

Executive Summary – Enforcement Matter – Case No. 42473
Merisol USA LLC
RN100214576
Docket No. 2011-1608-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Merisol Greens Bayou Plant, 1914 Haden Road, Houston, Harris County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 23, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$21,625

Amount Deferred for Expedited Settlement: \$4,325

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$17,300

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. 42473
Merisol USA LLC
RN100214576
Docket No. 2011-1608-AIR-E**

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: August 15, 2011
Date(s) of NOE(s): August 26, 2011

Violation Information

Failed to comply with the annual (based on a rolling 12-month period) permitted emission limits of 0.61 tons per year (“tpy”) of nitrogen oxides (“NOx”), 0.36 tpy of carbon monoxide (“CO”), 0.03 tpy of particulate matter (“PM”), and 0.0 tpy of sulfur dioxide (“SO2”) from the ground flare, Emission Point Number (“EPN”) IEPAHRU02. Specifically, unauthorized emissions were 23.35 tpy of NOx, 5.97 tpy of CO, 1.82 tpy of PM, and 0.17 tpy of SO2 between December 2009 and January 2011 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review (“NSR”) Permit No. 20686, Special Conditions No. 1, Federal Operating Permit No. O1254, Special Terms and Conditions No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent obtained a permit amendment for NSR Permit No. 20686 on July 14, 2011 that included increased emission limits for EPN IEPAHRU02.

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: Trina Grieco, Enforcement Division, Enforcement Team 4, MC R-13, (210) 403-4006; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: N/A
Respondent: Jose R. Ortiz, Plant Manager, Merisol USA LLC, 1914 Haden Road, Houston, Texas 77015-6408
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	29-Aug-2011	Screening	8-Sep-2011	EPA Due	22-May-2012
	PCW	8-Sep-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	Merisol USA LLC				
Reg. Ent. Ref. No.	RN100214576				
Facility/Site Region	12-Houston	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	42473	No. of Violations	1	
Docket No.	2011-1608-AIR-E	Order Type	1660	
Media Program(s)	Air	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Trina Grieco	
		EC's Team	Enforcement Team 5	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$12,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **98.0%** Enhancement **Subtotals 2, 3, & 7** **\$12,250**

Notes Enhancement for four NOV's with same/similar violations, nine NOV's with dissimilar violations, and three orders with denial of liability.

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** **\$3,125**

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

Total EB Amounts **\$384**
Approx. Cost of Compliance **\$5,000**

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$21,625**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$21,625**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$21,625**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$4,325**

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 **\$17,300**

Screening Date 8-Sep-2011

Docket No. 2011-1608-AIR-E

PCW

Respondent Merisol USA LLC

Policy Revision 2 (September 2002)

Case ID No. 42473

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100214576

Media [Statute] Air

Enf. Coordinator Trina Grieco

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	9	18%
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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	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) 98%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four NOVs with same/similar violations, nine NOVs with dissimilar violations, and three orders with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 98%

Screening Date 8-Sep-2011

Docket No. 2011-1608-AIR-E

PCW

Respondent Merisol USA LLC

Policy Revision 2 (September 2002)

Case ID No. 42473

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100214576

Media [Statute] Air

Enf. Coordinator Trina Grieco

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit No. 20686, Special Conditions No. 1, Federal Operating Permit No. O1254, Special Terms and Conditions No. 11, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the annual (based on a rolling 12-month period) permitted emission limits of 0.61 tons per year ("tpy") of nitrogen oxides ("NOx"), 0.36 tpy of carbon monoxide ("CO"), 0.03 tpy of particulate matter ("PM"), and 0.0 tpy of sulfur dioxide ("SO2") from the ground flare, Emission Point Number IEPAHRU02. Specifically, unauthorized emissions were 23.35 tpy of NOx, 5.97 tpy of CO, 1.82 tpy of PM, and 0.17 tpy of SO2 between December 2009 and January 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 5 Number of violation days 396

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

Violation Base Penalty \$12,500

Five quarterly events are recommended from December 2009 through January 2011.

Good Faith Efforts to Comply

25.0% Reduction

\$3,125

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

Notes The Respondent completed corrective actions on July 14, 2011, prior to the August 26, 2011 Notice of Enforcement.

Violation Subtotal \$9,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$384

Violation Final Penalty Total \$21,625

This violation Final Assessed Penalty (adjusted for limits) \$21,625

Economic Benefit Worksheet

Respondent Merisol USA LLC
Case ID No. 42473
Reg. Ent. Reference No. RN100214576
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$5,000	31-Dec-2009	14-Jul-2011	1.53	\$384	n/a	\$384
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated expense to obtain a permit amendment. The Date Required is the end of the first month during which the tpy limit was exceeded. The Final Date is the date corrective actions were 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 \$5,000

TOTAL \$384

Compliance History

Customer/Respondent/Owner-Operator: CN600127583 Merisol USA LLC Classification: AVERAGE Rating: 1.80
 Regulated Entity: RN100214576 MERISOL GREENS BAYOU PLANT Classification: AVERAGE Site Rating: 2.41

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0486G
	AIR OPERATING PERMITS	PERMIT	1254
	WASTEWATER	PERMIT	WQ0000485000
	WASTEWATER	EPA ID	TX0005584
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW147
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW319
	AIR NEW SOURCE PERMITS	REGISTRATION	85847
	AIR NEW SOURCE PERMITS	PERMIT	20686
	AIR NEW SOURCE PERMITS	PERMIT	1310A
	AIR NEW SOURCE PERMITS	PERMIT	4348
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0486G
	AIR NEW SOURCE PERMITS	REGISTRATION	75277
	AIR NEW SOURCE PERMITS	REGISTRATION	78532
	AIR NEW SOURCE PERMITS	REGISTRATION	87506
	AIR NEW SOURCE PERMITS	AFS NUM	4820100028
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50387
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD008106999
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30595
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30595
	POLLUTION PREVENTION PLANNING	ID NUMBER	P00420
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG0486G

Location: 1914 HADEN RD, HOUSTON, TX, 77015

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: August 30, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 30, 2006 to August 30, 2011

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

Name: Trina Grieco Phone: (210) 403-4006

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: 02/08/2008

ADMINORDER 2007-1135-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
 5C THC Chapter 382, SubChapter A 382.0518(a)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to prevent unauthorized emissions, as documented during an investigation conducted

on March 15, 2007. Specifically, an emissions event occurred February 26 through February 27, 2007 when tanks T-362027 and T-362028 overflowed into a spill containment area releasing 9,767 pounds of volatile organic compounds to the atmosphere for a period of 16 hours and 36 minutes. The emissions from Tanks T-362027 and T-362028 are not authorized by the permit.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to properly report the emissions event, as documented during an investigation conducted on March 15, 2007. Specifically, Merisol failed to properly identify the emissions source in the final report of the February 26, 2007 emissions event.

Effective Date: 06/19/2008

ADMINORDER 2007-1621-AIR-E

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)

Rqmt Prov: General Terms and Conditions OP

Description: Failed to submit an annual compliance certification. Specifically, the annual compliance certification for the period January 7, 2006 through January 6, 2007 was due by February 5, 2007 and was not submitted until October 15, 2007.

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)

Rqmt Prov: General Terms and Conditions OP

Description: Failed to submit semi-annual deviation reports within 30 days from the end of the certification period, as documented during a record review conducted on August 8, 2007. Specifically, a deviation report for the period January 7, 2006 through July 6, 2006 was due by August 5, 2006 and the report for the period July 7, 2006 through January 6, 2007 was due by February 5, 2007. The reports were received by the regional office on August 8, 2006 and February 8, 2007, respectfully.

Effective Date: 03/12/2009

ADMINORDER 2008-1458-AIR-E

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)

Rqmt Prov: General Terms and Conditions OP

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

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	08/31/2006	(509862)
2	11/29/2006	(511597)
3	10/12/2006	(512490)
4	02/09/2007	(517309)
5	11/02/2006	(517841)
6	11/02/2006	(517873)
7	09/18/2006	(520180)
8	02/01/2007	(533261)
9	03/07/2007	(542943)
10	04/12/2007	(543079)
11	04/12/2007	(543084)
12	10/23/2006	(544466)
13	11/13/2006	(544467)

14	12/18/2006	(544468)
15	06/15/2007	(553768)
16	04/16/2007	(555408)
17	04/16/2007	(555416)
18	04/20/2007	(555418)
19	05/02/2007	(558753)
20	08/30/2007	(571107)
21	09/17/2007	(572221)
22	02/20/2007	(575253)
23	03/19/2007	(575254)
24	04/23/2007	(575255)
25	05/10/2007	(575256)
26	06/18/2007	(575257)
27	01/15/2007	(575258)
28	03/12/2010	(594266)
29	11/26/2007	(595741)
30	11/01/2007	(595934)
31	11/01/2007	(595944)
32	11/28/2007	(599861)
33	08/08/2007	(601598)
34	08/17/2007	(601599)
35	09/14/2007	(601600)
36	01/07/2008	(613504)
37	10/17/2007	(619506)
38	11/26/2007	(619507)
39	04/29/2008	(639790)
40	04/29/2008	(639796)
41	02/20/2008	(672017)
42	03/26/2008	(672018)
43	02/20/2008	(672019)
44	02/20/2008	(672020)
45	06/23/2008	(684069)
46	07/02/2008	(684175)
47	08/28/2008	(686711)
48	08/13/2008	(689495)
49	05/23/2008	(689935)
50	05/23/2008	(689936)
51	05/23/2008	(689937)
52	06/26/2008	(689938)
53	07/14/2008	(689939)
54	07/14/2008	(689940)
55	07/14/2008	(689941)
56	07/03/2008	(699425)
57	10/14/2008	(703156)
58	10/14/2008	(703162)
59	09/03/2008	(710721)
60	10/22/2008	(710722)
61	02/17/2009	(726531)
62	02/17/2009	(726532)
63	12/19/2008	(727473)
64	11/12/2009	(747541)

65	07/31/2009	(749882)
66	03/25/2009	(750255)
67	04/24/2009	(750256)
68	08/06/2009	(759223)
69	09/14/2009	(763017)
70	09/02/2009	(767320)
71	09/02/2009	(767327)
72	09/02/2009	(767758)
73	06/02/2009	(768345)
74	02/12/2010	(780649)
75	12/23/2009	(785945)
76	02/26/2010	(789695)
77	02/25/2010	(789703)
78	08/26/2009	(804608)
79	02/19/2010	(804609)
80	05/06/2010	(804610)
81	05/06/2010	(804611)
82	07/29/2009	(804612)
83	09/18/2009	(804613)
84	10/20/2009	(804614)
85	10/20/2009	(804615)
86	12/18/2009	(804616)
87	10/20/2009	(804617)
88	06/25/2010	(827383)
89	06/25/2010	(827388)
90	03/18/2010	(830867)
91	04/14/2010	(830868)
92	05/17/2010	(830869)
93	10/21/2010	(841359)
94	06/14/2010	(846263)
95	10/22/2010	(860164)
96	05/17/2010	(860858)
97	08/19/2010	(866824)
98	09/20/2010	(873897)
99	12/22/2010	(880600)
100	10/20/2010	(881497)
101	11/17/2010	(888026)
102	02/01/2011	(893863)
103	02/01/2011	(894194)
104	12/13/2010	(896231)
105	03/23/2011	(899630)
106	03/23/2011	(900197)
107	01/19/2011	(902300)
108	02/16/2011	(909076)
109	03/14/2011	(916339)
110	04/18/2011	(924782)
111	07/06/2011	(932539)
112	07/06/2011	(932543)
113	05/19/2011	(938020)
114	08/26/2011	(942847)
115	06/10/2011	(945343)

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

Date: 09/30/2006 (544466) CN600127583
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: 11/30/2006 (511597) CN600127583
Self Report? NO Classification: Moderate
Citation: 20686, Special Condition No. 1 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to prevent a railcar from overflowing.

Date: 02/01/2007 (533261) CN600127583
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
TWC Chapter 26 26.121
TWC Chapter 26 26.121(a)
TWC Chapter 26 26.121(a)(1)
TWC Chapter 26 26.121(a)(2)
TWC Chapter 26 26.121(a)(3)
TWC Chapter 26 26.121(b)
TWC Chapter 26 26.121(c)
TWC Chapter 26 26.121(d)
TWC Chapter 26 26.121(e)

Description: Failure to prevent the unauthorized discharge of storm water from process containment areas.

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

Description: Failure to maintain compliance with permit limits for pH and total organic carbon.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)

Description: Failure to consistently preserve the storm water samples.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to document the frequency of analysis and sample type on the monthly discharge monitoring reports (DMRs).

Date: 02/28/2007 (575254) CN600127583
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: 08/31/2007 (601600) CN600127583
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: 07/03/2008 (699425) CN600127583
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

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

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
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
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
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: 09/14/2009 (763017) CN600127583
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
WQ0000485000 Monitoring and Reporting PERMIT
Description: Failure to submit monthly Discharge Monitoring Report.

Date: 11/10/2009 (747541) CN600127583
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(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)
FOP, SC 11 ORDER
FOP, SC 1A ORDER
NSR Permit, SC 5F PERMIT
NSR Permit, SC 5G PERMIT
Description: Failure to monitor twenty-five components for four quarterly monitoring periods.
(CATEGORY C1 violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP SC 1A ORDER
Description: Failure to conduct daily and 2008 first quarter visible emission observations for
the PAHR and the Tank Vent System Flare. (CATEGORY C1 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter H 117.9020(2)(C)(i)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP SC 1A ORDER
Description: Failure to perform NOx testing by March 31, 2007. (CATEGORY B1 violation)

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 THSC Chapter 382 382.085(b)
FOP SC 1A ORDER
Description: Failure to record the time and date each time the Firewater pumps were
operated. (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)
FOP 1254 General Terms & Conditions ORDER
Description: Failure to submit deviations related to fugitive monitoring. (CATEGORY B3
violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter H 101.354(a)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
 FOP SC 1D ORDER
 Description: Failure to deduct allowances using NOx factors. (CATEGORY C1 violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
 5C THSC Chapter 382 382.085(b)

Description: Failure to make notification prior to rerouting emission sources from scrubber S-917 to scrubber S-332-001. (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)
 FOP SC 11 ORDER
 NSR Permit, SC 8A PERMIT

Description: Failure to record pH and scrubber flow rates once per 12-hour shift. (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)
 FOP SC 11 ORDER
 NSR Permit SC 6A PERMIT

Description: Failure to perform AVO inspections for units in the fugitive area, once per 12 hour shift. (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)
 FOP SC 11 ORDER
 NSR Permit SC 1 PERMIT

Description: Failure to calculate monthly emissions for all units to show compliance on rolling 12-month basis. (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)
 FOP SC 11 ORDER
 NSR Permit SC 2 PERMIT

Description: Failure to prevent non-fugitive emissions from relief valves (Unit ID: FUCRAS601). (CATEGORY B19g1 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)
 FOP General Terms & Conditions ORDER

Description: Failure to include in the deviation report period July 8, 2008 to January 6, 2009 the Notice of Enforcement (NOE) that was issued. (CATEGORY B3 violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter E 115.421(a)(9)(A)(iii)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP SC 1A ORDER

Description: Failure to prevent VOC emissions from exceeding the 3.5 pounds per gallon limit during the surface coating project. (CATEGORY B13 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)
 FOP SC 11 ORDER
 NSR Permit, SC 13B PERMIT

Description: Failure to maintain the minimum circulating rate of the scrubbing solution of 150 gpm. (CATEGORY B19g1 violation)

Date: 08/31/2010 (873897)

CN600127583

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: 10/21/2010 (841359) CN600127583
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 No. 20686, Special Condition No. 1 PERMIT

Description: Merisol failed to ensure that the metallurgical integrity of the piping in the OXR Unit and the Overhead Condenser Fan E-285 was properly maintained, thereby releasing 937 pounds (lbs.) of VOC to the atmosphere.

Date: 10/22/2010 (860164) CN600127583
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 No. 20686, Special Condition No. 1, PERMIT

Description: Merisol failed to ensure that the integrity of the bleed valves and bonnet bolts in the OXR Unit were properly maintained, thereby resulting in a combined release of 509 pounds (lbs.) of unauthorized volatile organic compounds (VOC) to the atmosphere.

Date: 11/30/2010 (896231) CN600127583
 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: 08/26/2011 (942847) CN600127583
 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 8A PERMIT
 ST&C 11 OP

Description: Failure to maintain the pH of the scrubbing solution above a minimum pH of 12. (Category C4)

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 8F PERMIT
 ST&C 11 OP

Description: Failure to maintain the flow rate above the minimum rate of 2.3 gallons per minute (gpm). (Category C4)

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 THSC Chapter 382 382.085(b)
 ST&C 1A OP

Description: Failure to record the start and end times for engines. (Category C3)

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 14D PERMIT
 ST&C 11 OP

Description: Failure to maintain the flue gas temperature above 1300 degrees Fahrenheit. (Category C4)

F. Environmental audits.

N/A

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
MERISOL USA LLC
RN100214576**

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

**AGREED ORDER
DOCKET NO. 2011-1608-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 Merisol USA 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 1914 Haden Road in Houston, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 31, 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 Twenty-One Thousand Six Hundred Twenty-Five Dollars (\$21,625) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seventeen Thousand

Three Hundred Dollars (\$17,300) of the administrative penalty and Four Thousand Three Hundred Twenty-Five Dollars (\$4,325) 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 the Respondent obtained a permit amendment for New Source Review ("NSR") Permit No. 20686 on July 14, 2011 that included increased emission limits for Emission Point Number ("EPN") IEPAHRU02.
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 comply with the annual (based on a rolling 12-month period) permitted emission limits of 0.61 tons per year ("tpy") of nitrogen oxides ("NOx"), 0.36 tpy of carbon monoxide ("CO"), 0.03 tpy of particulate matter ("PM"), and 0.0 tpy of sulfur dioxide ("SO2") from the ground flare, EPN IEPAHRU02, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), NSR Permit No. 20686, Special Conditions No. 1, Federal Operating Permit No. O1254, Special Terms and Conditions No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on August 15, 2011. Specifically, unauthorized emissions were 23.35 tpy of NOx, 5.97 tpy of CO, 1.82 tpy of PM, and 0.17 tpy of SO2 between December 2009 and January 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: Merisol USA LLC, Docket No. 2011-1608-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

Paul J. Arzely
For the Executive Director

1/20/12
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.

J. R. Ortiz
Signature

October 27, 2011
Date

JOSE R. ORTIZ
Name (Printed or typed)
Authorized Representative of
Merisol USA LLC

PLANT MANAGER
Title

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