

Executive Summary – Enforcement Matter – Case No. 43225
Union Carbide Corporation
RN100219351
Docket No. 2012-0029-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Union Carbide Texas City, 3301 5th Avenue South, Texas City, Galveston County

Type of Operation:

Petrochemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket Nos. 2011-2024-AIR-E, 2011-1478-AIR-E, and 2012-0399-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 11, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$63,384

Amount Deferred for Expedited Settlement: \$12,676

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$25,354

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$25,354

Name of SEP: Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 28 through October 12, 2011 and October 4 and 5, 2011

Date(s) of NOE(s): December 15, 2011

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, Respondent released 1,817.51 pounds of ethylene from the Ethylene Vaporizer Unit, Emissions Point No. (“EPN”) E09A032, during an avoidable emissions event (Incident No. 158230) that began on April 17, 2011 and lasted 382 hours. The event was the result of a leaking regulator that went undetected because a flow indicator was not installed on the regulator. Since this emissions event could have been avoided through better design and was reported late, Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit No. 436, Special Conditions No. 1, and Federal Operating Permit (“FOP”) No. O1921, Special Terms and Conditions No. 11].
2. Failed to submit the initial notification for Incident No. 158230 within 24 hours of discovery. Specifically, Incident No. 158230 was initially discovered on May 3, 2011 and was not reported until August 19, 2011 [30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to comply with the annual allowable emissions rate (based on a rolling 12-month period). Specifically, in December 2009 and December 2010, Respondent exceeded the carbon monoxide (“CO”) 12-month rolling allowable emissions rate of 65.34 tons per year (“tpy”) and exceeded the nitrogen oxides (“NOx”) 12-month rolling allowable emissions rate of 12.64 tpy at EPN E14A030, resulting in the unauthorized release of 27.78 tons of CO and 5.84 tons of NOx in 2009 and 2010 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit No. 1961, Special Conditions No. 1, and FOP No. O1924, Special Terms and Conditions No. 12].
4. Failed to report all instances of deviations. Specifically, Respondent did not report the exceedances of the allowable emissions rates for CO and NOx during 2009 and 2010 in the semi-annual deviation reports for the certification periods of April 1, 2009 through March 31, 2010 and April 1, 2010 through March 31, 2011 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1924, General Terms and Conditions].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require Respondent to implement and complete a Supplemental Environmental Project (“SEP”). (See SEP Attachment A)
2. The Order will also require Respondent to:
 - a. Within 30 days:
 - i. Implement measures and/or procedures to ensure the proper detection of regulator leaks and/or malfunctions in order to prevent unauthorized emissions due to the same cause as the emissions event that began on April 17, 2011 (Incident No. 158230);
 - ii. Implement measures and/or procedures to ensure the proper reporting of emissions events;
 - iii. Implement measures and/or procedures to ensure compliance with FOP reporting requirements; and
 - iv. Certify compliance with the allowable emissions rates for CO and NO_x from EPN E14A030 in Air Permit No. 1961, or submit an administratively complete permit amendment application to increase the allowable emissions rates for EPN E14A030 in Air Permit No. 1961.
 - b. If a permit amendment application is submitted, respond completely and adequately to all requests for information concerning the application within 30 days after the date of such requests, or by any other deadline specified in writing;
 - c. Within 45 days, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a.i. through a.iii.;
 - d. If a permit amendment application is submitted, then within 315 days, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate that either a permit amendment has been obtained or that operation has ceased until such time that appropriate authorization is obtained.

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Docket No. 2012-0029-AIR-E

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: John Muennink, Enforcement Division,
Enforcement Team 5, MC R-12, (713) 422-89970; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565
Respondent: Jacques R. Bordelon, EHS Delivery Leader, Union Carbide Corporation,
3301 5th Avenue South, Building 191, Texas City, Texas 77590
Emma Lanier, Environmental, Health, and Safety Delivery Specialist, Union Carbide
Corporation, 3301 5th Avenue South, Building 191, Texas City, Texas 77590
Respondent's Attorney: N/A

Attachment A
Docket Number: 2012-0029-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Union Carbide Corporation
Payable Penalty Amount:	Fifty Thousand Seven Hundred Eight Dollars (\$50,708)
SEP Amount:	Twenty-Five Thousand Three Hundred Fifty-Four Dollars (\$25,354)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program
Location of SEP:	Texas Air Quality Control Region 216 - Houston - Galveston

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 the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Houston-Galveston AERCO** for the **Clean Cities/Clean Vehicles Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's Congestion Mitigation/Air Quality Funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the Environmental Protection Agency ("EPA"). SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter

Union Carbide Corporation
Agreed Order - Attachment A

traps, diesel particulate matter filters, nitrogen oxides reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the EPA or the California Air Resources Board.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions of buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

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:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

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

Union Carbide Corporation
Agreed Order - Attachment A

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 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

TCEQ DATES	Assigned	12-Jan-2012	Screening	12-Jan-2012	EPA Due	23-Sep-2013
	PCW	12-Jan-2012				

RESPONDENT/FACILITY INFORMATION	
Respondent	Union Carbide Corporation
Reg. Ent. Ref. No.	RN100219351
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	43225	No. of Violations	4
Docket No.	2012-0029-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	John Muennink
		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	\$22,800
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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	178.0% Enhancement	Subtotals 2, 3, & 7	\$40,584
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Notes: Enhancement for 19 NOVs with same/similar violations, 11 NOVs with dissimilar violations, and four orders with denial of liability. Reduction for 15 notices of intent to conduct an audit and two disclosures of violations.

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	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$904
Approx. Cost of Compliance: \$10,250
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$63,384
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$63,384
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$63,384
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DEFERRAL	20.0% Reduction	Adjustment	-\$12,676
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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	\$50,708
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Screening Date 12-Jan-2012

Docket No. 2012-0029-AIR-E

PCW

Respondent Union Carbide Corporation

Policy Revision 2 (September 2002)

Case ID No. 43225

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219351

Media [Statute] Air

Enf. Coordinator John Muennink

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>)	19	95%
	Other written NOVs	11	22%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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>)	15	-15%
	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>)	2	-4%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 178%

>> 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 19 NOVs with same/similar violations, 11 NOVs with dissimilar violations, and four orders with denial of liability. Reduction for 15 notices of intent to conduct an audit and two disclosures of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 178%

Screening Date 12-Jan-2012
Respondent Union Carbide Corporation
Case ID No. 43225
Reg. Ent. Reference No. RN100219351
Media [Statute] Air
Enf. Coordinator John Muennink
Violation Number 1

Docket No. 2012-0029-AIR-E

PCW

Policy Revision 2 (September 2002)
 PCW Revision October 30, 2008

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Air Permit No. 436, Special Conditions No. 1, and Federal Operating Permit ("FOP") No. O1921, Special Terms and Conditions No. 11

Violation Description

Failed to prevent unauthorized emissions, as documented during a record review conducted from September 28 through October 12, 2011. Specifically, the Respondent released 1,817.51 pounds of ethylene from the Ethylene Vaporizer Unit, Emissions Point No. ("EPN") E09A032, during an avoidable emissions event (Incident No. 158230) that began on April 17, 2011 and lasted 382 hours. The event was the result of a leaking regulator that went undetected because a flow indicator was not installed on the regulator. Since this emissions event could have been avoided through better design and was reported late, the Respondent is precluded from asserting the affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events: 1 16 Number of violation days

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

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$301

Violation Final Penalty Total \$6,950

This violation Final Assessed Penalty (adjusted for limits) \$6,950

Economic Benefit Worksheet

Respondent Union Carbide Corporation
Case ID No. 43225
Req. Ent. Reference No. RN100219351
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
<small>No commas or \$</small>							

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)	\$5,000	17-Apr-2011	30-Jun-2012	1.21	\$301	n/a	\$301

Notes for DELAYED costs

Estimated expense to implement measures and/or procedures to ensure the proper detection of regulator leaks and/or malfunctions. The Date Required is the date of the emissions event. The Final Date is the date that corrective measures are estimated to be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$301

Screening Date 12-Jan-2012

Docket No. 2012-0029-AIR-E

PCW

Respondent Union Carbide Corporation

Policy Revision 2 (September 2002)

Case ID No. 43225

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219351

Media [Statute] Air

Enf. Coordinator John Muennink

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1)(B) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit the initial notification for Incident No. 158230 within 24 hours of discovery, as documented during a record review conducted from September 28 through October 12, 2011. Specifically, Incident No. 158230 was initially discovered on May 3, 2011 and was not reported until August 19, 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

The Respondent met at least 70% of the rule requirement.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

107 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

One single event is recommended for the late report.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$91

Violation Final Penalty Total \$278

This violation Final Assessed Penalty (adjusted for limits) \$278

Economic Benefit Worksheet

Respondent Union Carbide Corporation
Case ID No. 43225
Req. Ent. Reference No. RN100219351
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

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	\$1,500	4-May-2011	30-Jun-2012	1.16	\$87	n/a	\$87
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	4-May-2011	19-Aug-2011	0.29	\$4	n/a	\$4

Notes for DELAYED costs

Estimated expense to submit the initial notification and to implement measures and/or procedures to ensure the proper reporting of emissions events. The Date Required is the date that the initial notification was due. The Final Dates are the date that the notification was submitted and the date that corrective measures are estimated to be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,750

TOTAL

\$91

Screening Date 12-Jan-2012

Docket No. 2012-0029-AIR-E

PCW

Respondent Union Carbide Corporation

Policy Revision 2 (September 2002)

Case ID No. 43225

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219351

Media [Statute] Air

Enf. Coordinator John Muennink

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Air Permit No. 1961, Special Conditions No. 1, and FOP No. O1924, Special Terms and Conditions No. 12

Violation Description

Failed to comply with the annual allowable emissions rate (based on a rolling 12-month period), as documented during an investigation conducted on October 4 and 5, 2011. Specifically, in December 2009 and December 2010, the Respondent exceeded the carbon monoxide ("CO") 12-month rolling allowable emissions rate of 65.34 tons per year ("tpy") and exceeded the nitrogen oxides ("NOx") 12-month rolling allowable emissions rate of 12.64 tpy at EPN E14A030, resulting in the unauthorized release of 27.78 tons of CO and 5.84 tons of NOx in 2009 and 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment has been exposed to an insignificant amount of pollutants that do not exceed levels protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 8

730 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$20,000

Eight quarterly events are recommended for the exceedances in 2009 and 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$20,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$350

Violation Final Penalty Total \$55,600

This violation Final Assessed Penalty (adjusted for limits) \$55,600

Economic Benefit Worksheet

Respondent Union Carbide Corporation
Case ID No. 43225
Req. Ent. Reference No. RN100219351
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$2,000	1-Jan-2009	30-Jun-2012	3.50	\$350	n/a	\$350

Notes for DELAYED costs

Estimated expense to implement measures and/or procedures to ensure compliance with allowable NOx and CO emission rates. The Date Required is the initial date of non-compliance. The Final Date is the date that corrective measures are estimated to be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$350

Screening Date 12-Jan-2012

Docket No. 2012-0029-AIR-E

PCW

Respondent Union Carbide Corporation

Policy Revision 2 (September 2002)

Case ID No. 43225

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100219351

Media [Statute] Air

Enf. Coordinator John Muennink

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), Tex. Health & Safety Code § 382.085(b), and FOP No. O1924, General Terms and Conditions

Violation Description Failed to report all instances of deviations, as documented during an investigation conducted on October 4 and 5, 2011. Specifically, the Respondent did not report the exceedances of the allowable emissions rates for CO and NOx during 2009 and 2010 in the semi-annual deviation reports for the certification periods of April 1, 2009 through March 31, 2010 and April 1, 2010 through March 31, 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Matrix Notes	Harm			Percent
	Major	Moderate	Minor	
			x	1%
The Respondent met at least 70% of the rule requirement.				

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 2 730 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$200

Two single events are recommended for the two certification periods.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$163

Violation Final Penalty Total \$556

This violation Final Assessed Penalty (adjusted for limits) \$556

Economic Benefit Worksheet

Respondent Union Carbide Corporation
Case ID No. 43225
Req. Ent. Reference No. RN100219351
Media Air
Violation No. 4

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	\$1,500	30-Apr-2010	30-Jun-2012	2.17	\$163	n/a	\$163
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated expense to implement measures and/or procedures to ensure compliance with FOP reporting requirements. The Date Required is the date that the first certification was due. The Final Date is the date that corrective measures are estimated to be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$163

Compliance History

Customer/Respondent/Owner-Operator:	CN601688781 Union Carbide Corporation	Classification: AVERAGE	Rating: 2.39
Regulated Entity:	RN100219351 UNION CARBIDE TEXAS CITY	Classification: AVERAGE	Site Rating: 2.29

GB0076J

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	
	AIR OPERATING PERMITS	PERMIT	1433
	AIR OPERATING PERMITS	PERMIT	1913
	AIR OPERATING PERMITS	PERMIT	1914
	AIR OPERATING PERMITS	PERMIT	1916
	AIR OPERATING PERMITS	PERMIT	1917
	AIR OPERATING PERMITS	PERMIT	1919
	AIR OPERATING PERMITS	PERMIT	1920
	AIR OPERATING PERMITS	PERMIT	1921
	AIR OPERATING PERMITS	PERMIT	1923
	AIR OPERATING PERMITS	PERMIT	1924
	AIR OPERATING PERMITS	PERMIT	2864
	POLLUTION PREVENTION PLANNING	ID NUMBER	P00745
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD000461533
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION #	30689
		(SWR)	
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50127
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50242
	WASTEWATER	PERMIT	WQ0000448000
	WASTEWATER	EPA ID	TX0002852
	PETROLEUM STORAGE TANK	REGISTRATION	27508
	REGISTRATION		
	AIR NEW SOURCE PERMITS	AFS NUM	4816700009
	AIR NEW SOURCE PERMITS	REGISTRATION	93941
	AIR NEW SOURCE PERMITS	REGISTRATION	94788
	AIR NEW SOURCE PERMITS	REGISTRATION	92793
	AIR NEW SOURCE PERMITS	REGISTRATION	93167
	AIR NEW SOURCE PERMITS	REGISTRATION	92940
	AIR NEW SOURCE PERMITS	REGISTRATION	76430
	AIR NEW SOURCE PERMITS	REGISTRATION	72004
	AIR NEW SOURCE PERMITS	REGISTRATION	33835
	AIR NEW SOURCE PERMITS	REGISTRATION	33379
	AIR NEW SOURCE PERMITS	REGISTRATION	33535
	AIR NEW SOURCE PERMITS	REGISTRATION	33607
	AIR NEW SOURCE PERMITS	REGISTRATION	36007
	AIR NEW SOURCE PERMITS	REGISTRATION	36467
	AIR NEW SOURCE PERMITS	REGISTRATION	32449
	AIR NEW SOURCE PERMITS	REGISTRATION	37219
	AIR NEW SOURCE PERMITS	REGISTRATION	38561
	AIR NEW SOURCE PERMITS	REGISTRATION	39384
	AIR NEW SOURCE PERMITS	REGISTRATION	39714
	AIR NEW SOURCE PERMITS	REGISTRATION	41241
	AIR NEW SOURCE PERMITS	PERMIT	42121
	AIR NEW SOURCE PERMITS	REGISTRATION	42409
	AIR NEW SOURCE PERMITS	REGISTRATION	42949
	AIR NEW SOURCE PERMITS	REGISTRATION	41876
	AIR NEW SOURCE PERMITS	REGISTRATION	44130
	AIR NEW SOURCE PERMITS	REGISTRATION	45029
	AIR NEW SOURCE PERMITS	REGISTRATION	45525
	AIR NEW SOURCE PERMITS	REGISTRATION	45814
	AIR NEW SOURCE PERMITS	REGISTRATION	45847
	AIR NEW SOURCE PERMITS	REGISTRATION	46260
	AIR NEW SOURCE PERMITS	REGISTRATION	47646
	AIR NEW SOURCE PERMITS	REGISTRATION	49451
	AIR NEW SOURCE PERMITS	PERMIT	436
	AIR NEW SOURCE PERMITS	PERMIT	1961
	AIR NEW SOURCE PERMITS	PERMIT	2466
	AIR NEW SOURCE PERMITS	PERMIT	2467
	AIR NEW SOURCE PERMITS	PERMIT	2574
	AIR NEW SOURCE PERMITS	PERMIT	2958A
	AIR NEW SOURCE PERMITS	PERMIT	3778
	AIR NEW SOURCE PERMITS	PERMIT	3791
	AIR NEW SOURCE PERMITS	PERMIT	4838
	AIR NEW SOURCE PERMITS	PERMIT	4884
	AIR NEW SOURCE PERMITS	PERMIT	6355
	AIR NEW SOURCE PERMITS	PERMIT	6355A
	AIR NEW SOURCE PERMITS	PERMIT	6709
	AIR NEW SOURCE PERMITS	PERMIT	6715
	AIR NEW SOURCE PERMITS	PERMIT	6854
	AIR NEW SOURCE PERMITS	PERMIT	7011
	AIR NEW SOURCE PERMITS	PERMIT	7414
	AIR NEW SOURCE PERMITS	PERMIT	9085
	AIR NEW SOURCE PERMITS	REGISTRATION	10605
	AIR NEW SOURCE PERMITS	REGISTRATION	13141

AIR NEW SOURCE PERMITS	REGISTRATION	14321
AIR NEW SOURCE PERMITS	REGISTRATION	14899
AIR NEW SOURCE PERMITS	REGISTRATION	15693
AIR NEW SOURCE PERMITS	REGISTRATION	18148
AIR NEW SOURCE PERMITS	PERMIT	19028
AIR NEW SOURCE PERMITS	PERMIT	19335
AIR NEW SOURCE PERMITS	PERMIT	20135
AIR NEW SOURCE PERMITS	PERMIT	22067
AIR NEW SOURCE PERMITS	REGISTRATION	22705
AIR NEW SOURCE PERMITS	REGISTRATION	23571
AIR NEW SOURCE PERMITS	REGISTRATION	24349
AIR NEW SOURCE PERMITS	REGISTRATION	24530
AIR NEW SOURCE PERMITS	REGISTRATION	24292
AIR NEW SOURCE PERMITS	PERMIT	25034
AIR NEW SOURCE PERMITS	REGISTRATION	26125
AIR NEW SOURCE PERMITS	REGISTRATION	27045
AIR NEW SOURCE PERMITS	REGISTRATION	26133
AIR NEW SOURCE PERMITS	REGISTRATION	26856
AIR NEW SOURCE PERMITS	REGISTRATION	27796
AIR NEW SOURCE PERMITS	REGISTRATION	24982
AIR NEW SOURCE PERMITS	REGISTRATION	28686
AIR NEW SOURCE PERMITS	REGISTRATION	28882
AIR NEW SOURCE PERMITS	REGISTRATION	29204
AIR NEW SOURCE PERMITS	REGISTRATION	29271
AIR NEW SOURCE PERMITS	REGISTRATION	30037
AIR NEW SOURCE PERMITS	REGISTRATION	28885
AIR NEW SOURCE PERMITS	REGISTRATION	29747
AIR NEW SOURCE PERMITS	REGISTRATION	29354
AIR NEW SOURCE PERMITS	REGISTRATION	30531
AIR NEW SOURCE PERMITS	REGISTRATION	31076
AIR NEW SOURCE PERMITS	REGISTRATION	31104
AIR NEW SOURCE PERMITS	REGISTRATION	30981
AIR NEW SOURCE PERMITS	REGISTRATION	31810
AIR NEW SOURCE PERMITS	REGISTRATION	32496
AIR NEW SOURCE PERMITS	REGISTRATION	33356
AIR NEW SOURCE PERMITS	REGISTRATION	72098
AIR NEW SOURCE PERMITS	REGISTRATION	72164
AIR NEW SOURCE PERMITS	REGISTRATION	52921
AIR NEW SOURCE PERMITS	REGISTRATION	52922
AIR NEW SOURCE PERMITS	REGISTRATION	84727
AIR NEW SOURCE PERMITS	REGISTRATION	55052
AIR NEW SOURCE PERMITS	REGISTRATION	54759
AIR NEW SOURCE PERMITS	REGISTRATION	71961
AIR NEW SOURCE PERMITS	REGISTRATION	75804
AIR NEW SOURCE PERMITS	REGISTRATION	75940
AIR NEW SOURCE PERMITS	REGISTRATION	75636
AIR NEW SOURCE PERMITS	REGISTRATION	90043
AIR NEW SOURCE PERMITS	PERMIT	2468
AIR NEW SOURCE PERMITS	REGISTRATION	75722
AIR NEW SOURCE PERMITS	REGISTRATION	75558
AIR NEW SOURCE PERMITS	REGISTRATION	70606
AIR NEW SOURCE PERMITS	REGISTRATION	70450
AIR NEW SOURCE PERMITS	REGISTRATION	70460
AIR NEW SOURCE PERMITS	REGISTRATION	70463
AIR NEW SOURCE PERMITS	PERMIT	48988
AIR NEW SOURCE PERMITS	REGISTRATION	56355
AIR NEW SOURCE PERMITS	REGISTRATION	70859
AIR NEW SOURCE PERMITS	REGISTRATION	71043
AIR NEW SOURCE PERMITS	REGISTRATION	71511
AIR NEW SOURCE PERMITS	REGISTRATION	71723
AIR NEW SOURCE PERMITS	REGISTRATION	71163
AIR NEW SOURCE PERMITS	PERMIT	48975
AIR NEW SOURCE PERMITS	REGISTRATION	71148
AIR NEW SOURCE PERMITS	REGISTRATION	71158
AIR NEW SOURCE PERMITS	PERMIT	49023
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GB0076J
AIR NEW SOURCE PERMITS	REGISTRATION	53413
AIR NEW SOURCE PERMITS	REGISTRATION	53558
AIR NEW SOURCE PERMITS	REGISTRATION	52292
AIR NEW SOURCE PERMITS	REGISTRATION	53034
AIR NEW SOURCE PERMITS	REGISTRATION	56359
AIR NEW SOURCE PERMITS	REGISTRATION	56358
AIR NEW SOURCE PERMITS	REGISTRATION	56357
AIR NEW SOURCE PERMITS	REGISTRATION	56356
AIR NEW SOURCE PERMITS	REGISTRATION	56353
AIR NEW SOURCE PERMITS	REGISTRATION	56352
AIR NEW SOURCE PERMITS	REGISTRATION	56350
AIR NEW SOURCE PERMITS	REGISTRATION	56349
AIR NEW SOURCE PERMITS	REGISTRATION	55260
AIR NEW SOURCE PERMITS	REGISTRATION	52245
AIR NEW SOURCE PERMITS	REGISTRATION	54113
AIR NEW SOURCE PERMITS	REGISTRATION	52869
AIR NEW SOURCE PERMITS	REGISTRATION	52920
AIR NEW SOURCE PERMITS	REGISTRATION	53414
AIR NEW SOURCE PERMITS	REGISTRATION	72836
AIR NEW SOURCE PERMITS	REGISTRATION	53559
AIR NEW SOURCE PERMITS	REGISTRATION	56460
AIR NEW SOURCE PERMITS	REGISTRATION	72691
AIR NEW SOURCE PERMITS	REGISTRATION	74151

AIR NEW SOURCE PERMITS	REGISTRATION	73963
AIR NEW SOURCE PERMITS	REGISTRATION	73962
AIR NEW SOURCE PERMITS	REGISTRATION	74235
AIR NEW SOURCE PERMITS	REGISTRATION	74732
AIR NEW SOURCE PERMITS	REGISTRATION	74347
AIR NEW SOURCE PERMITS	REGISTRATION	74472
AIR NEW SOURCE PERMITS	REGISTRATION	74471
AIR NEW SOURCE PERMITS	REGISTRATION	74608
AIR NEW SOURCE PERMITS	REGISTRATION	74996
AIR NEW SOURCE PERMITS	REGISTRATION	75184
AIR NEW SOURCE PERMITS	REGISTRATION	76637
AIR NEW SOURCE PERMITS	REGISTRATION	76966
AIR NEW SOURCE PERMITS	REGISTRATION	77690
AIR NEW SOURCE PERMITS	REGISTRATION	77313
AIR NEW SOURCE PERMITS	REGISTRATION	77503
AIR NEW SOURCE PERMITS	REGISTRATION	77858
AIR NEW SOURCE PERMITS	REGISTRATION	78808
AIR NEW SOURCE PERMITS	REGISTRATION	78804
AIR NEW SOURCE PERMITS	REGISTRATION	78806
AIR NEW SOURCE PERMITS	REGISTRATION	78807
AIR NEW SOURCE PERMITS	REGISTRATION	78996
AIR NEW SOURCE PERMITS	REGISTRATION	79099
AIR NEW SOURCE PERMITS	REGISTRATION	79615
AIR NEW SOURCE PERMITS	REGISTRATION	80167
AIR NEW SOURCE PERMITS	REGISTRATION	80007
AIR NEW SOURCE PERMITS	REGISTRATION	80073
AIR NEW SOURCE PERMITS	REGISTRATION	80068
AIR NEW SOURCE PERMITS	REGISTRATION	80075
AIR NEW SOURCE PERMITS	REGISTRATION	80071
AIR NEW SOURCE PERMITS	REGISTRATION	80554
AIR NEW SOURCE PERMITS	REGISTRATION	80855
AIR NEW SOURCE PERMITS	REGISTRATION	80785
AIR NEW SOURCE PERMITS	REGISTRATION	80786
AIR NEW SOURCE PERMITS	REGISTRATION	80787
AIR NEW SOURCE PERMITS	REGISTRATION	80788
AIR NEW SOURCE PERMITS	REGISTRATION	80545
AIR NEW SOURCE PERMITS	REGISTRATION	81268
AIR NEW SOURCE PERMITS	REGISTRATION	81364
AIR NEW SOURCE PERMITS	REGISTRATION	81703
AIR NEW SOURCE PERMITS	REGISTRATION	82382
AIR NEW SOURCE PERMITS	REGISTRATION	94584
AIR NEW SOURCE PERMITS	REGISTRATION	87164
AIR NEW SOURCE PERMITS	REGISTRATION	95132
AIR NEW SOURCE PERMITS	REGISTRATION	90585
AIR NEW SOURCE PERMITS	REGISTRATION	84822
AIR NEW SOURCE PERMITS	REGISTRATION	84041
AIR NEW SOURCE PERMITS	REGISTRATION	83455
AIR NEW SOURCE PERMITS	REGISTRATION	83677
AIR NEW SOURCE PERMITS	REGISTRATION	87023
AIR NEW SOURCE PERMITS	PERMIT	84235
AIR NEW SOURCE PERMITS	REGISTRATION	86900
AIR NEW SOURCE PERMITS	REGISTRATION	100074
AIR NEW SOURCE PERMITS	REGISTRATION	90022
AIR NEW SOURCE PERMITS	REGISTRATION	87916
AIR NEW SOURCE PERMITS	REGISTRATION	96533
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0840043
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION #	30689
	(SWR)	
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	GB0076J

Location: 3301 5TH AVE S, TEXAS CITY, TX, 77590

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: December 29, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 29, 2006 to December 29, 2011

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

Name: John Muennink Phone: (713) 422-8970

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. If YES, when did the change(s) in owner or operator occur? N/A

6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 02/05/2007 ADMINORDER 2005-0233-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter H 116.814(a)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 49023 PERMIT

Description: Failure to operate within MAERT limits for tanks and distillation column.

Effective Date: 04/26/2007 ADMINORDER 2006-1080-AIR-E

Classification: Moderate

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

Rqmt Prov: TCEQ Air Permit No. 48988, GC 8 PERMIT

Description: Dow-Union Carbide (Dow) failed to prevent unauthorized emissions during an avoidable emissions event (Incident No. 66240) that occurred on 11 October 2005.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Union Carbide a subsidiary of Dow (DUC) failed to report accurately during during the avoidable emissions event (Incident No. 66240).

Effective Date: 03/08/2008 ADMINORDER 2007-0209-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 9085, Special Condition 1 PERMIT
O-01919, Special Condition 6 OP

Description: Failed to represent vent streams and amend NSR Permit No. 9085, in violation of 30 TEX. ADMIN. CODE § 116.116(b)(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 24, 2006. Specifically, four high and low pressure streams were vented to the Syn Gas Flare, EPN E10C060, during the period of April 14, 2004 through April 14, 2005. EPN E10C060 was permitted as a backup flare and was not authorized to receive the vent streams.

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 A 382.085(b)

Rqmt Prov: 49023, Special Condition 1 PERMIT
O-01914, Special Condition 5 OP

Description: Failed to comply with permitted emissions and throughput limits for seven tanks as documented during an investigation conducted on August 25, 2006. Specifically, total emissions and throughput limits for the period December 6, 2004 through November 30, 2005 at the Refining and Hydrogenation Unit were recorded as 1.09 tons of volatile organic compounds ("VOC") and 1,026,519 gallons of throughput. The authorized limits are 0.22 tons per year VOC emissions and 434,068 gallons of throughput.

Effective Date: 01/30/2009 ADMINORDER 2008-1248-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT
Special Condition 3 PERMIT

Description: UC Subsidiary of Dow Chemical failed to minimize the quantity of emissions, and failed to minimize the duration of emissions during an emissions event (Incident 105132). As a result, unauthorized emissions were released from the Number 3 Olefins Flare. Additionally, Union Carbide failed to keep the emission capture equipment and abatement equipment in operation when emissions were routed to it during Incident No. 105132.

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	01/29/2007	(457410)
2	01/30/2007	(480149)
3	01/22/2007	(480153)
4	03/02/2007	(519596)
5	01/12/2007	(519603)
6	01/03/2007	(532211)
7	03/08/2007	(541701)
8	03/13/2007	(542302)
9	03/13/2007	(542783)
10	08/24/2007	(543167)
11	05/10/2007	(543373)
12	03/16/2007	(543515)
13	07/22/2008	(543585)
14	04/30/2007	(554361)
15	04/09/2007	(556176)
16	06/26/2007	(558702)
17	07/06/2007	(559973)
18	05/23/2007	(560356)
19	09/28/2007	(564310)
20	10/04/2007	(565911)
21	08/07/2007	(566978)
22	08/31/2007	(568662)
23	08/20/2007	(572795)
24	12/12/2007	(573158)
25	02/14/2007	(574843)
26	03/12/2007	(574844)
27	04/19/2007	(574845)
28	05/21/2007	(574846)
29	06/15/2007	(574847)
30	04/19/2007	(574848)
31	01/17/2008	(595704)
32	01/10/2008	(595731)
33	08/13/2007	(601457)
34	09/17/2007	(601458)
35	08/13/2007	(601459)
36	03/20/2008	(614749)
37	03/13/2008	(614911)
38	10/17/2007	(619375)
39	12/14/2007	(619376)
40	08/27/2008	(636698)
41	03/11/2008	(636701)
42	04/04/2008	(636703)
43	04/11/2008	(646265)
44	02/11/2008	(671870)
45	01/11/2008	(671871)
46	01/11/2008	(671872)
47	08/28/2008	(680050)
48	08/26/2008	(680062)
49	07/17/2008	(682196)
50	07/31/2008	(682393)
51	07/23/2008	(682396)
52	07/14/2008	(682399)
53	07/25/2008	(686730)
54	10/10/2008	(689139)
55	04/15/2008	(689801)
56	05/16/2008	(689802)
57	04/15/2008	(689803)
58	10/02/2008	(701343)
59	04/08/2009	(703397)
60	05/05/2009	(706779)

61	06/16/2008	(710552)
62	08/11/2008	(710553)
63	09/25/2008	(710554)
64	10/20/2008	(710555)
65	09/25/2008	(710556)
66	02/24/2009	(721207)
67	02/26/2009	(721210)
68	01/16/2009	(721212)
69	05/28/2009	(737177)
70	08/26/2009	(737206)
71	04/29/2009	(737279)
72	04/27/2009	(738139)
73	07/09/2009	(740150)
74	08/06/2009	(747101)
75	09/28/2009	(748453)
76	02/06/2009	(750081)
77	01/20/2009	(750082)
78	08/27/2009	(763437)
79	10/23/2009	(764157)
80	12/04/2009	(767293)
81	01/27/2010	(767432)
82	08/18/2010	(767537)
83	03/16/2009	(768238)
84	04/13/2009	(768239)
85	05/15/2009	(768240)
86	05/15/2009	(768241)
87	10/05/2009	(776638)
88	11/24/2009	(776947)
89	01/07/2010	(780355)
90	11/05/2009	(781110)
91	12/17/2009	(781120)
92	12/23/2009	(781121)
93	08/10/2010	(790353)
94	06/15/2010	(790361)
95	08/18/2010	(794101)
96	04/08/2010	(794274)
97	06/25/2010	(803075)
98	02/11/2010	(804247)
99	03/10/2010	(830721)
100	04/19/2010	(830722)
101	05/05/2010	(830723)
102	09/20/2010	(842773)
103	09/14/2010	(843287)
104	06/14/2010	(846215)
105	08/13/2010	(848799)
106	08/13/2010	(848826)
107	08/20/2010	(848845)
108	08/31/2011	(858275)
109	01/20/2011	(858277)
110	07/12/2010	(860813)
111	10/04/2010	(864792)
112	09/28/2010	(865270)
113	11/08/2010	(865471)
114	08/09/2010	(866775)
115	11/24/2010	(872759)
116	09/08/2010	(873849)
117	02/09/2011	(877395)
118	02/15/2011	(877540)
119	12/14/2010	(877585)
120	02/25/2011	(877993)
121	12/22/2010	(879984)
122	10/08/2010	(881453)
123	01/06/2011	(886888)
124	11/09/2010	(887983)
125	12/14/2010	(896180)
126	05/31/2011	(899765)
127	06/09/2011	(899766)
128	05/31/2011	(899767)
129	05/31/2011	(899985)
130	01/13/2011	(902256)
131	06/27/2011	(908820)
132	06/27/2011	(908822)
133	02/15/2011	(909031)
134	03/15/2011	(916292)
135	07/26/2011	(923618)
136	07/11/2011	(923949)
137	04/13/2011	(924708)
138	06/08/2009	(924709)
139	08/12/2009	(924710)
140	09/22/2009	(924711)

141 10/19/2009 (924712)
 142 11/19/2009 (924713)
 143 12/22/2009 (924714)
 144 01/14/2010 (924715)
 145 05/10/2011 (937972)
 146 10/17/2011 (944140)
 147 06/10/2011 (945287)
 148 08/25/2011 (950839)
 149 08/31/2011 (951810)
 150 12/28/2011 (952268)
 151 07/14/2011 (952571)
 152 11/14/2011 (957462)
 153 08/09/2011 (959250)
 154 11/18/2011 (962924)
 155 12/15/2011 (964980)
 156 09/14/2011 (965282)
 157 10/12/2011 (971325)

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

Date: 01/25/2007 (457410) CN601688781
 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)
 NSR 2958A SC#9A PERMIT
 OP O-01921 SC#1A OP

Description: The RE exceeded the permit limit for NOx emissions for Boiler No. 53.
 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)
 NSR Permit 2958A SC# 4 PERMIT

Description: Failure to maintain combustion chamber temperature.
 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 THC Chapter 382, SubChapter D 382.085(b)
 O-01921,SC1A OP
 Description: Failure to record 98% of the daily visible emissions observation for Farm Flare.

Date: 03/02/2007 (519596) CN601688781
 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)
 NSR Permit No: 49004 MAERT Limits OP

Description: MEK Tank exceeded the MAERT limit for Permit #: 49004, which sets the VOC emission limit to 74.78 lb/hr.
 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)
 FOP O-01915 Special Condition 15 OP
 S.C. 6A of NSR Permit No: 49004 PERMIT

Description: Exceeded the NSR permit limits of capacity and partial pressure for Tank 12683.
 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)
 FOP O-01915 Special Condition 15 OP
 NSR Permit No: 49004 MAERT Limits PERMIT

Description: Exceeded the NSR permit throughput limit for Tank 12675.
 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 61, SubChapter C, PT 61, SubPT F 61.70(a)
 5C THC Chapter 382, SubChapter D 382.085(b)
 FOP O-01915 Special Condition 15 OP

FOP O-01915 Special Condition 1A OP
S.C. 2 of NSR Permit No: 4884 PERMIT
S.C. 9 of NSR Permit No: 49004 PERMIT

Description: Failure to file NESHAP F Report on time.

Date: 05/31/2007 (574847) CN601688781
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: 08/07/2007 (566978) CN601688781
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.206(c)(17)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
FOP O-01921 Special Condition 14 OP
NSR 2958A Special Condition 9A PERMIT
Description: Failure to operate within the permit limit for NOx lb/MMBtu while burning 100% plant-mixed gaseous fuel.

Date: 08/24/2007 (543167) CN601688781
Self Report? NO Classification: Moderate
Citation: FOP O-01913 SC#5 OP
30 TAC Chapter 106, SubChapter K 106.262(a)(3)
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)
NSR 49023 SC 1 PERMIT
Description: Failure to submit notification within 10 days for Tank 3201.

Date: 11/30/2007 (595704) CN601688781
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 # 6 PERMIT
Special Condition #7 OP
Description: Failure to keep monthly monitoring records of the cooling tower water samples.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition #11 OP
Description: Failure to record 585 or 3.39% of data points for flare pilot flame monitoring during 05/08/2005 through 07/09/2005.

Date: 01/10/2008 (595731) CN601688781
Self Report? NO Classification: Moderate
Citation: 2468, SC 9 PERMIT
30 TAC Chapter 115, SubChapter B 115.114(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(3)(ii)
5C THSC Chapter 382 382.085(b)
O-01920, ST&C 15 OP
O-01920, ST&C 1A OP
Description: Failure to conduct the annual IFR inspection on Tanks 9213
Self Report? NO Classification: Moderate
Citation: 20135, SC 10D PERMIT
20135, SC2 PERMIT
30 TAC Chapter 115, SubChapter B 115.114(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(2)
5C THSC Chapter 382 382.085(b)

O-01920, ST&C 15 OP
Description: Failure to complete repairs to Tank 9211 within the required period after a failed visual inspection in November 2006.

Self Report? NO Classification: Moderate
Citation: 20135, SC 2 PERMIT
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(a)(3)
5C THSC Chapter 382 382.085(b)
O-01920, ST&C 15 OP

Description: Failure to submit a report to the TCEQ informing the agency that a defect was found on Tank 9211 within 30 days of finding it.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(2)
48975, SC 10D PERMIT
5C THSC Chapter 382 382.085(b)
O-01920, SC 13 OP
O-01920, ST&C 15 OP

Description: Failure to conduct the annual IFR inspection on Tanks 9004C

Date: 03/20/2008 (614749) CN601688781

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)
5C THSC Chapter 382 382.085(b)

Description: Failure to report all exceedances of CO MAER limits under TCEQ Air Permit No. 2958A during boiler startups in 2007.

Date: 05/02/2008 (543585) CN601688781

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
Special Terms and Conditions (ST&C) #8 OP

Description: Failure to inspect the submerge fill pipes of Tanks 1575 and 1506.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter C 122.210(a)
5C THSC Chapter 382 382.085(b)

Description: Failure to include in the Federal Operating Permit O-01917, 40 CFR Subparts VV and NNN for the #3 Main Column Vent and associated fugitives. (Category B19(g)(1))

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report all deviations in the semiannual reports and annual compliance certification report for inspections of the submerged fill pipes for Tanks 1575 and 1506 and exclusion of 40 CFR Subparts VV and NNN in the Federal Operating Permit O-01917. (Category B19(g)(1))

Date: 07/31/2008 (682393) CN601688781

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)

Description: Failure to store hazardous waste on-site for less than 90 days.

Date: 08/26/2008 (680062) CN601688781

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(b)(5)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions (ST&C)# 1A OP

Description: failed to keep records for the Polymer Incinerator CEMS from October 12, 2005 until September 15, 2007 (Category B19(g)(1))

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart F 63.104(f)(1)
5C THSC Chapter 382 382.085(b)
ST&C# 1A OP
Description: failed to keep records for quarterly HON heat exchanger monitoring for 4Q06 and 2Q07 (Category B19(g)(1))

Date: 01/16/2009 (721212) CN601688781

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)
NSR 6355 Special Condition 5 PERMIT
O-01923 Special Condition 11 OP

Description: Failure to maintain weekly span and drift test records for the Oxo Acid Incinerator (OAI), Unit ID E12C035 for six separate weeks during the reporting period.

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)
NSR 6355 Special Condition 5 PERMIT
O-01923 Special Condition 11 OP

Description: Failure to maintain the average oxygen concentration above 2 percent in the OAI, Unit ID E12C035.

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)
O-01923 General Terms and Conditions OP

Description: Failure to report all deviations in the deviation report.

Date: 02/24/2009 (721207) CN601688781

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)
NSR 49004, Special Condition 3 PERMIT
O-01915 Special Condition 15 OP

Description: Failure to maintain the TA-3 vent scrubber water temperature below 10 degrees Celsius.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
O-01915 General Terms and Conditions OP

Description: Failure to submit the Permit Compliance Certification (PCC) within 30 days of the end of the certification period.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
O-01915 General Terms and Conditions OP

Description: Failure to submit the second semi-annual deviation report within 30 days of the end of the reporting period.

Date: 02/26/2009 (721210) CN601688781

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.165(a)(8)
5C THSC Chapter 382 382.085(b)
O-01920 General Terms and Conditions OP

Description: Failure to submit an accurate permit compliance certification (PCC), which was certified by the Responsible Official at the facility. (CATEGORY C3 violation)

Date: 04/08/2009 (703397) CN601688781
Self Report? NO Classification: Minor
Citation: 2466, Special Condition 7C PERMIT
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 O-01916, ST&C 7 OP
Description: Failure to perform continuous CO monitoring in relation to the catalytic incinerator (EPN E10N002) from November 7 through November 12, 2007. CATEGORY B18 Violation.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP O-01916, General Terms & Conditions PERMIT
FOP O-01916, ST&C 3A(iv)(1) OP
Description: Failure to perform visual observations for the Syn Gas Superheater (EPN E10CO21) and the "FARM" CO Incinerator (EPN E10N002) on a quarterly basis from June 1, 2007 through May 31, 2008. (CATEGORY C1 VIOLATION)

Date: 05/28/2009 (737177) CN601688781
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.244
30 TAC Chapter 115, SubChapter C 115.246(6)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions PERMIT
Description: Failure to maintain inspection records on weekends and holidays (Category B3 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 PERMIT
Description: Failure to report one deviation during the reporting period of June 7, 2008 to December 6, 2008 (Category B3 violation).

Date: 08/26/2009 (737206) CN601688781
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to certify compliance for the period of December 6, 2007 through June 6, 2008 until a revised PCC was submitted on July 14, 2009 (Category B3).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1A OP
Special Condition 5 PA
Special Condition 6 OP
Description: Failure to maintain the heating value of fuel gas at or above 300 Btu/scf for the Syn Gas Flare Unit ID (E10B105 and E10B106). Category B19(g)(1) violation.

Date: 10/23/2009 (764157) CN601688781
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
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 H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 6E PERMIT
Special Term and Condition 13 OP
Special Term and Condition 1A OP

Description: Failed to seal open-ended lines. (CATEGORY C10 Violation)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)
5C THSC Chapter 382 382.085(b)
Special Condition 4 PERMIT
Special Term and Condition 13 OP
Special Term and Condition 1A OP

Description: Failed to maintain a minimum net heating value. (CATEGORY C4 violation)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Term and Condition 13 OP

Description: Failed to limit emission rates. (CATEGORY C4 violation)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 8 PERMIT
Special Term and Condition 13 OP

Description: Failed to leak-test all cargo tank trucks. (CATEGORY C1 violation)

Date: 11/05/2009 (781110)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)
General Terms and Conditions OP OP
Description: Failure to certify compliance for the period of December 7, 2007 through June 6, 2008 until a revised PCC was submitted on July 8, 2009. (Category B3 violation)

Date: 12/04/2009 (767293) CN601688781
Self Report? YES 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
STC 7 OP
Description: Failure to comply with the FARM Incinerator (EPN: E10COINC) Maximum Allowable Emission Rate (MAER) limit for Carbon Monoxide (CO) for a total of 22 hours on three occurrences during the period December 30, 2008 to May 27, 2009, resulting in total excess emission of 16.86 lbs of CO.
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)
SC 5 PERMIT
STC 7 OP
Description: Failure to maintain FARM Incinerator above required permit limit of 500 degreeed F for 59 hours during start-up activities January 7, 2009 to May 26, 2009, resulting in a total excess emission of 18.47 lbs of CO.

Date: 12/17/2009 (781120) CN601688781
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 60, SubChapter C, PT 60, SubPT A 60.7(c)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP
Description: Failure to submit the NSPS Kb report in a timely manner. (CATEGORY C3 VIOLATION)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT F 61.64(a)(1)
40 CFR Part 61, Subpart F 61.66
5C THSC Chapter 382 382.085(b)
Special Condition 2 PERMIT
Special Term and Condition 15 OP
Special Term and Condition 1A OP
Description: Failure to stay below the 3-hour average VOC and vinyl chloride concentrations going to flare E10C060. (CATEGORY B13 VIOLATION)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 2B PERMIT
Special Term and Condition 15 OP

Description: Failure to maintain required analyzer data. (CATEGORY B3 VIOLATION)

Date: 12/22/2009 (781121) CN601688781

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(c)
5C THSC Chapter 382 382.085(b)
STC 1A OP

Description: Failure to maintain documentation of the weekly visual pump inspections.
(CATEGORY C3 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)
General Condition 1 PERMIT
STC 15 OP

Description: Failure to authorize additional chemical components in the stream at the Aldehyde Tank Truck Rack, EPN E01A032. (CATEGORY B18 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter F 115.546(1)(D)
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain the lower explosive limit records during degassing operations.
(CATEGORY C3 violation)

Date: 02/28/2010 (830721) CN601688781

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: 08/11/2010 (790353) CN601688781

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
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)
NSR 3791, SC 6E PA
OP O-01917, SC 1A and 9 OP

Description: Failure to prevent open ended lines in VOC service.

Date: 08/19/2010 (794101) CN601688781

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 THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report all deviations in the June 7, 2009 through November 15, 2009 reporting period [Category C3]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 11 PERMIT
Special Condition 6F PERMIT
Special Condition 6G PERMIT
Special Term and Condition 1 OP
Special Term and Condition 6 OP

Description: Failure to monitor 32 valves and one pump in organic hazardous air pollutant (HAP) service [Category B1]

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 Condition 3 PERMIT
Special Term and Condition 6 OP

Description: Failure to direct emissions from tanks 2883 and 2884 (EPNs: E10B010 and E10B011) to the No. 3 Olefins flare or Synthesis Gas flare by December 31, 2005 [Category B19(g)(1)]

Date: 01/14/2011 (858277) CN601688781

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 O-01916 ST&C 7 OP
NSR 2466 SC 5 PERMIT

Description: Failure to maintain permitted temperature on incinerator E10COINC (EPN E10N002)

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 O-01916 ST&C 7 OP
NSR 2466 SC 1 PERMIT

Description: Union Carbide failed to maintain emissions below the MAERT value for incinerator E10COINC (EPN E10N002)

Date: 02/28/2011 (877993) CN601688781

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)
NSR Permit 20135, SC 1 PERMIT
Title V Permit O-01920, STC 13 OP

Description: Failure to maintain the permit allowable for Tank 9507 during tank roof landing and refloating on December 12 through 31, 2009.

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)
NSR Permit 20135, SC 9 PERMIT
Title V Permit O-01920, STC 13 OP

Description: Failure to maintain the maximum loading throughput of 0.600 MM gallons/year of isobutanol at Tank Truck Rack E01A031

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(c)
5C THSC Chapter 382 382.085(b)
Title V Permit O-01920, STC 1D OP

Description: Failure to maintain weekly visual inspection records for Pump F01A001 for the week of July 28, 2009 and again July 7, 2010

Date: 06/01/2011 (899985) CN601688781

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)

5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to certify compliance for the period of January 21, 2010 through June 25, 2010. (category A8 violation)

Date: 06/28/2011 (908820)

CN601688781

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(5)
30 TAC Chapter 335, SubChapter F 335.152(a)(9)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT G 264.117(a)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT K 264.228(b)(1)
Permit Provision VII-G-2 and 3 PERMIT

Description: Excessive vegetative growth was noted.

Date: 11/18/2011 (962924)

CN601688781

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(5)
30 TAC Chapter 335, SubChapter F 335.152(a)(9)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT G 264.117(a)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT K 264.228(b)(1)
Permit Provision VII-G-2 and 3 PERMIT

Description: Excessive vegetative growth was noted.

F. Environmental audits.

Notice of Intent Date: 05/27/2009 (759264)

Disclosure Date: 11/13/2009

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.131(a)
30 TAC Chapter 115, SubChapter B 115.132(a)(3)

Description: Failure to have tank vapors in Tank 2853A/B routed to a control device when vapor pressure is greater than 0.5 PSIA for VOC/water separators.

Notice of Intent Date: 10/14/2009 (782833)

No DOV Associated

Notice of Intent Date: 03/15/2010 (798937)

No DOV Associated

Notice of Intent Date: 03/26/2010 (800802)

Disclosure Date: 02/11/2011

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.10(c)

Description: Failed to update initial Boiler 53 Emission Calculations based on factors used to calculate maximum allowable emissions submitted in the NSR permit application with the emission factors based on stack test performance data.

Notice of Intent Date: 08/10/2010 (860084)

No DOV Associated

Notice of Intent Date: 08/12/2010 (860085)

No DOV Associated

Notice of Intent Date: 09/01/2010 (870214)

No DOV Associated

Notice of Intent Date: 11/30/2010 (890722)

No DOV Associated

Notice of Intent Date: 12/08/2010 (890776)

No DOV Associated

Notice of Intent Date: 02/03/2011 (901250)

No DOV Associated

Notice of Intent Date: 04/11/2011 (914434)

No DOV Associated

Notice of Intent Date: 04/11/2011 (914440)

No DOV Associated

Notice of Intent Date: 07/05/2011 (941173)

No DOV Associated

Notice of Intent Date: 10/03/2011 (969356)

No DOV Associated

Notice of Intent Date: 10/10/2011 (969359)

No DOV Associated

- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
UNION CARBIDE CORPORATION
RN100219351**

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

**AGREED ORDER
DOCKET NO. 2012-0029-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 Union Carbide Corporation ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a petrochemical manufacturing plant at 3301 5th Avenue South in Texas City, Galveston 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 December 20, 2011 and January 1, 2012.
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 Sixty-Three Thousand Three Hundred Eighty-Four Dollars (\$63,384) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-Five

Thousand Three Hundred Fifty-Four Dollars (\$25,354) of the administrative penalty and Twelve Thousand Six Hundred Seventy-Six Dollars (\$12,676) 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. Twenty-Five Thousand Three Hundred Fifty-Four Dollars (\$25,354) 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 may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit No. 436, Special Conditions No. 1, and Federal Operating Permit ("FOP") No. O1921, Special Terms and Conditions No. 11, as documented during a record review conducted from September 28 through October 12, 2011. Specifically, the Respondent released 1,817.51 pounds of ethylene from the Ethylene Vaporizer Unit, Emissions Point No. ("EPN") E09A032, during an avoidable emissions event (Incident No. 158230) that began on April 17, 2011 and lasted 382 hours. The event was the result of a leaking regulator that went undetected because a flow indicator was not installed on the regulator. Since this emissions event could have been avoided through better design and was reported late, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. Failed to submit the initial notification for Incident No. 158230 within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted from

September 28 through October 12, 2011. Specifically, Incident No. 158230 was initially discovered on May 3, 2011 and was not reported until August 19, 2011.

3. Failed to comply with the annual allowable emissions rate (based on a rolling 12-month period), in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Air Permit No. 1961, Special Conditions No. 1, and FOP No. O1924, Special Terms and Conditions No. 12, as documented during an investigation conducted on October 4 and 5, 2011. Specifically, in December 2009 and December 2010, the Respondent exceeded the carbon monoxide ("CO") 12-month rolling allowable emissions rate of 65.34 tons per year ("tpy") and exceeded the nitrogen oxides ("NOx") 12-month rolling allowable emissions rate of 12.64 tpy at EPN E14A030, resulting in the unauthorized release of 27.78 tons of CO and 5.84 tons of NOx in 2009 and 2010.
4. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1924, General Terms and Conditions, as documented during an investigation conducted on October 4 and 5, 2011. Specifically, the Respondent did not report the exceedances of the allowable emissions rates for CO and NOx during 2009 and 2010 in the semi-annual deviation reports for the certification periods of April 1, 2009 through March 31, 2010 and April 1, 2010 through March 31, 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: Union Carbide Corporation, Docket No. 2012-0029-AIR-E" to:

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

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Twenty-Five Thousand Three Hundred Fifty-Four Dollars (\$25,354) 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. It is further ordered that the Respondent shall undertake the following technical requirements:

a. Within 30 days after the effective date of this Agreed Order:

- i. Implement measures and/or procedures to ensure the proper detection of regulator leaks and/or malfunctions in order to prevent unauthorized emissions due to the same cause as the emissions event that began on April 17, 2011 (Incident No. 158230);
- ii. Implement measures and/or procedures to ensure the proper reporting of emissions events, in accordance with 30 TEX. ADMIN. CODE § 101.201;
- iii. Implement measures and/or procedures to ensure compliance with FOP reporting requirements, in accordance with 30 TEX. ADMIN. CODE § 122.145; and
- iv. Certify compliance with the allowable emissions rates for CO and NOx from EPN E14A030 in Air Permit No. 1961, or submit an administratively complete permit amendment application to increase the allowable emissions rates for EPN E14A030 in Air Permit No. 1961, in accordance with 30 TEX. ADMIN. CODE § 116.111, to:

Air Permits Division, MC 162
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. If a permit amendment application is submitted in accordance with Ordering Provision No. 3.a.iv., respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the application within 30 days after the date of such requests, or by any other deadline specified in writing;
- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 3.e., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.i. through 3.a.iii.;
- d. If a permit amendment application is submitted in accordance with Ordering Provision No. 3.a.iv., then within 315 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate that either a permit amendment has been obtained or that operation has ceased until such time that appropriate authorization is obtained; and

- e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. 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.
5. 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.
6. 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.
7. 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.

8. 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.
9. 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

Romo Jone Jr.
For the Executive Director

6/4/12
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.

Jacques R. Bordelon
Signature

3/23/12
Date

Jacques R. Bordelon
Name (Printed or typed)
Authorized Representative of
Union Carbide Corporation

EHS Delivery Leader
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: 2012-0029-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Union Carbide Corporation
Payable Penalty Amount:	Fifty Thousand Seven Hundred Eight Dollars (\$50,708)
SEP Amount:	Twenty-Five Thousand Three Hundred Fifty-Four Dollars (\$25,354)
Type of SEP:	Pre-approved
Third-Party Recipient:	Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program
Location of SEP:	Texas Air Quality Control Region 216 - Houston - Galveston

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 the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **Houston-Galveston AERCO** for the **Clean Cities/Clean Vehicles Program** as set forth in an agreement between the Third-Party Recipient and the TCEQ. SEP monies will be used to aid local school districts and area transit agencies in reaching local match requirements mandated by the Federal Highway Administration's Congestion Mitigation/Air Quality Funding program. SEP monies will be disbursed to school districts and transit agencies in need of funding assistance in the Houston-Galveston non-attainment area. Those SEP monies will be used exclusively by the school districts and transit agencies as supplements to meet the local match requirements of the Environmental Protection Agency ("EPA"). SEP monies will be used to pay for the cost of replacing older diesel buses with alternative fueled or clean diesel buses. The old buses will be permanently retired and only sold for scrap. The schools and transit agencies will also use the SEP monies to retrofit more buses to reduce emissions. Houston-Galveston AERCO will send the TCEQ verification in the form of paid invoices and other documentation to show that the retrofits were completed. Retrofit technologies include particulate matter

Union Carbide Corporation
Agreed Order - Attachment A

traps, diesel particulate matter filters, nitrogen oxides reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the EPA or the California Air Resources Board.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions of buses by more than 90% below today's level and reducing hydrocarbons below measurement capability.

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:

Houston-Galveston Area Council
Houston-Galveston AERCO
P.O. Box 22777
Houston, Texas 77227-2777

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

Union Carbide Corporation
Agreed Order - Attachment A

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 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.