65 s.u. was reported for September 2010.

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. 2011-0014-IWD-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, Fourteen Thousand Three Hundred Twenty Dollars (\$14,320) 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 Facility 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.

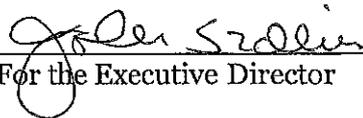
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by 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

6/17/2011

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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



Signature

3/2/2011

Date

Anthony Shick

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

GENERAL MANAGER

Title

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

Attachment A
Docket Number: 2011-0014-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: The Lubrizol Corporation

Penalty Amount: Twenty-Eight Thousand Six Hundred Forty Dollars (\$28,640)

SEP Offset Amount: Fourteen Thousand Three Hundred Twenty Dollars (\$14,320)

Type of SEP: Pre-approved

Third-Party Recipient: Armand Bayou Nature Center - Coastal Tall Grass Management-Prescribed Burn Program and Prairie Restoration Project

Location of SEP: Harris County

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 SEP offset amount to the Third-Party Recipient named above. The contribution will be to Armand Bayou Nature Center to be used for the Coastal Tall Grass Management-Prescribed Burn Program and Prairie Restoration Project Program as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to pay for the labor and materials costs associated with conducting prescribed burns, removing non-native trees, and for planting native trees and plants.

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.

The Lubrizol Corporation
Agreed Order – Attachment A

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by increasing ecosystem functionality. It will contribute to the overall prairie health by suppressing invasive brush species, increasing soil fertility, and promoting plant vigor.

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:

Armand Bayou Nature Center
Attn: Mark Kramer
PO Box 58828
Houston, Texas 77258

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:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
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.