

Executive Summary – Enforcement Matter – Case No. 46179
AKZO NOBEL POLYMER CHEMICALS LLC
RN104262704
Docket No. 2013-0295-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

AKZO NOBEL POLYMER CHEMICALS, 12900 Baypark Road, Pasadena, Harris County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 19, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$15,750

Amount Deferred for Expedited Settlement: \$3,150

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$12,600

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

**Executive Summary – Enforcement Matter – Case No. 46179
AKZO NOBEL POLYMER CHEMICALS LLC
RN104262704
Docket No. 2013-0295-AIR-E**

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: December 27, 2012
Date(s) of NOE(s): January 16, 2013

Violation Information

Failed to maintain a minimum of 99% volatile organic compound ("VOC") removal efficiency for the scrubber, Emission Point No. ("EPN") PPC-N-35. Specifically, a performance test conducted on August 22 and 23, 2011 measured the VOC removal efficiency at 90.25% [30 TEX. ADMIN. CODE §§ 116.115(b) and 122.143(4), Permit No. 9692, General Condition No. 1, Federal Operating Permit No. O3334, General Terms and Conditions and Special Terms and Conditions No. 18, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that:

- a. On January 18, 2013, Respondent received authorization to operate a new scrubber under Standard Permit Registration No. 107311; and
- b. On February 4, 2013, Respondent received authorization for modifications to the existing scrubber under Standard Permit Registration No. 107814.

Technical Requirements:

The Order will require Respondent to:

- a. Within 180 days, submit written certification demonstrating compliance with the 99% VOC removal efficiency for the scrubber, EPN PPC-N-35, or any alternative measure of compliance approved through a permit amendment; and
- b. Written certification shall include detailed supporting documentation including photographs, receipts, and/or other records demonstrating compliance with Ordering Provision a.

Litigation Information

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

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AKZO NOBEL POLYMER CHEMICALS LLC
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Docket No. 2013-0295-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Kimberly Morales, Enforcement Division,
Enforcement Team 5, MC R-12, (713) 422-8938; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Clifford H. Barr, Site Director, AKZO NOBEL POLYMER CHEMICALS
LLC, 12900 Baypark Road, Pasadena, Texas 77507

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	22-Jan-2013	Screening	5-Feb-2013	EPA Due	
	PCW	22-Feb-2013				

RESPONDENT/FACILITY INFORMATION			
Respondent	AKZO NOBEL POLYMER CHEMICALS LLC		
Reg. Ent. Ref. No.	RN104262704		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	46179	No. of Violations	1
Docket No.	2013-0295-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Kimberly Morales
		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	\$15,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	5.0% Enhancement	Subtotals 2, 3, & 7	\$750
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Notes	Enhancement for one NOV with same/similar violations.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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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	\$257	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$15,750
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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	
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Final Penalty Amount	\$15,750
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$15,750
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DEFERRAL	20.0% Reduction	Adjustment	-\$3,150
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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.
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PAYABLE PENALTY	\$12,600
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Screening Date 5-Feb-2013

Docket No. 2013-0295-AIR-E

PCW

Respondent AKZO NOBEL POLYMER CHEMICALS LLC

Policy Revision 2 (September 2002)

Case ID No. 46179

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104262704

Media [Statute] Air

Enf. Coordinator Kimberly Morales

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>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

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) 5%

>> 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 one NOV with same/similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 5-Feb-2013

Docket No. 2013-0295-AIR-E

PCW

Respondent AKZO NOBEL POLYMER CHEMICALS LLC

Policy Revision 2 (September 2002)

Case ID No. 46179

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104262704

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b) and 122.143(4), Permit No. 9692, General Condition No. 1, Federal Operating Permit No. O3334, General Terms and Conditions and Special Terms and Conditions No. 18, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain a minimum of 99% volatile organic compound ("VOC") removal efficiency for the scrubber, Emission Point No. PPC-N-35. Specifically, a performance test conducted on August 22 and 23, 2011 measured the VOC removal efficiency at 90.25%.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels protective of human health or environmental receptors as a result of the violation. The Respondent demonstrated that the VOC emissions did not exceed the permitted emission rates.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 6

533 Number of violation days

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

Violation Base Penalty \$15,000

Six quarterly events are recommended from the performance test date on August 22, 2011 to the screening date on February 5, 2013.

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 \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$257

Violation Final Penalty Total \$15,750

This violation Final Assessed Penalty (adjusted for limits) \$15,750

Economic Benefit Worksheet

Respondent AKZO NOBEL POLYMER CHEMICALS LLC
Case ID No. 46179
Reg. Ent. Reference No. RN104262704
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
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	\$2,000	22-Aug-2011	18-Mar-2014	2.57	\$257	n/a	\$257
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement measures to ensure compliance with the 99% VOC removal efficiency requirement or an alternative measure of compliance approved through a permit amendment. The date required is the date of the performance test. The final date is the projected date that corrective actions will 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

\$257



Compliance History Report

PUBLISHED Compliance History Report for CN600125488, RN104262704, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator:	CN600125488, AKZO NOBEL POLYMER CHEMICALS LLC	Classification:	SATISFACTORY	Rating:	3.52
Regulated Entity:	RN104262704, AKZO NOBEL POLYMER CHEMICALS	Classification:	SATISFACTORY	Rating:	1.47
Complexity Points:	17	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	12900 BAYPARK RD PASADENA, TX 77507-1102, HARRIS COUNTY				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 87441

WASTEWATER EPA ID TX0076864

AIR NEW SOURCE PERMITS REGISTRATION 54208

AIR NEW SOURCE PERMITS REGISTRATION 70470

AIR NEW SOURCE PERMITS REGISTRATION 49563

AIR NEW SOURCE PERMITS REGISTRATION 54915

AIR NEW SOURCE PERMITS PERMIT 1298

AIR NEW SOURCE PERMITS PERMIT 21149

AIR NEW SOURCE PERMITS REGISTRATION 88231

AIR NEW SOURCE PERMITS REGISTRATION 85569

AIR NEW SOURCE PERMITS REGISTRATION 94321

AIR NEW SOURCE PERMITS REGISTRATION 104456

AIR NEW SOURCE PERMITS REGISTRATION 107814

STORMWATER PERMIT TXR05X161

AIR OPERATING PERMITS ACCOUNT NUMBER HG0037Q

POLLUTION PREVENTION PLANNING ID NUMBER P06840

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXR000057828

AIR NEW SOURCE PERMITS REGISTRATION 86950

AIR NEW SOURCE PERMITS REGISTRATION 55111

AIR NEW SOURCE PERMITS REGISTRATION 72645

AIR NEW SOURCE PERMITS REGISTRATION 52155

AIR NEW SOURCE PERMITS PERMIT 9692

AIR NEW SOURCE PERMITS PERMIT 21865

AIR NEW SOURCE PERMITS REGISTRATION 52032

AIR NEW SOURCE PERMITS REGISTRATION 91248

AIR NEW SOURCE PERMITS REGISTRATION 87531

AIR NEW SOURCE PERMITS REGISTRATION 101198

AIR NEW SOURCE PERMITS REGISTRATION 107311

AIR NEW SOURCE PERMITS AFS NUM 4820100321

AIR OPERATING PERMITS PERMIT 3334

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0037Q

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

Date Compliance History Report Prepared: February 04, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 04, 2008 to February 04, 2013

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

Name: Kimberly Morales

Phone: (713) 422-8938

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:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	February 22, 2008	(674889)
Item 2	March 19, 2008	(674890)
Item 3	April 21, 2008	(693245)
Item 4	May 16, 2008	(693246)
Item 5	June 23, 2008	(714478)
Item 6	October 15, 2008	(700489)
Item 7	July 22, 2009	(736115)
Item 8	October 15, 2009	(777058)

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:	07/25/2012	(1008035)	CN600125488
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 115, SubChapter B 115.142(1)(A) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) ST&C 1A OP		
	Description:	Failure to fully cover wastewater components (B18).		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) ST&C 16E(ii) OP		
	Description:	Failure to conduct monthly audio, visual, and olfactory inspection on the thermal oxidizer capture system (C1)		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 9H PERMIT ST&C 18 OP		
	Description:	Failure to complete repair of leaking components in VOC service within 15 days (C1).		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(b) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) GC 1 PERMIT ST&C 18 OP		
	Description:	Failure to maintain scrubber's VOC removal efficiency at or above 99 percent and failure to take corrective action within six months (B18).		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) ST&C 25 OP		
	Description:	Failure to fully comply with the requirements of Risk Management Plan (C1)		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 101, SubChapter F 101.201(b) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) ST&C 2F OP		
	Description:	Failure to prepare records of recordable emissions events in a timely manner (c3).		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.110 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) General Terms & Conditions OP		
	Description:	Failure to submit a complete permit application. Also failed to include all components in VOC service in the permit application (C3).		

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
AKZO NOBEL POLYMER
CHEMICALS LLC
RN104262704

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2013-0295-AIR-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 AKZO NOBEL POLYMER CHEMICALS LLC ("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 together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at 12900 Baypark Road in Pasadena, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The 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 21, 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 Fifteen Thousand Seven Hundred Fifty Dollars (\$15,750) is assessed by the Commission in settlement of the violations alleged in

- Section II ("Allegations"). The Respondent has paid Twelve Thousand Six Hundred Dollars (\$12,600) of the administrative penalty and Three Thousand One Hundred Fifty Dollars (\$3,150) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
 8. The Executive Director 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:
 - a. On January 18, 2013, the Respondent received authorization to operate a new scrubber under Standard Permit Registration No. 107311; and
 - b. On February 4, 2013, the Respondent received authorization for modifications to the existing scrubber under Standard Permit Registration No. 107814.
 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to maintain a minimum of 99% volatile organic compound ("VOC") removal efficiency for the scrubber, Emission Point No. ("EPN") PPC-N-35, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b) and 122.143(4), Permit No. 9692, General Condition No. 1, Federal Operating Permit No. O3334, General Terms and Conditions and Special Terms and Conditions No. 18, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on December 27, 2012. Specifically, a performance test conducted on August 22 and 23, 2011 measured the VOC removal efficiency at 90.25%.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: AKZO NOBEL POLYMER CHEMICALS LLC, Docket No. 2013-0295-AIR-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. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 180 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with the 99% VOC removal efficiency for the scrubber, EPN PPC-N-35, in accordance with Permit No. 9692, or any alternative measure of compliance approved through a permit amendment; and
 - b. Written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. 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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.
-

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Penny Dawn
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.

CH Barr
Signature

May 20 2013
Date

CLIFFORD H. BARR
Name (Printed or typed)
Authorized Representative of
AKZO NOBEL POLYMER CHEMICALS LLC

SITE DIRECTOR
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.