

**Executive Summary – Enforcement Matter – Case No. 46111  
Lucite International, Inc.  
RN102736089  
Docket No. 2013-0224-IWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

IWD

**Small Business:**

No

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

Lucite Beaumont Site, located on State Highway 347, on the west bank of the Neches River at the McFadden Bend Cutoff, eight miles north of Sabine Lake, and six miles south of Beaumont, Jefferson County

**Type of Operation:**

Petrochemical plant complex producing organic and inorganic chemicals in separate units

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2012-2622-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 26, 2013

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$89,169

**Amount Deferred for Expedited Settlement:** \$17,833

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

**Total Paid to General Revenue:** \$35,668

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

Payment Plan: N/A

**SEP Conditional Offset:** \$35,668

Name of SEP: Big Thicket Association

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

**Executive Summary – Enforcement Matter – Case No. 46111**  
**Lucite International, Inc.**  
**RN102736089**  
**Docket No. 2013-0224-IWD-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** December 4, 2012  
**Date(s) of NOE(s):** January 14, 2013

***Violation Information***

1. Failed to comply with permitted effluent limits for pH, total copper, total zinc, 5-day biochemical oxygen demand, total suspended solids, and total residual chlorine [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0000473000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2 – Tier 1, Outfall No. 001; Effluent Limitations and Monitoring Requirements No. 2, Outfall No. 002; Effluent Limitations and Monitoring Requirements No. 2, Outfall No. 011; and Interim and Final Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 101].
  
2. Failed to monitor effluent at the intervals specified in the permit. Specifically, Respondent failed to collect and analyze samples for the following effluent parameters at Outfall No. 015 for the quarterly monitoring period ending May 31, 2012: carbon tetrachloride, chloroform, trans-1,2-dichloroethylene, and vinyl chloride [30 TEX. ADMIN. CODE § 319.5(b) and § 305.125(1), and TPDES Permit No. WQ0000473000, Monitoring and Reporting Requirements No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

Respondent has implemented the following corrective measures:

- a. By May 31, 2011, completed rehabilitative construction at the ammonia manufacturing unit;
  
- b. On May 3, 2012, submitted notification to the TCEQ Beaumont Regional Office indicating that the existing domestic wastewater (“Bio-Ox”) system would be taken off-line for rehabilitation and the untreated wastewaters would be diverted to a temporary 10,000 gallons per day package wastewater treatment plant (“WWTP”) for treatment;
  
- c. By May 9, 2012, initiated rehabilitation work of the existing Bio-Ox system and diverted the untreated wastewater to two temporary package WWTPs;
  
- d. By May 31, 2012, encapsulated a reactor slab with an epoxy coating;
  
- e. By July 31, 2012, completed rehabilitative construction at the methanol manufacturing unit;

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**Docket No. 2013-0224-IWD-E**

f. By August 31, 2012, placed 10 additional composite samplers at designated process control sampling points along storm water ditches throughout the Facility, implemented a routine schedule and sampling protocol for sample collection and analysis, and initiated a site specific study to identify the source of total copper exceedences;

g. By October 18, 2012, implemented monthly meetings with the tenants located on the Facility's property to proactively discuss methods and procedures required to attain and maintain compliance with all permit conditions;

h. By March 10, 2013, implemented cross-check procedures for the Facility's operators to eliminate the re-occurrence of pH data entry errors;

i. By March 19, 2013, implemented additional operator training for the collection and analysis of total residual chlorine;

j. By March 21, 2013, updated total residual chlorine sampling and analysis procedures;

k. By March 31, 2013:

i. Updated total residual chlorine data entry procedures; and

ii. Corrected and re-submitted the discharge monitoring reports for the October 2011 through January 2013 monitoring periods; and

l. By April 5, 2013, completed additional operator training for the collection and analysis of total residual chlorine.

**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, within 365 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0000473000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

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**Lucite International, Inc.**

**RN102736089**

**Docket No. 2013-0224-IWD-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:** Christopher Bost, Enforcement Division,  
Enforcement Team 1, MC 169, (512) 239-4575; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division,  
MC 219, (512) 239-3565

**Respondent:** Hootan Hidaji, Site Manager, w Lucite International, Inc., 7275 Goodlett  
Farms Parkway, Cordova, Tennessee 38016

James Gu, President, Lucite International, Inc., 7275 Goodlett Farms Parkway, Cordova,  
Tennessee 38016

**Respondent's Attorney:** N/A

**Attachment A**  
**Docket Number: 2013-0224-IWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	Lucite International, Inc.
<b>Penalty Amount:</b>	Seventy-One Thousand Three Hundred Thirty-Six Dollars (\$71,336)
<b>SEP Offset Amount:</b>	Thirty-Five Thousand Six Hundred Sixty-Eight Dollars (\$35,668)
<b>Type of SEP:</b>	Contribution to a Third-Party Pre-Approved SEP
<b>Third-Party Recipient:</b>	Big Thicket Association
<b>Project Name:</b>	<i>Wetland Species and Ecosystems Analysis</i>
<b>Location of SEP:</b>	Hardin, Jefferson, Orange, Jasper, Liberty, Polk, and Tyler Counties

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset 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

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **Big Thicket Association** for the *Wetland Species and Ecosystem Analysis* project. The contribution will be used in accordance with the SEP Agreement between the Third-Party Recipient and the TCEQ. Specifically, the SEP Offset Amount will be used to inventory an additional taxonomic group, such as lichens, bryophytes, mussels, mollusks, amphibians, fish, or birds (the “Project”). The Project will involve collecting specimens from the Preserve as well as wetland properties in the above mentioned counties which are in the process of being donated to the Preserve. Currently, a memorandum of understanding regarding the impending donation is in place that will allow inventory of these properties. These areas have never been inventoried and need data for resource management. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project and no portion will be spent on administrative costs.

Lucite International, Inc.  
Agreed Order - Attachment A

Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

b. Environmental Benefit

This Project will benefit the environment by identifying the biodiversity, both native and exotic, in wetland wildlife corridors to assist in stewardship and sustainability. It will also assess the state of pollution indicator species to determine the impact of pollution on the Preserve. Additionally, inventories will identify areas where invasive species are present and aid in the analysis of harmful invasive species spreads and their impacts so that areas for removal can be identified.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset 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, Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall make the check payable to **Big Thicket Association SEP** and shall mail the contribution with a copy of the Agreed Order to:

Big Thicket Association  
Attention: Mary C. Johnston, President  
P.O. Box 198  
Saratoga, Texas 77585

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3, above the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP and/or the Project, made by or on behalf of 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**

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for 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 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	22-Jan-2013	<b>Screening</b>	28-Jan-2013	<b>EPA Due</b>	5-Mar-2013
	<b>PCW</b>	23-Apr-2013				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Lucite International, Inc.
<b>Reg. Ent. Ref. No.</b>	RN102736089
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	46111	<b>No. of Violations</b>	3
<b>Docket No.</b>	2013-0224-IWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Christopher Bost
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$45,000</b>
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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.

<b>Compliance History</b>	<b>100.0%</b> Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$45,000</b>
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Notes: Enhancement for seven months of self-reported effluent violations, one NOV with same or similar violations, one NOV with dissimilar violations, six orders with denial, and one order without denial.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$937</b>
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<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$1,474  
 Approx. Cost of Compliance: \$10,350  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$89,063</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.1%</b>	<b>Adjustment</b>	<b>\$106</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost associated with Violation No. 3.

<b>Final Penalty Amount</b>	<b>\$89,169</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$89,169</b>
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<b>DEFERRAL</b>	<b>20.0%</b> Reduction	<b>Adjustment</b>	<b>-\$17,833</b>
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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.

<b>PAYABLE PENALTY</b>	<b>\$71,336</b>
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**Screening Date** 28-Jan-2013

**Docket No.** 2013-0224-IWD-E

**PCW**

**Respondent** Lucite International, Inc.

Policy Revision 3 (September 2011)

**Case ID No.** 46111

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN102736089

**Media [Statute]** Water Quality

**Enf. Coordinator** Christopher Bost

**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> )	8	40%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 187%

>> **Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for seven months of self-reported effluent violations, one NOV with same or similar violations, one NOV with dissimilar violations, six orders with denial, and one order without denial.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 187%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 100%

Screening Date 28-Jan-2013

Docket No. 2013-0224-IWD-E

PCW

Respondent Lucite International, Inc.

Policy Revision 3 (September 2011)

Case ID No. 46111

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102736089

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000473000, Effluent Limitations and Monitoring Requirements No. 1 - Tier 1, Outfall No. 001

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on December 4, 2012 and shown in the attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual			X		30.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

A simplified model was used to evaluate total copper to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 Number of violation days 30

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

Violation Base Penalty \$7,500

One monthly event is recommended for the month of September 2012.

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 \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$15,018

This violation Final Assessed Penalty (adjusted for limits) \$15,018

## Economic Benefit Worksheet

**Respondent** Lucite International, Inc.  
**Case ID No.** 46111  
**Reg. Ent. Reference No.** RN102736089  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit Worksheet for Violation No. 2.

### 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

\$0

**TOTAL**

\$0

Screening Date 28-Jan-2013

Docket No. 2013-0224-IWD-E

PCW

Respondent Lucite International, Inc.

Policy Revision 3 (September 2011)

Case ID No. 46111

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102736089

Media [Statute] Water Quality

Enf. Coordinator Christopher Bost

Violation Number 2

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0000473000, Effluent Limitations and Monitoring Requirements No. 2 - Tier 1, Outfall No. 001; Effluent Limitations and Monitoring Requirements No. 2, Outfall No. 002; Effluent Limitations and Monitoring Requirements No. 2, Outfall No. 011; and Interim and Final Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 101

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on December 4, 2012 and shown in the attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (15.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%).

Matrix Notes

A simplified model was used to evaluate total copper and total zinc to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids, five-day biochemical oxygen demand, pH, and total residual chlorine were also considered. Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 9 Number of violation days 397

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

Violation Base Penalty \$33,750

Nine quarterly events are recommended for the quarters containing the months of October 2011, November 2011, December 2011, January 2012, February 2012, March 2012, April 2012, July 2012, August 2012, and September 2012 (four for Outfall No. 001, three for Outfall No. 101, one for Outfall No. 002, and one for Outfall No. 011).

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$33,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,362

Violation Final Penalty Total \$67,580

This violation Final Assessed Penalty (adjusted for limits) \$67,580

## Economic Benefit Worksheet

**Respondent** Lucite International, Inc.  
**Case ID No.** 46111  
**Reg. Ent. Reference No.** RN102736089  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<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)	\$10,000	31-Oct-2011	21-Jul-2014	2.72	\$1,362	n/a	\$1,362

**Notes for DELAYED costs**

Estimated costs to determine the cause of non-compliance and to implement corrective actions. Date required is the first date of non-compliance. Final date is the expected date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$10,000

**TOTAL**

\$1,362

**Screening Date** 28-Jan-2013  
**Respondent** Lucite International, Inc.  
**Case ID No.** 46111  
**Reg. Ent. Reference No.** RN102736089  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Christopher Bost

**Docket No.** 2013-0224-IWD-E

**PCW**

Policy Revision 3 (September 2011)  
 PCW Revision August 3, 2011

**Violation Number** 3  
**Rule Cite(s)**

30 Tex. Admin. Code § 319.5(b) and § 305.125(1), and TPDES Permit No. WQ0000473000, Monitoring and Reporting Requirements No. 1

**Violation Description**

Failed to monitor effluent at the intervals specified in the permit, as documented during a record review conducted on December 4, 2012. Specifically, the Respondent failed to collect and analyze samples for the following effluent parameters at Outfall No. 015 for the quarterly monitoring period ending May 31, 2012: carbon tetrachloride, chloroform, trans-1,2-dichloroethylene, and vinyl chloride.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				15.0%
Potential		x		

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$21,250

\$3,750

**Violation Events**

Number of Violation Events 1      92 Number of violation days

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

**Violation Base Penalty** \$3,750

One quarterly event is recommended.

**Good Faith Efforts to Comply**

25.0% Reduction

\$937

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

Notes

The Respondent returned to compliance by August 31, 2012.

**Violation Subtotal** \$2,813

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$112

**Violation Final Penalty Total** \$6,571

**This violation Final Assessed Penalty (adjusted for limits)** \$6,571

## Economic Benefit Worksheet

**Respondent** Lucite International, Inc.  
**Case ID No.** 46111  
**Reg. Ent. Reference No.** RN102736089  
**Media** Water Quality  
**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
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	\$250	1-Mar-2012	31-Aug-2012	0.50	\$6	n/a	\$6
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 cost to update operational guidance to ensure that all effluent parameters, including carbon tetrachloride, chloroform, trans-1,2-dichloroethylene, and vinyl chloride, are monitored at the frequency specified in the permit. Date required is the first date of the quarterly monitoring period. Final date is the date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	1-Mar-2012	31-May-2012	1.17	\$6	\$100	\$106
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Estimated cost that was avoided by failing to analyze the required parameters quarterly at \$100 per sample. Date required is the start of the quarterly monitoring period and the final date is the end of the monitoring period.

Approx. Cost of Compliance

\$350

**TOTAL**

\$112

EFFLUENT VIOLATION TABLE								
Lucite International, Inc.								
TPDES Permit No. WQ0000473000								
Docket No. 2013-0224-IWD-E								
Months	pH	pH	Total Cu Daily Avg. Conc.	Total Cu Daily Max. Conc.	Total Zn Daily Max. Conc.	BOD <sub>5</sub> Daily Max. Conc.	TSS Daily Max. Conc.	Total Residual Cl <sub>2</sub> Daily Avg. Conc.
	Min. = 6.0 s.u.	Max. = 9.0 s.u.	Limit = 0.029 mg/L	Limit = 0.061 mg/L	Limit = 0.53 mg/L	Limit = 65 mg/L	Limit = 65 mg/L	Min. = 0.5 mg/L
<b>Outfall No. 001</b>								
November 2011	c	c	c	c	0.536	n/a	n/a	n/a
January 2012	c	c	c	c	0.835	n/a	n/a	n/a
April 2012	c	c	c	0.102	1.08	n/a	n/a	n/a
July 2012	c	c	0.035	0.098	c	n/a	n/a	n/a
August 2012	5.6	c	c	c	c	n/a	n/a	n/a
September 2012	c	c	0.033	0.28	0.659	n/a	n/a	n/a
<b>Outfall No. 101</b>								
October 2011	n/a	n/a	n/a	n/a	n/a	c	c	0.3
January 2012	n/a	n/a	n/a	n/a	n/a	c	73	c
February 2012	n/a	n/a	n/a	n/a	n/a	c	120	c
August 2012	n/a	n/a	n/a	n/a	n/a	212	96	c
September 2012	n/a	n/a	n/a	n/a	n/a	c	c	0.4
<b>Outfall No. 011</b>								
December 2011	c	9.1	n/a	n/a	n/a	n/a	n/a	n/a
<b>Outfall No. 002</b>								
March 2012	c	9.1	n/a	n/a	n/a	n/a	n/a	n/a

c = compliant

s.u. = standard units

mg/L = milligrams per liter

Max. = maximum

Min. = minimum

Cl<sub>2</sub> = chlorine

BOD<sub>5</sub> = five-day biochemical oxygen demand

Cu = Copper

Zn = Zinc

Avg. = average

Conc. = concentration

TSS = total suspended solids

n/a = parameter not applicable to Outfall





# Compliance History Report

**PUBLISHED** Compliance History Report for CN601448764, RN102736089, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

<b>Customer, Respondent, or Owner/Operator:</b>	CN601448764, Lucite International, Inc.	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	8.99
<b>Regulated Entity:</b>	RN102736089, LUCITE BEAUMONT SITE	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	15.17
<b>Complexity Points:</b>	28	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	05 - Chemical Manufacturing				
<b>Location:</b>	Located on State Highway 347, on the west bank of the Neches River at the McFadden Bend Cutoff, eight miles north of Sabine Lake, and six miles south of the City of Beaumont, Jefferson County, Texas				
<b>TCEQ Region:</b>	REGION 10 - BEAUMONT				

**ID Number(s):**

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID  
TXD988088761  
**POLLUTION PREVENTION PLANNING** ID NUMBER P00334

**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE  
REGISTRATION # (SWR) 81282  
**AIR NEW SOURCE PERMITS** PERMIT 19005

**AIR NEW SOURCE PERMITS** PERMIT 19004  
**AIR NEW SOURCE PERMITS** REGISTRATION 29568  
**AIR NEW SOURCE PERMITS** REGISTRATION 53554  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX753  
**AIR NEW SOURCE PERMITS** PERMIT 2796A  
**AIR NEW SOURCE PERMITS** REGISTRATION 79737  
**AIR NEW SOURCE PERMITS** REGISTRATION 81877  
**AIR NEW SOURCE PERMITS** REGISTRATION 90567  
**AIR NEW SOURCE PERMITS** REGISTRATION 92505  
**AIR NEW SOURCE PERMITS** REGISTRATION 95805  
**AIR NEW SOURCE PERMITS** REGISTRATION 98366  
**AIR OPERATING PERMITS** PERMIT 1437  
**AIR OPERATING PERMITS** PERMIT 1959  
**UNDERGROUND INJECTION CONTROL** PERMIT WDW100  
**UNDERGROUND INJECTION CONTROL** PERMIT WDW389  
**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER JE0425E  
**WASTEWATER** EPA ID TX0004669

**AIR NEW SOURCE PERMITS** PERMIT 19003  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER JE0425E  
**AIR NEW SOURCE PERMITS** AFS NUM 4824500136  
**AIR NEW SOURCE PERMITS** PERMIT 1743  
**AIR NEW SOURCE PERMITS** PERMIT 318  
**AIR NEW SOURCE PERMITS** REGISTRATION 80291  
**AIR NEW SOURCE PERMITS** REGISTRATION 89987  
**AIR NEW SOURCE PERMITS** REGISTRATION 92740  
**AIR NEW SOURCE PERMITS** REGISTRATION 93625  
**AIR NEW SOURCE PERMITS** REGISTRATION 96847  
**AIR NEW SOURCE PERMITS** REGISTRATION 103843  
**AIR OPERATING PERMITS** ACCOUNT NUMBER JE0425E  
**AIR OPERATING PERMITS** PERMIT 1960  
**UNDERGROUND INJECTION CONTROL** PERMIT WDW101  
**UNDERGROUND INJECTION CONTROL** PERMIT WDW390  
**WASTEWATER** PERMIT WQ0000473000

**Compliance History Period:** September 01, 2007 to August 31, 2012      **Rating Year:** 2012      **Rating Date:** 09/01/2012

**Date Compliance History Report Prepared:** May 01, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** April 22, 2008 to April 22, 2013

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Christopher Bost      **Phone** (512) 239-4575

**Site and Owner/Operator History:**

- 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 for #2, who is the current owner/operator? N/A
- 4) If YES for #2, 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

## Components (Multimedia) for the Site Are Listed in Sections A - J

### **A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 03/12/2009 ADMINORDER 2008-0822-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: NSR No. 19003, Special Condition 3 PERMIT  
Description: Failed to maintain an emission rate below the allowable emission limits. Specifically, the foam box sealing membrane in the MMA tank ruptured, resulting in the release of 8,889.38 pounds of MMA over an estimated period of 98 days. Since the emission event was avoidable, the demonstrations for affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP O-01437, Special Condition 12 OP  
NSR Permit 19003, Special Condition 4 PERMIT  
Description: Failed to monitor the Acetone Cyanohydrin Cooling Tower on a monthly basis for volatile organic compounds ("VOCs"). Specifically, the Respondent failed to monitor the Acetone Cyanohydrin Cooling Tower from April 30, 2006 through July 24, 2007.
- 2 Effective Date: 03/23/2009 ADMINORDER 2008-1293-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 115, SubChapter B 115.112(a)(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart G 63.120(d)(5)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 19 OP  
FOP O-01960, Special Condition 1A OP  
FOP O-01960, Special Condition 1D OP  
FOP O-01960, Special Condition 4 OP  
NSR Permit 1743, Special Condition 10 PERMIT  
NSR Permit 1743, Special Condition 2 PERMIT  
Description: Failure to maintain the water flow to scrubbers ACR/ABS156, ACR/ABS159, ACR/ABS61, and ACR/ABS218. EIC A,8,c,1,B MOD 2,G  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 16 OP  
FOP O-01960, Special Condition 19 OP  
NSR Permit 1743, Special Condition 1 PERMIT  
Description: Failure to maintain emission rates below the allowable emission limits. EIC A,8,c,2,A,ii MOD 2,D
- 3 Effective Date: 05/18/2009 ADMINORDER 2007-1876-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: NSR Permit 1743, Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 115, SubChapter B 115.112(a)(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart G 63.120(d)(5)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 19 OP  
FOP O-01960, Special Condition 1A OP  
FOP O-01960, Special Condition 1E OP  
FOP O-01960, Special Condition 4 OP  
NSR Permit 1743, Special Condition 10 PERMIT  
NSR Permit 1743, Special Condition 2 PERMIT

Description: Failed to maintain the required water flow to scrubbers ACR/ABS156, ACR/ABS61, ACR/ABS159 and ACR/ABS218.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart G 63.120(d)(5)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 19 OP  
FOP O-01960, Special Condition 1A OP  
FOP O-01960, Special Condition 1E OP  
NSR Permit 1743, Special Condition 12 PERMIT  
NSR Permit 1743, Special Condition 2 PERMIT

Description: Failed to maintain the daily average temperature of incinerator ACR/INC60 above the established minimum limit.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Part 63, Subpart G 63.120(d)(5)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01960 General Terms and Conditions OP  
FOP O-01960, Special Condition 19 OP  
FOP O-01960, Special Condition 1A OP  
FOP O-01960, Special Condition 1E OP  
NSR Permit 1743, Special Condition 12 PERMIT  
NSR Permit 1743, Special Condition 2 PERMIT

Description: Failed to maintain the daily average temperature of vapor combuster ACR/VC51 above the established minimum limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
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)

Rqmt Prov: FOP O-01437 General Terms and Conditions OP  
FOP O-01437, Special Condition 12 OP  
NSR Permit 19005/PSD-TX-753, SC 1 PERMIT

Description: Failure to maintain emission rates below the allowable emission limits for SO2.

4

Effective Date: 07/20/2009

ADMINORDER 2009-0171-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP O-01960 General Terms and Conditions OP  
FOP O-01960 Special Condition 2F OP  
NSR Permit 1743 Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 110434.  
Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(F)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP O-01960 General Terms and Conditions OP  
FOP O-01960 Special Condition 2 OP

Description: Failed to identify the compound descriptive type of the individually listed compounds or mixtures of all air contaminants released during Incident No. 110434 which exceeded the reportable quantity ("RQ").

5 Effective Date: 10/18/2009 ADMINORDER 2009-0522-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP O-01437 General Terms and Conditions OP  
FOP O-01437, Special Condition 11 OP  
NSR Permit 19004, Special Condition 1 PERMIT

Description: Failed to maintain emissions below the allowable emissions limit of 0.70 tons per year ("TPY") of volatile organic compounds ("VOCs") from the Acetone Cyanohydrin Cooling Tower, emission point number ("EPN") ACH-CTW, for calendar year 2007. Specifically, during 2007, emissions were 1.46 TPY of VOCs from EPN ACH-CTW.  
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP O-01437 General Terms and Conditions OP  
FOP O-01437, Special Condition 11 OP  
NSR Permit 19003 Special Condition 3 PERMIT

Description: Failed to maintain emissions below allowable emissions limit of 0.42 TPY of nitrogen oxides ("NOx") from the Methyl Methacrylate Dock Flare, EPN MMA-DKFL, for calendar year 2007. Specifically, during 2007, emissions were 0.66 TPY of NOx from EPN MMA-DKFL.  
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: FOP O-01437 General Terms and Conditions OP  
FOP O-01437, Special Condition 11 OP  
NSR Permit 19005 Special Condition 1 PERMIT

Description: Failed to prevent emissions of 0.05 tons of VOCs in 2007 from the Spent Acid Recovery Unit Stack, EPN SAR-SARSTK, which is not authorized to release VOCs.  
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 115, SubChapter D 115.354(1)(A)  
30 TAC Chapter 115, SubChapter D 115.354(2)(B)  
30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
30 TAC Chapter 115, SubChapter D 115.354(7)(B)

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 VV 60.482-2(a)(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(1)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(3)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)(i)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01437 General Terms and Conditions OP

FOP O-01437 Special Condition 1A OP

FOP O-01437, Special Condition 11 OP

FOP O-01437, Special Condition 8 OP

Description: Failed to monitor 6, 903 components in the Methyl Methacrylate Unit and 1,248 components in the Acetone Cyanohydrin Unit between July 25, 2008 and December 31, 2008.

6 Effective Date: 02/20/2011 ADMINORDER 2010-1079-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter B 115.112(a)(1)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01437, General Terms and Condition OP

FOP O-01437, Special Condition 11 OP

NSR Permit 19003, General Condition 8 PERMIT

NSR Permit 19003, Special Condition 3 PERMIT

NSR Permit 19005/PSD-TX-753, SC 1 PERMIT

Description: Failure to maintain emission rate below the allowable emission limit and maintain an emission control device. EIC A8(c)(2)(A)(ii) MOD(2)(D)

7 Effective Date: 12/19/2011 ADMINORDER 2011-0967-IHW-E (Findings Order-Agreed Order Without Denial)

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 335, SubChapter A 335.4

Description: Failure to prevent an unauthorized discharge of Acetone Cyanohydrin (ACH) into the Neches River.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	April 29, 2008	(641775)
Item 2	June 01, 2008	(517487)
Item 3	June 03, 2008	(681474)
Item 4	June 06, 2008	(680550)
Item 5	June 18, 2008	(653895)
Item 6	July 18, 2008	(684992)
Item 7	July 25, 2008	(687655)
Item 8	August 25, 2008	(710666)
Item 9	October 01, 2008	(710667)
Item 10	October 08, 2008	(710670)
Item 11	October 13, 2008	(703217)

Item 12	October 14, 2008	(701152)
Item 13	October 24, 2008	(710668)
Item 14	December 17, 2008	(708747)
Item 15	December 19, 2008	(708717)
Item 16	January 21, 2009	(709969)
Item 17	January 27, 2009	(720924)
Item 18	January 29, 2009	(722241)
Item 19	February 03, 2009	(709856)
Item 20	February 24, 2009	(750192)
Item 21	March 24, 2009	(737219)
Item 22	March 25, 2009	(750193)
Item 23	April 08, 2009	(740807)
Item 24	April 20, 2009	(750195)
Item 25	April 23, 2009	(743049)
Item 26	April 24, 2009	(750194)
Item 27	April 28, 2009	(743121)
Item 28	May 5, 2009	(742525)
Item 29	June 4, 2009	(768300)
Item 30	July 7, 2009	(760884)
Item 31	July 15, 2009	(749165)
Item 32	August 14, 2009	(763341)
Item 33	August 20, 2009	(766630)
Item 34	August 25, 2009	(804479)
Item 35	September 2, 2009	(767311)
Item 36	September 25, 2009	(804480)
Item 37	November 13, 2009	(779887)
Item 38	November 20, 2009	(804482)
Item 39	November 25, 2009	(781623)
Item 40	December 9, 2009	(784938)
Item 41	January 22, 2010	(804484)
Item 42	March 8, 2010	(794463)
Item 43	April 8, 2010	(830816)
Item 44	April 15, 2010	(794684)
Item 45	April 25, 2010	(830817)
Item 46	May 19, 2010	(830818)
Item 47	June 11, 2010	(802969)
Item 48	July 16, 2010	(828028)
Item 49	July 22, 2010	(829426)
Item 50	September 20, 2010	(873879)
Item 51	November 22, 2010	(872095)
Item 52	November 23, 2010	(872056)
Item 53	December 21, 2010	(896213)
Item 54	February 15, 2011	(894367)
Item 55	February 23, 2011	(899534)
Item 56	March 15, 2011	(901037)
Item 57	March 17, 2011	(901598)
Item 58	May 24, 2011	(938002)
Item 59	July 6, 2011	(932728)
Item 60	August 25, 2011	(959281)
Item 61	October 14, 2011	(962160)
Item 62	February 19, 2012	(982232)
Item 63	April 27, 2012	(987168)
Item 64	May 17, 2012	(1003149)
Item 65	June 7, 2012	(1008741)
Item 66	June 22, 2012	(1024145)
Item 67	July 10, 2012	(1078919)

Item 68	August 1, 2012	(1020785)
Item 69	August 10, 2012	(1021706)
Item 70	February 5, 2013	(1054050)
Item 71	February 7, 2013	(1055653)
Item 72	February 25, 2013	(1078918)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1      Date:      04/30/2012      (1016425)  
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
  
- 2      Date:      07/31/2012      (1060797)  
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
  
- 3      Date:      08/30/2012      (1023228)      CN601448764  
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 Terms and Conditions OP  
Special Condition 14 OP  
Special Condition 8 PERMIT  
Description:      Failure to meet the 30 parts per million (ppm) NOx emissions standard and 100 ppm  
CO emissions standard when at a firing rate of 76.25 million British Thermal Units  
per hour (MMbtu/hr). EIC B19 (q)(1) MOD (2)(G)  
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 Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Condition 14 OP  
Description:      Failure to maintain emissions levels under the MAERT. EIC B19 (g)(1) MOD (2)(G)  
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)  
30 TAC Chapter 122, SubChapter B 122.146(1)  
30 TAC Chapter 122, SubChapter B 122.146(5)(D)  
5C THSC Chapter 382 382.085(b)  
Special Condition 17 OP  
Description:      Failure to report all deviations and accurately certify a compliance period. EIC B3  
MOD (2)(B)  
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 F 63.104(b)(1)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 14 OP  
Special Condition 2B PERMIT  
Description:      Failure to monitor the MMA cooling tower. EIC B19 (g)(1) MOD (2)(G)  
Self Report?      NO      Classification:      Moderate  
Citation:      30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT H 60.84(a)  
5C THSC Chapter 382 382.085(b)  
General Terms and Conditions OP  
Special Condition 13 PERMIT

	Description:	Special Condition 14 OP Failure to conduct Cylinder Gas Audits in the 3rd quarter of 2011. EIC B1 MOD (2)(A)		
	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 Part 60, Subpart H 60.82(a) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 14 OP Special Condition 3 PERMIT		
	Description:	Failure to meet 4 lbs of SO2/ton of H2SO4 during a three hr average. EIC B1 MOD (2)(A)		
4	Date:	08/31/2012 (1060798)		
	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		
5	Date:	09/05/2012 (1016082)	CN601448764	
	Self Report?	NO	Classification:	Moderate
	Citation:	ELMR PERMIT OT PERMIT PC PERMIT		
	Description:	Failure by Lucite International to prevent the discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of this permit.		
6	Date:	09/30/2012 (1060799)		
	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		
7	Date:	10/31/2012 (1060800)		
	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		
8	Date:	11/30/2012 (1060801)		
	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		
9	Date:	02/28/2013		
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		

**F. Environmental audits:**

**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  
LUCITE INTERNATIONAL, INC.  
RN102736089**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2013-0224-IWD-E**

**I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Lucite International, Inc. ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petrochemical plant complex producing organic and inorganic chemicals in separate units located on State Highway 347, on the west bank of the Neches River at the McFadden Bend Cutoff, eight miles north of Sabine Lake, and six miles south of Beaumont, Jefferson County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director 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 January 19, 2013.
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 Eighty-Nine Thousand One Hundred Sixty-Nine Dollars (\$89,169) is assessed by the Commission in settlement of the violations

alleged in Section II ("Allegations"). The Respondent has paid Thirty-Five Thousand Six Hundred Sixty-Eight Dollars (\$35,668) of the administrative penalty and Seventeen Thousand Eight Hundred Thirty-Three Dollars (\$17,833) 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. Thirty-Five Thousand Six Hundred Sixty-Eight Dollars (\$35,668) 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 and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. By May 31, 2011, completed rehabilitative construction at the ammonia manufacturing unit;
  - b. On May 3, 2012, submitted notification to the TCEQ Beaumont Regional Office indicating that the existing domestic wastewater ("Bio-Ox") system would be taken off-line for rehabilitation and the untreated wastewaters would be diverted to a temporary 10,000 gallons per day package wastewater treatment plant ("WWTP") for treatment;
  - c. By May 9, 2012, initiated rehabilitation work of the existing Bio-Ox system and diverted the untreated wastewater to two temporary package WWTPs;
  - d. By May 31, 2012, encapsulated a reactor slab with an epoxy coating;
  - e. By July 31, 2012, completed rehabilitative construction at the methanol manufacturing unit;
  - f. By August 31, 2012, placed 10 additional composite samplers at designated process control sampling points along storm water ditches throughout the Facility, implemented a routine schedule and sampling protocol for sample collection and analysis, and initiated a site specific study to identify the source of total copper exceedences;
  - g. By October 18, 2012, implemented monthly meetings with the tenants located on the Facility's property to proactively discuss methods and procedures required to attain and maintain compliance with all permit conditions;
  - h. By March 10, 2013, implemented cross-check procedures for the Facility's operators to eliminate the re-occurrence of pH data entry errors;

- i. By March 19, 2013, implemented additional operator training for the collection and analysis of total residual chlorine;
  - j. By March 21, 2013, updated total residual chlorine sampling and analysis procedures;
  - k. By March 31, 2013:
    - i. Updated total residual chlorine data entry procedures; and
    - ii. Corrected and re-submitted the discharge monitoring reports ("DMRs") for the October 2011 through January 2013 monitoring periods; and
  - l. By April 5, 2013, completed additional operator training for the collection and analysis of total residual chlorine.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
  11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
  12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

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

1. Failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000473000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2 – Tier 1, Outfall No. 001; Effluent Limitations and Monitoring Requirements No. 2, Outfall No. 002; Effluent Limitations and Monitoring Requirements No. 2, Outfall No. 011; and Interim and Final Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 101, as documented during a record review conducted on December 4, 2012 and shown in the table below:

<b>EFFLUENT VIOLATION TABLE</b>								
<b>Months</b>	<b>pH</b>	<b>pH</b>	<b>Total Cu Daily Avg. Conc.</b>	<b>Total Cu Daily Max. Conc.</b>	<b>Total Zn Daily Max. Conc.</b>	<b>BOD<sub>5</sub> Daily Max. Conc.</b>	<b>TSS Daily Max. Conc.</b>	<b>Total Residual Cl<sub>2</sub> Daily Avg. Conc.</b>
	<b>Min. = 6.0 s.u.</b>	<b>Max. = 9.0 s.u.</b>	<b>Limit = 0.029 mg/L</b>	<b>Limit = 0.061 mg/L</b>	<b>Limit = 0.53 mg/L</b>	<b>Limit = 65 mg/L</b>	<b>Limit = 65 mg/L</b>	<b>Min. = 0.5 mg/L</b>
<b>Outfall No. 001</b>								
<b>November 2011</b>	c	c	c	c	0.536	n/a	n/a	n/a
<b>January 2012</b>	c	c	c	c	0.835	n/a	n/a	n/a
<b>April 2012</b>	c	c	c	0.102	1.08	n/a	n/a	n/a
<b>July 2012</b>	c	c	0.035	0.098	c	n/a	n/a	n/a
<b>August 2012</b>	5.6	c	c	c	c	n/a	n/a	n/a
<b>September 2012</b>	c	c	0.033	0.28	0.659	n/a	n/a	n/a
<b>Outfall No. 101</b>								
<b>October 2011</b>	n/a	n/a	n/a	n/a	n/a	c	c	0.3
<b>January 2012</b>	n/a	n/a	n/a	n/a	n/a	c	73	c
<b>February 2012</b>	n/a	n/a	n/a	n/a	n/a	c	120	c
<b>August 2012</b>	n/a	n/a	n/a	n/a	n/a	212	96	c
<b>September 2012</b>	n/a	n/a	n/a	n/a	n/a	c	c	0.4
<b>Outfall No. 011</b>								
<b>December 2011</b>	c	9.1	n/a	n/a	n/a	n/a	n/a	n/a
<b>Outfall No. 002</b>								
<b>March 2012</b>	c	9.1	n/a	n/a	n/a	n/a	n/a	n/a

c = compliant  
s.u. = standard units  
mg/L = milligrams per liter  
Max. = maximum  
Min. = minimum  
Cl<sub>2</sub> = chlorine  
BOD<sub>5</sub> = five-day biochemical oxygen demand

Cu = Copper  
Zn = Zinc  
Avg. = average  
Conc. = concentration  
TSS = total suspended solids  
n/a = parameter not applicable to Outfall

2. Failed to monitor effluent at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE § 319.5(b) and § 305.125(1), and TPDES Permit No. WQ0000473000, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on December 4, 2012. Specifically, the Respondent failed to collect and analyze samples for the following effluent parameters at Outfall No. 015 for the quarterly monitoring period ending May 31, 2012: carbon tetrachloride, chloroform, trans-1,2-dichloroethylene, and vinyl chloride.

### 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: Lucite International, Inc., Docket No. 2013-0224-IWD-E" to:

Financial Administration Division, Revenue Operations 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, Thirty-Five Thousand Six Hundred Sixty-Eight Dollars (\$35,668) of the assessed administrative penalty shall be offset with the condition that the Respondent implements 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, within 365 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0000473000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with this Ordering Provision. 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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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:

Water Section, Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

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 Facility 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.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

*Pam Davis*  
For the Executive Director

8/22/13  
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.

*Hootan Hidaji*  
Signature

5-28-2013  
Date

Hootan Hidaji  
Name (Printed or typed)  
Authorized Representative of  
Lucite International, Inc.

Site Manager  
Title

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

**Attachment A**  
**Docket Number: 2013-0224-IWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	Lucite International, Inc.
<b>Penalty Amount:</b>	Seventy-One Thousand Three Hundred Thirty-Six Dollars (\$71,336)
<b>SEP Offset Amount:</b>	Thirty-Five Thousand Six Hundred Sixty-Eight Dollars (\$35,668)
<b>Type of SEP:</b>	Contribution to a Third-Party Pre-Approved SEP
<b>Third-Party Recipient:</b>	Big Thicket Association
<b>Project Name:</b>	<i>Wetland Species and Ecosystems Analysis</i>
<b>Location of SEP:</b>	Hardin, Jefferson, Orange, Jasper, Liberty, Polk, and Tyler Counties

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset 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

Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the **Big Thicket Association** for the *Wetland Species and Ecosystem Analysis* project. The contribution will be used in accordance with the SEP Agreement between the Third-Party Recipient and the TCEQ. Specifically, the SEP Offset Amount will be used to inventory an additional taxonomic group, such as lichens, bryophytes, mussels, mollusks, amphibians, fish, or birds (the “Project”). The Project will involve collecting specimens from the Preserve as well as wetland properties in the above mentioned counties which are in the process of being donated to the Preserve. Currently, a memorandum of understanding regarding the impending donation is in place that will allow inventory of these properties. These areas have never been inventoried and need data for resource management. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of the Project and no portion will be spent on administrative costs.

Lucite International, Inc.  
Agreed Order - Attachment A

Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action.

b. Environmental Benefit

This Project will benefit the environment by identifying the biodiversity, both native and exotic, in wetland wildlife corridors to assist in stewardship and sustainability. It will also assess the state of pollution indicator species to determine the impact of pollution on the Preserve. Additionally, inventories will identify areas where invasive species are present and aid in the analysis of harmful invasive species spreads and their impacts so that areas for removal can be identified.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset 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, Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall make the check payable to **Big Thicket Association SEP** and shall mail the contribution with a copy of the Agreed Order to:

Big Thicket Association  
Attention: Mary C. Johnston, President  
P.O. Box 198  
Saratoga, Texas 77585

**3. Records and Reporting**

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

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

**4. Failure to Fully Perform**

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3, above the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP and/or the Project, made by or on behalf of 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**

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.