

Executive Summary – Enforcement Matter – Case No. 46266
The Lubrizol Corporation
RN100221589
Docket No. 2013-0375-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Lubrizol Deer Park Plant, 41 Tidal Road, Deer Park, 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: September 6, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$61,796

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$30,898

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$30,898

Name of SEP: Houston Regional Monitoring Corporation, Houston Area Air
Monitoring Project

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

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Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 17, 2012 and December 12, 2012

Date(s) of NOE(s): January 25, 2013 and February 13, 2013

Violation Information

1. Failed to conduct a stack test of Hot Oil Heater POLY-H-1 [Federal Operating Permit (“FOP”) No. O1935, Special Terms and Conditions (“ST&C”) Nos. 1.A. and 12.A.(i)(2), 30 TEX. ADMIN. CODE §§ 117.335(a)(4), 117.9020(2)(C)(i), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to sample and analyze the scrubbing liquid of Caustic Scrubber S-42 at least daily to determine the sodium hydroxide content [FOP No. O1934, ST&C Nos. 1.A. and 7, New Source Review Permit (“NSRP”) No. 22060, Special Conditions (“SC”) No. 4, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to maintain a flare operation log [FOP No. O1934, ST&C No. 1.A., 30 TEX. ADMIN. CODE §§ 111.111(a)(4)(A)(ii) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to report all instances of deviations in semi-annual deviation reports [FOP No. O1934, General Terms and Conditions, 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
5. Failed to comply with the minimum net heating value requirement of 300 British thermal units per standard cubic feet per minute (“Btu/scfm”) for flares [FOP No. O1935, ST&C Nos. 1.A. and 7, NSRP No. 22056, SC No. 3, 40 CODE OF FEDERAL REGULATIONS (“CFR”) § 60.18(c)(3)(ii), 30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
6. Failed to conduct quarterly visible emissions observations no earlier than one hour after sunrise [FOP No. O1935, ST&C No. 3(A)(iv)(4), 30 TEX. ADMIN. CODE § 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
7. Failed to include a justification for each of the components on the difficult-to-monitor list [FOP No. O1935, ST&C No. 1.A., 40 CFR § 60.486(f)(2), 30 TEX. ADMIN. CODE §§ 101.20(1), 115.356(3)(B), 115.786(d), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
8. Failed to maintain complete delay of repair records [FOP No. O1935, ST&C No. 1.A., 40 CFR § 60.486(c)(6), 30 TEX. ADMIN. CODE §§ 101.20(1) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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9. Failed to conduct quarterly Leak and Detection and Repair (“LDAR”) monitoring of all applicable components in the Main Manufacturing Building (“MMB”) Additive Detergent Unit [FOP No. O1934, ST&C No. 7, NSRP No. 22050, SC No. 11.F., 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

10. Failed to conduct monthly LDAR monitoring of all applicable components in the SPP and MMB Additive Detergent Units [FOP No. O1934, ST&C No. 1.A., 40 CFR §§ 63.1025(b)(3)(i) and 63.1026(b)(1), 30 TEX. ADMIN. CODE §§101.20(2) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures:

- a. By March 2, 2012, conducted employee training on nitrogen venting protocols to ensure that a minimum net heating value of 300 Btu/scfm is maintained for Flare POLY-FL-1;
- b. By November 29, 2012, conducted employee training and developed a flare observation log for Flare FL-MMB to ensure that daily flare observations are documented;
- c. By December 15, 2012, conducted employee training and instituted revised sampling protocols to ensure that samples of the scrubbing liquid of Caustic Scrubber S-42 are taken and analyzed daily;
- d. By January 11, 2013, updated the LDAR record keeping system to ensure that a justification is provided for each component on the difficult-to-monitor list;
- e. By February 14, 2013, conducted employee training to ensure that all deviations are reported in semi-annual deviation reports;
- f. By February 14, 2013, updated LDAR monitoring procedures and programs to ensure that components in the SPP and MMB Additive Detergent Units are monitored for leaks as required;
- g. By February 28, 2013, implemented measures to ensure visible emissions observations are conducted no earlier than one hour after sunrise; and
- h. By March 19, 2013, updated the LDAR record keeping system and associated procedure to ensure that a signature is provided for each component on the delay of repair list.

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Technical Requirements:

1. The Order will require Respondent to implement and complete a Supplement Environmental Project (“SEP”). (See attachment A)
2. The Order will also require Respondent to:
 - a. Within 30 days, conduct a stack test of Hot Oil Heater POLY-H-1; and
 - b. Within 45 days, submit written certification to demonstrate 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

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R-14, (361) 825-3423; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: Anthony Shick, General Manager, The Lubrizol Corporation, P.O. Box 158, Deer Park, Texas 77536
Respondent's Attorney: N/A

Attachment A
Docket Number: 2013-0375-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	The Lubrizol Corporation
Penalty Amount:	Sixty-One Thousand Seven Hundred Ninety-Six Dollars (\$61,796)
SEP Offset Amount:	Thirty Thousand Eight Hundred Ninety-Eight Dollars (\$30,898)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston Regional Monitoring Corporation
Project Name:	<i>Houston Area Air Monitoring Project</i>
Location of SEP:	Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset 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 Administrator: **Houston Regional Monitoring Corporation** for the *Houston Area Air Monitoring Project* SEP. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to operate a network of ambient air monitoring stations that continuously measure and record concentrations of ambient air pollutants. This network includes the HRM 617 Wallisville Road site, the HRM 615 Lynchburg Ferry site, and the HRM 3 Haden Road site. The Third-Party Administrator shall use the SEP Offset Amount to report data from these three existing sites in the Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston-Galveston Air Quality Control Region No. 216. 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.

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 SEP will provide TCEQ with near real-time access to high quality, short time resolution volatile organic compounds, nitrogen oxides, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, conduct source attribution studies, and to assess potential ambient community exposure to a limited number of hazardous air pollutants. Data from the monitors can be used to provide critical information evaluating the effectiveness of current and proposed emission control strategies aimed at achieving compliance with the 8-hour ozone National Ambient Air Quality Standards. It also provides a key source of information essential to furthering overall understanding of those emission sources that contribute to ambient community exposure to toxic air contaminants. Because the information is available in near real-time, it can be used to provide agency staff and industry personnel with time critical information to investigate emission events in a timely fashion. Another key benefit is the ability to measure the change in the ambient air concentration of the individual target species and quantify control measure effectiveness. Data from these monitors will be publicly accessible through the TCEQ's website and will be used in evaluating air quality in the area, in ozone forecasts, and ozone warnings. Thus, the public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator. Respondent shall make the contribution payable to **Houston Regional Monitoring Corporation SEP** and shall mail the contribution, with a copy of the Agreed Order to:

Houston Regional Monitoring Corporation
c/o Christopher B. Amandes
Morgan, Lewis, & Bockius, LLP
1000 Louisiana, Suite 4000
Houston, Texas 77002

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Administrator. 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 in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting as 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 complete the project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of an SEP. Respondent 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 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 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 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	19-Feb-2013	Screening	19-Feb-2013	EPA Due	22-Oct-2013
	PCW	11-Jul-2013				

RESPONDENT/FACILITY INFORMATION

Respondent	The Lubrizol Corporation		
Reg. Ent. Ref. No.	RN100221589		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	46266	No. of Violations	4
Docket No.	2013-0375-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rebecca Johnson
		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** \$11,100

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 162.0% Enhancement **Subtotals 2, 3, & 7** \$17,982

Notes: Enhancement for seven NOV's with same/similar violations, four orders with denial of liability, and two orders without denial of liability. Reduction for three Notices of Intent to conduct an audit.

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$2,510

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

Total EB Amounts \$3,338
Approx. Cost of Compliance \$10,600
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$26,572

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$26,572

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$26,572

DEFERRAL 0.0% Reduction **Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY \$26,572

Screening Date 19-Feb-2013

Docket No. 2013-0375-AIR-E

PCW

Respondent The Lubrizol Corporation

Policy Revision 2 (September 2002)

Case ID No. 46266

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221589

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

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>)	7	35%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	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>)	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	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) 162%

>> 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 NOVs with same/similar violations, four orders with denial of liability, and two orders without denial of liability. Reduction for three Notices of Intent to conduct an audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 162%

Screening Date 19-Feb-2013
 Respondent The Lubrizol Corporation
 Case ID No. 46266

Docket No. 2013-0375-AIR-E

PCW

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

Reg. Ent. Reference No. RN100221589
 Media [Statute] Air
 Enf. Coordinator Rebecca Johnson
 Violation Number 1

Rule Cite(s) Federal Operating Permit ("FOP") No. O1935, Special Terms and Conditions ("ST&C") Nos. 1.A. and 12.A.(1)(2), 30 Tex. Admin. Code §§ 117.335(a)(4), 117.9020(2)(C)(1), and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to conduct a stack test of Hot Oil Heater POLY-H-1. Specifically, a stack test was required to be conducted by March 31, 2007; however, a stack test has not been conducted.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				10%
	Potential			X	

>> Programmatic Matrix

	Major	Moderate	Minor	Percent
Falsification				0%

Matrix Notes Human health or the environment will or could have been exposed to an insignificant amount of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 2152

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,000

One single event is recommended for the test that was not conducted.

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 \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,284

Violation Final Penalty Total \$2,620

This violation Final Assessed Penalty (adjusted for limits) \$2,620

Economic Benefit Worksheet

Respondent The Lubrizol Corporation
Case ID No. 46266
Reg. Ent. Reference No. RN100221589
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)	\$10,000	31-Mar-2007	22-Oct-2013	6.57	\$3,284	\$0	\$3,284

Notes for DELAYED costs

Estimated cost of conducting a stack test on Hot Oil Heater POLY-H-1. The Date Required is the date the stack test was required. The Final Date is the date corrective actions are expected to be completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$3,284

Screening Date 19-Feb-2013
Respondent The Lubrizol Corporation
Case ID No. 46266
Reg. Ent. Reference No. RN100221589
Media [Statute] Air
Enf. Coordinator Rebecca Johnson

Docket No. 2013-0375-AIR-E

PCW

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

Violation Number
Rule Cite(s) FOP No. O1934, ST&C Nos. 1.A. and 7, New Source Review Permit ("NSRP") No. 22060, Special Conditions ("SC") No. 4, 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to sample and analyze the scrubbing liquid for Caustic Scrubber S-42 at least daily to determine the sodium hydroxide ("NaOH") content. Specifically, from January 6, 2011 through August 24, 2011, there were 21 days when the scrubbing liquid was not sampled and analyzed to determine the NaOH content.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="25%"/>
Potential	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification			Percent
	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
Human health or the environment will or could have been exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.				

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="checkbox"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Three quarterly events are recommended for not sampling and analyzing the scrubber liquid for Caustic Scrubber S-42.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>
N/A	<input type="text"/>	(mark with x)

Notes: The Respondent completed corrective actions on December 15, 2012, prior to the January 25, 2013 NOE.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent The Lubrizol Corporation

Case ID No. 46266

Reg. Ent. Reference No. RN100221589

Media Air

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	One-time Costs	EB Amount
No. commits 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	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for DELAYED costs

The Economic Benefit for this violation is included in Violation No. 7 of the accompanying PCW.

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 19-Feb-2013
 Respondent The Lubrizol Corporation
 Case ID No. 46266

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PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221589

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 3

Rule Cite(s) FOP No. O1934, ST&C No. 1.A., 30 Tex. Admin. Code §§ 111.111(a)(4)(A)(II) and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain a flare operation log for Flare FL-MMB that details the date and time of flare observation and whether or not the flare was smoking.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

744 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

One single event is recommended for the one set of records.

Good Faith Efforts to Comply

25.0% Reduction

\$625

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

Notes

The Respondent completed corrective actions on November 29, 2012, prior to the January 25, 2013 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$55

Violation Final Penalty Total \$5,925

This violation Final Assessed Penalty (adjusted for limits) \$5,925

Economic Benefit Worksheet

Respondent The Lubrizol Corporation

Case ID No. 46266

Reg. Ent. Reference No. RN100221589

Media Air

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$0	\$0
Record Keeping System	\$500	1-Feb-2011	29-Nov-2012	1.83	\$46	\$0	\$46
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)	\$100	1-Feb-2011	29-Nov-2012	1.83	\$9	\$0	\$9

Notes for DELAYED costs

Estimated cost to conduct employee training and develop a flare operation log for Flare FL-MMB. The Date Required is the earliest occurrence of the violation. The Final Date is the date corrective actions were completed.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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

\$600

TOTAL

\$55

Screening Date 19-Feb-2013

Docket No. 2013-0375-AIR-E

PCW

Respondent The Lubrizol Corporation

Policy Revision 2 (September 2002)

Case ID No. 46266

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221589

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 4

Rule Cite(s)

FOP No. O1934, General Terms and Conditions, 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to report all instances of deviations in the semi-annual deviation report for the reporting period from February 1, 2011 through July 31, 2011. Specifically, the Respondent did not report a deviation for failing to sample and analyze the Caustic Scrubber S-42 scrubbing liquid at least daily to determine the NaOH content.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

Less than 30% of the required information was not reported.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

534 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
Single event	X

mark only one with an x

Violation Base Penalty \$100

One single event is recommended for the one Incomplete report.

Good Faith Efforts to Comply

10.0% Reduction

\$10

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

Notes The Respondent completed corrective actions on February 14, 2013, after the January 25, 2013 NOE.

Violation Subtotal \$90

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$252

This violation Final Assessed Penalty (adjusted for limits) \$252

Economic Benefit Worksheet

Respondent The Lubrizol Corporation

Case ID No. 46266

Reg. Ent. Reference No. RN100221589

Media Air

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**

Item Description No commas or \$

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	0.00			0.00	\$0	\$0	\$0
Buildings	0.00			0.00	\$0	\$0	\$0
Other (as needed)	0.00			0.00	\$0	\$0	\$0
Engineering/construction	0.00			0.00	\$0	\$0	\$0
Land	0.00			0.00	\$0	\$0	\$0
Record Keeping System	0.00			0.00	\$0	\$0	\$0
Training/Sampling	0.00			0.00	\$0	\$0	\$0
Remediation/Disposal	0.00			0.00	\$0	\$0	\$0
Permit Costs	0.00			0.00	\$0	\$0	\$0
Other (as needed)	0.00			0.00	\$0	\$0	\$0

Notes for DELAYED costs

The Economic Benefit for this violation is included in Violation No. 8 of the accompanying PCW.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal	0.00			0.00	\$0	\$0	\$0
Personnel	0.00			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	0.00			0.00	\$0	\$0	\$0
Supplies/equipment	0.00			0.00	\$0	\$0	\$0
Financial Assurance [2]	0.00			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	0.00			0.00	\$0	\$0	\$0
Other (as needed)	0.00			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

DATES	Assigned	19-Feb-2013	Screening	19-Feb-2013	EPA Due	22-Oct-2013
	PCW	11-Jul-2013				

RESPONDENT/FACILITY INFORMATION	
Respondent	The Lubrizol Corporation
Reg. Ent. Ref. No.	RN100221589
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	46266	No. of Violations	8
Docket No.	2013-0375-AIR-E	Order Type	Findings
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rebecca Johnson
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$19,250
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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	100.0% Enhancement	Subtotals 2, 3, & 7	\$19,250
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Notes
Enhancement for seven NOVs with same/similar violations, four orders with denial of liability, and two orders without denial of liability. Reduction for three Notices of Intent to conduct an audit.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$3,649
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$503
Approx. Cost of Compliance \$4,297
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$34,851
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OTHER FACTORS AS JUSTICE MAY REQUIRE	1.1%	Adjustment	\$373
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes
Enhancement to capture the avoided costs of compliance associated with Violation Nos. 5 and 6.

Final Penalty Amount	\$35,224
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$35,224
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes
No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$35,224
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Screening Date 19-Feb-2013

Docket No. 2013-0375-AIR-E

PCW

Respondent The Lubrizol Corporation

Policy Revision 3 (September 2011)

Case ID No. 46266

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100221589

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

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 (number of NOVs meeting criteria)	7	35%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	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) 162%

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for seven NOVs with same/similar violations, four orders with denial of liability, and two orders without denial of liability. Reduction for three Notices of Intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 162%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 19-Feb-2013

Docket No. 2013-0375-AIR-E

PCW

Respondent The Lubrizol Corporation

Policy Revision 3 (September 2011)

Case ID No. 46266

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100221589

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 1

Rule Cite(s) Federal Operating Permit ("FOP") No. O1935, Special Terms and Conditions ("ST&C") Nos. 1.A. and 7, New Source Review Permit ("NSRP") No. 22056, Special Conditions ("SC") No. 3, 40 Code of Federal Regulations ("CFR") § 60.18(c)(3)(II), 30 Tex. Admin. Code §§ 101.20(1), 116.115(c), and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the minimum net heating value requirement of 300 British thermal units per standard cubic feet per minute ("Btu/scfm") for flares. Specifically, for two hours on October 6, 2011 and for one hour on February 3, 2012, the minimum net heating value of Flare POLY-FL-1 fell below 300 Btu/scfm. The lowest recorded net heating value was 250.9 Btu/scfm.

Base Penalty \$25,000

Environmental, Property, and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	15.0%
Potential				

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Based on RG-360A/11, 2011 Emissions Inventory Guidelines, a 93% destruction efficiency is assumed for a flare operating blow the minimum net heating value.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2 Number of violation days 2

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

Violation Base Penalty \$7,500

Two single events are recommended for Flare POLY-FL-1.

Good Faith Efforts to Comply

25.0% Reduction

\$1,875

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

Notes The Respondent completed corrective actions on or before March 2, 2012, prior to the February 13, 2013 NOE.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$13,265

This violation Final Assessed Penalty (adjusted for limits) \$13,265

Economic Benefit Worksheet

Respondent: The Lubrizol Corporation
Case ID No.: 46266
Reg. Ent. Reference No.: RN100221589
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
<i>No commas or \$</i>							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling	\$500	6-Oct-2011	2-Mar-2012	0.41	\$10	\$0	\$10
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for DELAYED costs

Estimated cost to conduct employee training to ensure that nitrogen venting protocols are followed to ensure that a minimum net heating value of 300 Btu/scfm is maintained for Flare POLY-FL-1. The Date Required is the earliest occurrence of the violation. The Final Date is the date corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$10

Screening Date 19-Feb-2013

Docket No. 2013-0375-AIR-E

PCW

Respondent The Lubrizol Corporation

Policy Revision 3 (September 2011)

Case ID No. 46266

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100221589

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 2

Rule Cite(s) FOP No. O1935, ST&C No. 3(A)(iv)(4), 30 Tex. Admin. Code § 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to conduct quarterly visible emissions observations no earlier than one hour after sunrise. Specifically, quarterly visible emissions observations of stationary vents in the Polyisobutylene ("PIB") Unit were completed on March 19, 2012 at 8:12 a.m.; however, sunrise on that day was at 7:25 a.m.

Base Penalty \$25,000

Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 7.0%

Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could have been exposed to an insignificant amount of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,750

One single event is recommended for the non-compliant quarterly visible emissions observation.

Good Faith Efforts to Comply

10.0% Reduction

\$175

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

Notes

The Respondent completed corrective actions on February 28, 2013, after the February 13, 2013 NOE.

Violation Subtotal \$1,575

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$24

Violation Final Penalty Total \$3,361

This violation Final Assessed Penalty (adjusted for limits) \$3,361

Economic Benefit Worksheet

Respondent The Lubrizol Corporation
Case ID No. 46266
Reg. Ent. Reference No. RN100221589
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling	\$500	19-Mar-2012	28-Feb-2013	0.95	\$24	\$0	\$24
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for DELAYED costs

Estimated cost to implement measures to ensure visible emissions observations are conducted properly. The Date Required is the date of violation. The Final Date is the date corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$24

Screening Date 19-Feb-2013

Docket No. 2013-0375-AIR-E

PCW

Respondent The Lubrizol Corporation

Policy Revision 3 (September 2011)

Case ID No. 46266

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100221589

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 3

Rule Cite(s)

FOP No. 01935, ST&C No. 1.A., 40 CFR § 60.486(f)(2), 30 Tex. Admin. Code §§ 101.20(1), 115.356(3)(B), 115.786(d), and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to include a justification for each of the components on the difficult-to-monitor list. Specifically, approximately 382 components on the difficult-to-monitor list for the PIB Unit did not have a justification of why the components are difficult to monitor.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

Less than 30% of the required information was not maintained.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

30 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semi-annual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended for the incomplete set of records.

Good Faith Efforts to Comply

25.0% Reduction

\$62

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes The Respondent completed corrective actions on or before January 11, 2013, prior to the February 13, 2013 NOE.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$443

This violation Final Assessed Penalty (adjusted for limits) \$443

Economic Benefit Worksheet

Respondent: The Lubrizol Corporation
Case ID No.: 46266
Req. Ent. Reference No.: RN100221589
Media: Air
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No comments on this							

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	\$0	\$0
Record Keeping System	\$250	12-Dec-2012	11-Jan-2013	0.08	\$1	\$0	\$1
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for DELAYED costs

Estimated cost to update the record keeping system to ensure that justification is provided for each component on the difficult-to-monitor list. The date required is the investigation date. The Final Date is the date corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$1

Screening Date 19-Feb-2013

Docket No. 2013-0375-AIR-E

PCW

Respondent The Lubrizol Corporation

Policy Revision 3 (September 2011)

Case ID No. 46266

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100221589

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 4

Rule Cite(s)

FOP No. O1935, ST&C No. 1.A., 40 CFR § 60.486(c)(6), 30 Tex. Admin. Code §§ 101.20(1) and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain complete delay of repair records. Specifically, an authorizing signature was not included on the delay of repair list for leaking valve 23346 in the PIB Unit.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0.0%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				X	1.0%
Less than 30% of the required information was not maintained.					

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 97

mark only one with an x

Daily	
Weekly	
Monthly	
Quarterly	
Semi-annual	
Annual	
Single event	X

Violation Base Penalty \$250

One single event is recommended for the one incomplete set of records.

Good Faith Efforts to Comply

10.0% Reduction

\$25

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

Notes The Respondent completed corrective actions on March 19, 2013, after the February 13, 2013 NOE.

Violation Subtotal \$225

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$480

This violation Final Assessed Penalty (adjusted for limits) \$480

Economic Benefit Worksheet

Respondent: The Lubrizol Corporation
Case ID No.: 46266
Reg. Ent. Reference No.: RN100221589
Media: Air
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$0	\$0
Record Keeping System	\$250	12-Dec-2012	19-Mar-2013	0.27	\$3	\$0	\$3
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for DELAYED costs

Estimated cost to update the record keeping system to ensure that a signature is provided for each component on the delay of repair list. The Date Required is the investigation date. The Final Date is the date corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$3

Screening Date 19-Feb-2013

Docket No. 2013-0375-AIR-E

PCW

Respondent The Lubrizol Corporation

Policy Revision 3 (September 2011)

Case ID No. 46266

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100221589

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 5

Rule Cite(s)

FOP No. O1934, ST&C No. 7, NSRP No. 22050, SC No. 11.F., 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to conduct quarterly Leak Detection and Repair ("LDAR") monitoring of all applicable components in the Main Manufacturing Building ("MMB") Additive Detergent Unit. Specifically, 297 valves were not monitored for leaks during the second quarter of 2012 and 296 valves were not monitored for leaks during the third quarter of 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				7.0%
Potential			X	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Human health or the environment will or could have been exposed to an insignificant amount of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 2 Number of violation days 182

mark only one with an x

Daily	
Weekly	
Monthly	
Quarterly	
Semiannual	
Annual	
Not Relevant	X

Violation Base Penalty \$3,500

Two single events are recommended for the two quarters of incomplete LDAR monitoring.

Good Faith Efforts to Comply

10.0% Reduction

\$350

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

Notes

The Respondent completed corrective actions on February 14, 2013, after the January 25, 2013 NOE.

Violation Subtotal \$3,150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$386

Violation Final Penalty Total \$6,721

This violation Final Assessed Penalty (adjusted for limits) \$6,721

Economic Benefit Worksheet

Respondent: The Lubrizol Corporation
Case ID No.: 46266
Reg. Ent. Reference No.: RN100221589
Media: Air
Violation No.: 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)	\$500	30-Jun-2012	12-Feb-2013	0.63	\$16	\$0	\$16

Notes for DELAYED costs

Estimated cost to update LDAR monitoring procedures and programs to ensure that all components are monitored as required. The Date Required is the earliest occurrence of the violation. The Final Date is the date corrective actions were completed.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$713	1-Apr-2012	30-Jun-2012	0.25	\$9	\$176	\$185
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)	\$710	1-Jul-2012	30-Sep-2012	0.25	\$9	\$177	\$186

Notes for AVOIDED costs

Actual avoided cost of not monitoring 297 components (\$2.40 per component per year) during the second quarter of 2012 and 296 components during the third quarter of 2012. The Dates Required and the Final Dates are the first and last days of the quarters when monitoring was not conducted.

Approx. Cost of Compliance

\$1,923

TOTAL

\$386

Screening Date 19-Feb-2013

Docket No. 2013-0375-AIR-E

PCW

Respondent The Lubrizol Corporation

Policy Revision 3 (September 2011)

Case ID No. 46266

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100221589

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 6

Rule Cite(s)

FOP No. O1934; ST&C No. 1.A., 40 CFR §§ 63.1025(b)(3)(I) and 63.1026(b)(1), 30 Tex. Admin. Code §§ 101.20(2) and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to conduct monthly LDAR monitoring of all applicable components in the SPP and MMB Additive Detergent Units. Specifically, seven valves in the SPP Unit and three pumps in the MMB Additive Detergent Unit were not monitored for leaks during the month of August 2012.

Base Penalty \$25,000

Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 7.0%

Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

Matrix Notes

Human health or the environment will or could have been exposed to an insignificant amount of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 1

31 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semi-annual	
annual	
single events	x

Violation Base Penalty \$1,750

One single event is recommended for the month of incomplete LDAR monitoring.

Good Faith Efforts to Comply

10.0% Reduction

\$175

Extraordinary

Ordinary

N/A

Notes

Before NOV NOV to EDRP/Settlement Offer

(mark with x)

The Respondent completed corrective actions on February 14, 2013, after the January 25, 2013 NOE.

Violation Subtotal \$1,575

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$3,361

This violation Final Assessed Penalty (adjusted for limits) \$3,361

Economic Benefit Worksheet

Respondent: The Lubrizol Corporation
Case ID No.: 46266
Req. Ent. Reference No.: RN100221589
Media: Air
Violation No.: 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for DELAYED costs

The delayed Economic Benefit for this violation is included in Violation No. 5.

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	\$24	1-Aug-2012	31-Aug-2012	0.08	\$0	\$2	\$2
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

Actual avoided cost of not monitoring ten components (\$2.40 per component per year) during the month of August 2012. The Date Required and the Final Date are the first and last day of the month when monitoring was not conducted.

Approx. Cost of Compliance

\$24

TOTAL

\$2

Screening Date 19-Feb-2013

Docket No. 2013-0375-AIR-E

PCW

Respondent The Lubrizol Corporation

Policy Revision 3 (September 2011)

Case ID No. 46266

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100221589

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 7

Rule Cite(s)

FOP No. O1934, ST&C Nos. 1.A. and 7, NSRP No. 22060, SC No. 4, 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to sample and analyze the scrubbing liquid for Caustic Scrubber S-42 at least daily to determine the sodium hydroxide ("NaOH") content. Specifically, from September 30, 2011 through December 8, 2011, there were eight days when the scrubbing liquid was not sampled and analyzed to determine the NaOH content.

Base Penalty \$25,000

Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 15.0%

Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 Number of violation days 8

mark only one with an x

Daily	
Weekly	
Monthly	
Quarterly	X
Semiannual	
Annual	
Other	

Violation Base Penalty \$3,750

One quarterly event is recommended for not sampling and analyzing the scrubber liquid for Caustic Scrubber S-42.

Good Faith Efforts to Comply

25.0% Reduction

\$937

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

Notes

The Respondent completed corrective actions on December 15, 2012, prior to the January 25, 2013 NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$58

Violation Final Penalty Total \$6,633

This violation Final Assessed Penalty (adjusted for limits) \$6,633

Economic Benefit Worksheet

Respondent: The Lubrizol Corporation
Case ID No.: 46266
Reg. Ent. Reference No.: RN100221589
Media: Air
Violation No.: 7

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	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling	\$500	6-Jan-2011	15-Dec-2012	1.94	\$49	\$0	\$49
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)	\$100	6-Jan-2011	15-Dec-2012	1.94	\$10	\$0	\$10

Notes for DELAYED costs

Estimated cost to conduct employee training and update procedures to ensure that the NaOH content of the scrubbing liquid for Caustic Scrubber S-42 is sampled and analyzed daily. The Date Required is the earliest occurrence of the violation. The Final Date is the date corrective actions were completed.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$58

Screening Date 19-Feb-2013

Docket No. 2013-0375-AIR-E

PCW

Respondent The Lubrizol Corporation

Policy Revision 3 (September 2011)

Case ID No. 46266

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100221589

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 8

Rule Cite(s) FOP No. O1934, General Terms and Conditions, 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to report all instances of deviations in the semi-annual deviation reports for the reporting periods from August 1, 2011 through January 31, 2012 and February 1, 2012 through July 31, 2012. Specifically, the Respondent did not report deviations for failing to sample and analyze the Caustic Scrubber S-42 scrubbing liquid at least daily to determine the NaOH content and for failing to conduct quarterly LDAR monitoring of components in the MMB Additive Detergent Unit.

Base Penalty \$25,000

Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1.0%

Matrix Notes

Less than 30% of the required information was not reported.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 2 Number of violation days 356

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semi-annual	
annual	
single event	X

Violation Base Penalty \$500

Two single events are recommended for the two incomplete reports.

Good Faith Efforts to Comply

10.0% Reduction

\$50

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

Notes

The Respondent completed corrective actions on February 14, 2013, after the January 25, 2013 NOE.

Violation Subtotal \$450

Economic Benefit (EB) for this Violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$960

This violation Final Assessed Penalty (adjusted for limits) \$960

Economic Benefit Worksheet

Respondent: The Lubrizol Corporation
Case ID No.: 46266
Req. Ent. Reference No.: RN100221589
Media: Air
Violation No.: 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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		\$0
Record Keeping System				0.00	\$0		\$0
Training/Sampling	\$250	30-Aug-2011	14-Feb-2013	1.46	\$18		\$18
Remediation/Disposal				0.00	\$0		\$0
Permit Costs				0.00	\$0		\$0
Other (as needed)				0.00	\$0		\$0

Notes for DELAYED costs

Estimated cost to implement measures to ensure that all deviations are reported. The Date Required is the date the initial incomplete report was submitted. The Final Date is the date corrective measures were completed.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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

\$250

TOTAL

\$18

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600269617, RN100221589, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator:	CN600269617, The Lubrizol Corporation	Classification:	SATISFACTORY	Rating:	9.61
Regulated Entity:	RN100221589, LUBRIZOL DEER PARK PLANT	Classification:	SATISFACTORY	Rating:	11.90
Complexity Points:	45	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	41 TIDAL RD DEER PARK, TX 77536-2439, HARRIS COUNTY				

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS PERMIT 1934	AIR OPERATING PERMITS PERMIT 1932
AIR OPERATING PERMITS PERMIT 1931	AIR OPERATING PERMITS PERMIT 1930
AIR OPERATING PERMITS PERMIT 1929	AIR OPERATING PERMITS ACCOUNT NUMBER HG0459J
AIR OPERATING PERMITS PERMIT 1933	AIR OPERATING PERMITS PERMIT 1935
AIR OPERATING PERMITS PERMIT 2191	AIR OPERATING PERMITS PERMIT 1581
AIR OPERATING PERMITS PERMIT 1929	AIR OPERATING PERMITS PERMIT 1930
AIR OPERATING PERMITS PERMIT 1931	AIR OPERATING PERMITS PERMIT 1932
AIR OPERATING PERMITS PERMIT 1934	WASTEWATER PERMIT WQ0000639000
WASTEWATER EPA ID TX0007048	AIR NEW SOURCE PERMITS REGISTRATION 71099
AIR NEW SOURCE PERMITS PERMIT 669	AIR NEW SOURCE PERMITS PERMIT 2757
AIR NEW SOURCE PERMITS PERMIT 3663	AIR NEW SOURCE PERMITS PERMIT 5847
AIR NEW SOURCE PERMITS PERMIT 7577	AIR NEW SOURCE PERMITS REGISTRATION 10807
AIR NEW SOURCE PERMITS REGISTRATION 14714	AIR NEW SOURCE PERMITS PERMIT 19487
AIR NEW SOURCE PERMITS PERMIT 19804	AIR NEW SOURCE PERMITS PERMIT 21933
AIR NEW SOURCE PERMITS PERMIT 22044	AIR NEW SOURCE PERMITS PERMIT 22045
AIR NEW SOURCE PERMITS PERMIT 22046	AIR NEW SOURCE PERMITS PERMIT 22048
AIR NEW SOURCE PERMITS PERMIT 22049	AIR NEW SOURCE PERMITS PERMIT 22055
AIR NEW SOURCE PERMITS PERMIT 22056	AIR NEW SOURCE PERMITS PERMIT 22059
AIR NEW SOURCE PERMITS PERMIT 22060	AIR NEW SOURCE PERMITS PERMIT 22095
AIR NEW SOURCE PERMITS PERMIT 22050	AIR NEW SOURCE PERMITS REGISTRATION 38145
AIR NEW SOURCE PERMITS REGISTRATION 39308	AIR NEW SOURCE PERMITS REGISTRATION 46323
AIR NEW SOURCE PERMITS REGISTRATION 49758	AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0459J
AIR NEW SOURCE PERMITS REGISTRATION 76173	AIR NEW SOURCE PERMITS AFS NUM 4820100109
AIR NEW SOURCE PERMITS PERMIT 71546	AIR NEW SOURCE PERMITS REGISTRATION 74835
AIR NEW SOURCE PERMITS REGISTRATION 76823	AIR NEW SOURCE PERMITS REGISTRATION 47016
AIR NEW SOURCE PERMITS REGISTRATION 83439	AIR NEW SOURCE PERMITS REGISTRATION 84324
AIR NEW SOURCE PERMITS REGISTRATION 87415	AIR NEW SOURCE PERMITS REGISTRATION 93716
AIR NEW SOURCE PERMITS REGISTRATION 95158	AIR NEW SOURCE PERMITS REGISTRATION 96850
AIR NEW SOURCE PERMITS REGISTRATION 99866	AIR NEW SOURCE PERMITS REGISTRATION 99055
AIR NEW SOURCE PERMITS REGISTRATION 99620	AIR NEW SOURCE PERMITS REGISTRATION 99884
AIR NEW SOURCE PERMITS REGISTRATION 100791	AIR NEW SOURCE PERMITS REGISTRATION 98216
AIR NEW SOURCE PERMITS REGISTRATION 99086	AIR NEW SOURCE PERMITS REGISTRATION 100611
AIR NEW SOURCE PERMITS REGISTRATION 100065	AIR NEW SOURCE PERMITS REGISTRATION 98838
AIR NEW SOURCE PERMITS REGISTRATION 100974	AIR NEW SOURCE PERMITS REGISTRATION 98328
AIR NEW SOURCE PERMITS REGISTRATION 100728	AIR NEW SOURCE PERMITS REGISTRATION 98604
AIR NEW SOURCE PERMITS REGISTRATION 102471	AIR NEW SOURCE PERMITS REGISTRATION 103671
AIR NEW SOURCE PERMITS REGISTRATION 103657	AIR NEW SOURCE PERMITS REGISTRATION 103664
AIR NEW SOURCE PERMITS REGISTRATION 101903	AIR NEW SOURCE PERMITS REGISTRATION 104672

AIR NEW SOURCE PERMITS REGISTRATION 105124
AIR NEW SOURCE PERMITS REGISTRATION 103670
AIR NEW SOURCE PERMITS REGISTRATION 103656

AIR NEW SOURCE PERMITS REGISTRATION 103658
AIR NEW SOURCE PERMITS PERMIT 102761
AIR NEW SOURCE PERMITS REGISTRATION 103633

AIR NEW SOURCE PERMITS REGISTRATION 80431
AIR NEW SOURCE PERMITS REGISTRATION 103473
AIR NEW SOURCE PERMITS REGISTRATION 106724
AIR NEW SOURCE PERMITS REGISTRATION 105115
AIR NEW SOURCE PERMITS REGISTRATION 105118

AIR NEW SOURCE PERMITS REGISTRATION 103632
AIR NEW SOURCE PERMITS REGISTRATION 103667
AIR NEW SOURCE PERMITS REGISTRATION 105113
AIR NEW SOURCE PERMITS REGISTRATION 107272
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1011526
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0459J

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 30324
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50077

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30324
POLLUTION PREVENTION PLANNING ID NUMBER
P00401

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD041067638

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

Date Compliance History Report Prepared: March 06, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 06, 2008 to March 06, 2013

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

Name: Rebecca Johnson

Phone: (361) 825-3423

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: 05/03/2009 ADMINORDER 2008-1282-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)

30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.165(a)(7)

30 TAC Chapter 122, SubChapter B 122.165(a)(8)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O-01933 OP

Description: Failed to ensure that a responsible official certified the accuracy and completeness of the annual compliance certification submitted for the March 18, 2007 through March 17, 2008 annual compliance certification reporting period; and the semi-annual deviation reports submitted for the March 18, 2007 through September 17, 2007 and September 18, 2007 through March 17, 2008 semi-annual deviation reporting periods.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)

30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.165(a)(7)

30 TAC Chapter 122, SubChapter B 122.165(a)(8)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:O-01931 General Terms and Conditions OP

Description: Failed to ensure that a responsible official certified the accuracy and completeness of the annual compliance certification submitted for the March 18, 2007 through March 17, 2008 annual compliance certification reporting period; and the semi-annual deviation reports submitted for the March 18, 2007 through September 17, 2007 and September 18, 2007 through March 17, 2008 semi-annual deviation reporting periods.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)

30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.165(a)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP

Description: Failed to ensure that a responsible official certified the accuracy and completeness of the semi-annual deviation report submitted for the January 27, 2007 through July 26, 2007 semi-annual deviation reporting period.
Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.165(a)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:GENERAL TERMS AND CONDITIONS OP

Description: Failed to ensure that a responsible official certified the accuracy and completeness of the semi-annual deviation report submitted for the March 12, 2007 through September 11, 2007 semi-annual deviation reporting period.
Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.165(a)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP

Description: Failed to ensure that a responsible official certified the accuracy and completeness of the semi-annual deviation report submitted for the March 12, 2007 through September 11, 2007 semi-annual deviation reporting period.
Classification: Major

Citation: 30 TAC Chapter 122, SubChapter B 122.143(15)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.165(a)(7)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP, O-02191, Gen Term & Cond. OP

Description: Failed to ensure that a responsible official certified the accuracy and completeness of the semi-annual deviation reports submitted for the March 1, 2007 through August 31, 2007 semi-annual deviation reporting period.
Classification: Major

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:22048, Gen. Cond. 9 PERMIT
O-02191, Special Term & Cond. 5 OP

Description: Failed to maintain the thermal oxidizer, EPN FI-07, in good working order.

2 Effective Date: 06/26/2010 ADMINORDER 2009-2073-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP

Description: Failure to report deviations and accurately certify the Annual Compliance Certification. Specifically, the Annual Compliance Certification report for the period of March 1, 2008 through February 28, 2009, did not include all instances of deviations and therefore was not accurately certified.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(B)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP

Description: Failure to timely submit a semiannual deviation report. Specifically, one deviation report was submitted on March 30, 2009, to cover both the March 1, 2008 through August 31, 2008 and the September 1, 2008 through February 28, 2009 reporting periods.

3 Effective Date: 08/09/2010 ADMINORDER 2009-1605-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP

Description: Failed to submit a timely and complete deviation report for the emissions units in FOP No. O-01933.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O-01934, General Terms & Conditions OP

Description: Failed to submit a timely and complete deviation report for the emissions units in FOP No. O-01934.

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O-01934, General Terms & Conditions OP

Description: Failed to submit a complete deviation report for the emissions units in FOP No. O-01934.

4 Effective Date: 04/18/2011 ADMINORDER 2010-1468-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP

Description: Failed to submit the semi-annual deviation report within the required time frame. Specifically, the semi-annual deviation report for the Lubrizol Acid, 121, and Alcohol Recovery Units for the March 18, 2008 through September 17, 2008 period was due on October 17, 2008, but it was not submitted until April 16, 2009.

5 Effective Date: 07/02/2011 ADMINORDER 2010-2043-AIR-E (1660 Order-Agreed Order With Denial)

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:S.C. 9 E PERMIT

ST&C 5 OP

Description: Failure to submit test results within 60 days of test for the 2007 stack test of FI-07. Category C 3.

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:SC 7, 8 and 9C PERMIT

ST&C 5 OP

Description: Failure to prove initial compliance with 99% H2S DRE for FI-07 during 5/31/07 stack test. Cat B13

Will combine violation track numbers 412757, 412758 and 417199 and the violation will read:
failed to demonstrate initial compliance for hydrogen sulfide, volatile organic compounds and sulfur dioxide in the Anglamol Unit Thermal Oxidizer and Scrubber, EPN FI-07 during the stack test conducted on May 31, 2007

6 Effective Date: 08/13/2011 ADMINORDER 2011-0014-IWD-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:Effluent Limit's & Monitoring Req. No. 1 PERMIT

Description: Failure to comply with permit effluent limits for Outfall 001, as documented during a record review conducted on December 1, 2010.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:Effluent Limitations and Monitoring Req2 PERMIT

Description: Failed to comply with permit effluent limit for pH minimum of 6.0 standard units for Outfall 005, as documented during a record review conducted on December 1, 2010.

B. Criminal convictions:

N/A

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	April 03, 2008	(690068)
Item 2	April 22, 2008	(636227)
Item 3	April 23, 2008	(690069)
Item 4	April 29, 2008	(636620)
Item 5	April 30, 2008	(636878)
Item 6	May 15, 2008	(657083)
Item 7	May 22, 2008	(690070)
Item 8	June 14, 2008	(434921)
Item 9	June 15, 2008	(681639)
Item 10	June 23, 2008	(690071)
Item 11	July 21, 2008	(686152)
Item 12	August 18, 2008	(680047)
Item 13	August 29, 2008	(701700)
Item 14	September 26, 2008	(710857)
Item 15	November 20, 2008	(727565)
Item 16	December 18, 2008	(727566)
Item 17	February 20, 2009	(750377)
Item 18	March 09, 2009	(750378)
Item 19	March 18, 2009	(519307)
Item 20	April 16, 2009	(768439)
Item 21	May 14, 2009	(804922)
Item 22	June 15, 2009	(749167)
Item 23	June 17, 2009	(804923)
Item 24	July 15, 2009	(804924)
Item 25	August 12, 2009	(759265)
Item 26	September 03, 2009	(747486)
Item 27	October 13, 2009	(804927)
Item 28	November 18, 2009	(804928)
Item 29	December 21, 2009	(804929)
Item 30	May 07, 2010	(830981)
Item 31	May 24, 2010	(845064)
Item 32	June 18, 2010	(846300)
Item 33	July 15, 2010	(860891)
Item 34	July 28, 2010	(842913)
Item 35	August 19, 2010	(866865)
Item 36	September 20, 2010	(825297)
Item 37	September 28, 2010	(843160)
Item 38	November 08, 2010	(843682)
Item 39	November 17, 2010	(863666)
Item 40	January 18, 2011	(902335)
Item 41	February 10, 2011	(909120)
Item 42	February 22, 2011	(828683)
Item 43	March 04, 2011	(890937)
Item 44	March 08, 2011	(858194)
Item 45	March 17, 2011	(916373)
Item 46	March 31, 2011	(907420)
Item 47	April 12, 2011	(924863)
Item 48	April 29, 2011	(914916)

Item 49	May 12, 2011	(938058)
Item 50	May 17, 2011	(895141)
Item 51	June 08, 2011	(907778)
Item 52	June 09, 2011	(945426)
Item 53	July 01, 2011	(936401)
Item 54	July 26, 2011	(922542)
Item 55	July 27, 2011	(877674)
Item 56	August 17, 2011	(948980)
Item 57	August 19, 2011	(949342)
Item 58	August 29, 2011	(922659)
Item 59	September 12, 2011	(965372)
Item 60	September 17, 2011	(952382)
Item 61	September 20, 2011	(949909)
Item 62	October 03, 2011	(957967)
Item 63	October 17, 2011	(971411)
Item 64	December 09, 2011	(957652)
Item 65	December 12, 2011	(984338)
Item 66	January 16, 2012	(990636)
Item 67	February 13, 2012	(997997)
Item 68	February 23, 2012	(988310)
Item 69	March 12, 2012	(1003524)
Item 70	April 11, 2012	(1010089)
Item 71	May 14, 2012	(1016480)
Item 72	May 25, 2012	(1006397)
Item 73	June 12, 2012	(1024202)
Item 74	July 12, 2012	(1031595)
Item 75	July 25, 2012	(1008184)
Item 76	August 01, 2012	(1008475)
Item 77	August 09, 2012	(1037972)
Item 78	September 11, 2012	(1046706)
Item 79	October 08, 2012	(1060982)
Item 80	October 26, 2012	(996347)
Item 81	November 15, 2012	(1060983)
Item 82	November 27, 2012	(1035349)
Item 83	December 17, 2012	(1060984)

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:	04/09/2012 (970804)	CN600269617
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 115, SubChapter H 115.722(d) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(II) 5C THSC Chapter 382 382.085(b) FOP 1935 ST&C 7 OP FOP 1935 STC 1A OP FOP 1935 STC 1G (III) OP NSR 22056 SC 3 PERMIT	
	Description:	Failure to maintain the flare (POLY-FL-1) net heating value above the 300 British Thermal units per standard cubic foot (Btu/scf) requirement. (Category B19 (g) (1))	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 115, SubChapter H 115.783(5) 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 60.482-6(a)(2) 5C THSC Chapter 382 382.085(b) FOP 1935 ST&C 7 OP FOP 1935 STC 1A OP FOP 1935 STC 1G (IV) OP NSR 22056 SC9E PERMIT	
	Description:	Failure to plug/cap open-ended lines containing VOCs in POLY-FUG area.	

(Category C10)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
FOP 1935 ST&C 1A OP

FOP 1935 ST&C 7 OP
FOP 1935 STC 1G (III) OP
NSR 22056 SC3 PERMIT
Description: Failure to maintain the flare pilot/flare at all times. (Category B19 (g)(1))

2 Date: 04/20/2012 (995622) CN600269617
Self Report? NO Classification: Moderate
Citation: 5C THSC Chapter 382 382.085(b)
Special Condition 1 OP
Description: Lubrizol failed to limit emissions to the permitted amount on the MAERT.

3 Date: 05/23/2012 (970797) CN600269617
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 3A PERMIT
Special Term and Condition 7 OP
Description: Failure to maintain the minimum pH for the operation of the absorber (EPN: S-49)
(Category B19.g.1)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 10 PERMIT
Special Condition 3 PERMIT
Special Condition 9 PERMIT
Special Term and Condition 7 OP

Description: Failure to sample the caustic scrubbing solution of EPNs S-51, S-17, and S-25A/B
daily (Category B19.g.1)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 3 PERMIT
Special Condition 8 PERMIT
Special Condition 9 PERMIT
Special Term and Condition 7 OP

Description: Failure to change the scrubbing solution of Scrubbers S-25B, S-19, and S-3
(Category B19.g.1)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions PERMIT

Description: Failure to report two deviations during the required timeframe (Category C3)

4 Date: 06/20/2012 (1008108) CN600269617
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 4 PERMIT
ST&C 10 OP
ST&C 1A OP

Description: Failure to maintain liquid flow rate through scrubber S-53 above permitted limit.

5 Date: 08/02/2012 (1008374) CN600269617
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

5C THSC Chapter 382 382.085(b)
Special Condition 6E PERMIT
Special Terms and Conditions 1A & 8 OP
Description: Failure to equip open-ended lines (OEL's) with a cap, plug, flange or second valve. [C10]

6 Date: 01/25/2013 (1028723) CN600269617
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart A 60.18
5C THSC Chapter 382 382.085(b)
Special Condition 5A & 5D PERMIT
Special Terms & Conditions 1A & 7 OP

Description: Failure to maintain flare (FL-MMB) heating value above 200 Btu/scf. [C4]
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 8C PERMIT
Special Terms & Conditions 1A & 7 OP

Description: Failure to prevent unauthorized visible emissions from flare (FL-MMB). [B14]
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 7 PERMIT
Special Terms and Conditions 7 OP

Description: Failure to maintain the oxygen concentration above 3% for the inclinator (FI-03). [C4]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 12G PERMIT
Special Terms & Conditions 7 OP

Description: Failure to install a required double seal on a pump. [C4]
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 12E PERMIT
Special Terms & Conditions 1A & 7 OP

Description: Failure to equip an open-ended line (OEL) or valve with a cap, plug, flange or second valve. [C10]

7 Date: 02/13/2013 (1028720) CN600269617
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Term and Condition 7 OP

Description: Failure to maintain compliance with maximum allowable emission rates for the flare [Category B18 violation]

F. Environmental audits:

Notice of Intent Date: 07/30/2009 (790720)
No DOV Associated

Notice of Intent Date: 02/04/2010 (826428)
No DOV Associated

Notice of Intent Date: 03/04/2013 (1074605)
No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation conducted on December 12, 2012, TCEQ staff documented that a stack test of Hot Oil Heater POLY-H-1 was not conducted by March 31, 2007.
4. During an investigation conducted on October 17, 2012, TCEQ staff documented that from January 6, 2011 through December 8, 2011, there were 29 days when the scrubbing liquid for Caustic Scrubber S-42 was not sampled and analyzed to determine the sodium hydroxide ("NaOH") content.
5. During an investigation conducted on October 17, 2012, TCEQ staff documented that an operation log for Flare FL-MMB that details the date and time of flare observation and whether or not the flare was smoking was not being maintained.
6. During an investigation conducted on October 17, 2012, TCEQ staff documented that the deviation reports for the reporting periods from February 1, 2011 through July 31, 2011, from August 1, 2011 through January 31, 2012 and from February 1, 2012 through July 31, 2012 did not include deviations for failing to sample and analyze the Caustic Scrubber S-42 scrubbing liquid at least daily to determine the NaOH content and for failing to conduct quarterly Leak Detection and Repair ("LDAR") monitoring of components in the Main Manufacturing Building ("MMB") Additive Detergent Unit.
7. During an investigation conducted on December 12, 2012, TCEQ staff documented that for two hours on October 6, 2011 and for one hour on February 3, 2012, the net heating value of Flare POLY-FL-1 fell below 300 British thermal units per standard cubic feet per minute ("Btu/scfm"). The lowest recorded net heating value was 250.9 Btu/scfm.
8. During an investigation conducted on December 12, 2012, TCEQ staff documented that quarterly visible emissions observations of stationary vents in the Polyisobutylene ("PIB") Unit were completed on March 19, 2012 at 8:12 a.m.; however, sunrise on that day was at 7:25 a.m.
9. During an investigation conducted on December 12, 2012, TCEQ staff documented that approximately 382 components on the difficult-to-monitor list for the PIB Unit did not have a justification of why the components are difficult to monitor.
10. During an investigation conducted on December 12, 2012, TCEQ staff documented that a signature was not included on the delay of repair list for leaking valve 23346 in the PIB Unit.
11. During an investigation conducted on October 17, 2012, TCEQ staff documented that 297 valves in the MMB Additive Detergent Unit were not monitored for leaks during the second quarter of 2012 and 296 valves were not monitored for leaks during the third quarter of 2012.

12. During an investigation conducted on October 17, 2012, TCEQ staff documented that seven valves in the SPP Unit and three pumps in the MMB Additive Detergent Unit were not monitored for leaks during the month of August 2012.
13. The Respondent received notices of the violations on January 30, 2013 and February 18, 2013.
14. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. ~~On or before March 2, 2012, conducted employee training on nitrogen venting protocols to ensure that a minimum net heating value of 300 Btu/scfm is maintained for Flare POLY-FL-1;~~
 - b. On or before November 29, 2012, conducted employee training and developed a flare observation log for Flare FL-MMB to ensure that daily flare observations are documented;
 - c. On or before December 15, 2012, conducted employee training and instituted revised sampling protocols to ensure that samples of the scrubbing liquid of Caustic Scrubber S-42 are taken and analyzed daily;
 - d. On or before January 11, 2013, updated the LDAR record keeping system to ensure that a justification is provided for each component on the difficult-to-monitor list;
 - e. On or before February 14, 2013, conducted employee training to ensure that all deviations are reported in semi-annual deviation reports;
 - f. On or before February 14, 2013, updated LDAR monitoring procedures and programs to ensure that components in the SPP and MMB Additive Detergent Units are monitored for leaks as required;
 - g. On or before February 28, 2013, implemented measures to ensure visible emissions observations are conducted no earlier than one hour after sunrise; and
 - h. On or before March 19, 2013, updated the LDAR record keeping system and associated procedure to ensure that a signature is provided for each component on the delay of repair list.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to conduct a stack test of Hot Oil Heater POLY-H-1, in violation of Federal Operating Permit ("FOP") No. O1935,

- Special Terms and Conditions ("ST&C") Nos. 1.A. and 12.A.(i)(2), 30 TEX. ADMIN. CODE §§ 117.335(a)(4), 117.9020(2)(C)(i), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Findings of Fact No. 4, the Respondent failed to sample and analyze the scrubbing liquid of Caustic Scrubber S-42 at least daily to determine the NaOH content, in violation of FOP No. O1934, ST&C Nos. 1.A. and 7, New Source Review Permit ("NSRP") No. 22060, Special Conditions ("SC") No. 4, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b).
 4. As evidenced by Findings of Fact No. 5, the Respondent failed to maintain a flare operation log, in violation of FOP No. O1934, ST&C No. 1.A., 30 TEX. ADMIN. CODE §§ 111.111(a)(4)(A)(ii) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b).
 5. As evidenced by Findings of Fact No. 6, the Respondent failed to report all instances of deviations in semi-annual deviation reports, in violation of FOP No. O1934, General Terms and Conditions, 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), and TEX. HEALTH & SAFETY CODE § 382.085(b).
 6. As evidenced by Findings of Fact No. 7, the Respondent failed to comply with the minimum net heating value requirement of 300 Btu/scfm for flares, in violation of FOP No. O1935, ST&C Nos. 1.A. and 7, NSRP No. 22056, SC No. 3, 40 CODE OF FEDERAL REGULATIONS ("CFR") § 60.18(c)(3)(ii), 30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b).
 7. As evidenced by Findings of Fact No. 8, the Respondent failed to conduct quarterly visible emissions observations no earlier than one hour after sunrise, in violation of FOP No. O1935, ST&C No. 3(A)(iv)(4), 30 TEX. ADMIN. CODE § 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b).
 8. As evidenced by Findings of Fact No. 9, the Respondent failed to include a justification for each of the components on the difficult-to-monitor list, in violation of FOP No. O1935, ST&C No. 1.A., 40 CFR § 60.486(f)(2), 30 TEX. ADMIN. CODE §§ 101.20(1), 115.356(3)(B), 115.786(d), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b).
 9. As evidenced by Findings of Fact No. 10, the Respondent failed to maintain complete delay of repair records, in violation of FOP No. O1935, ST&C No. 1.A., 40 CFR § 60.486(c)(6), 30 TEX. ADMIN. CODE §§ 101.20(1) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b).
 10. As evidenced by Findings of Fact No. 11, the Respondent failed to conduct quarterly LDAR monitoring of all applicable components in the MMB Additive Detergent Unit, in violation of FOP No. O1934, ST&C No. 7, NSRP No. 22050, SC No. 11.F., 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b).
 11. As evidenced by Findings of Fact No. 12, the Respondent failed to conduct monthly LDAR monitoring of all applicable components in the SPP and MMB Additive Detergent

Units, in violation of FOP No. O1934, ST&C No. 1.A., 40 CFR §§ 63.1025(b)(3)(i) and 63.1026(b)(1), 30 TEX. ADMIN. CODE §§ 101.20(2) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b).

12. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- ~~13. An administrative penalty in the amount of Sixty-One Thousand Seven Hundred Ninety-Six Dollars (\$61,796) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Thirty Thousand Eight Hundred Ninety-Eight Dollars (\$30,898) of the administrative penalty. Thirty Thousand Eight Hundred Ninety-Eight Dollars (\$30,898) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").~~

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Sixty-One Thousand Seven Hundred Ninety-Six Dollars (\$61,796) as set forth in Section II, Paragraph 13 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Lubrizol Corporation, Docket No. 2013-0375-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. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 13 above, Thirty Thousand Eight Hundred Ninety-Eight Dollars (\$30,898) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, conduct a stack test of Hot Oil Heater POLY-H-1, in accordance with 30 TEX. ADMIN. CODE § 117.335; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and contain the following language:

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

The certification shall be submitted to:

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

with a copy to:

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

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. 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.
9. 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.
10. 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.

11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pamela J. Davis
For the Executive Director

10/21/13
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of The Lubrizol Corporation. I am authorized to agree to the attached Agreed Order on behalf of The Lubrizol Corporation, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, The Lubrizol Corporation waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

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

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

[Signature]
Signature

7/17/13
Date

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

General Manager
Title

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



Attachment A
Docket Number: 2013-0375-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	The Lubrizol Corporation
Penalty Amount:	Sixty-One Thousand Seven Hundred Ninety-Six Dollars (\$61,796)
SEP Offset Amount:	Thirty Thousand Eight Hundred Ninety-Eight Dollars (\$30,898)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston Regional Monitoring Corporation
Project Name:	<i>Houston Area Air Monitoring Project</i>
Location of SEP:	Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset 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 Administrator: **Houston Regional Monitoring Corporation** for the *Houston Area Air Monitoring Project* SEP. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to operate a network of ambient air monitoring stations that continuously measure and record concentrations of ambient air pollutants. This network includes the HRM 617 Wallisville Road site, the HRM 615 Lynchburg Ferry site, and the HRM 3 Haden Road site. The Third-Party Administrator shall use the SEP Offset Amount to report data from these three existing sites in the Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston-Galveston Air Quality Control Region No. 216. 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.

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 SEP will provide TCEQ with near real-time access to high quality, short time resolution volatile organic compounds, nitrogen oxides, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, conduct source attribution studies, and to assess potential ambient community exposure to a limited number of hazardous air pollutants. Data from the monitors can be used to provide critical information evaluating the effectiveness of current and proposed emission control strategies aimed at achieving compliance with the 8-hour ozone National Ambient Air Quality Standards. It also provides a key source of information essential to furthering overall understanding of those emission sources that contribute to ambient community exposure to toxic air contaminants. Because the information is available in near real-time, it can be used to provide agency staff and industry personnel with time critical information to investigate emission events in a timely fashion. Another key benefit is the ability to measure the change in the ambient air concentration of the individual target species and quantify control measure effectiveness. Data from these monitors will be publicly accessible through the TCEQ's website and will be used in evaluating air quality in the area, in ozone forecasts, and ozone warnings. Thus, the public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator. Respondent shall make the contribution payable to **Houston Regional Monitoring Corporation SEP** and shall mail the contribution, with a copy of the Agreed Order to:

Houston Regional Monitoring Corporation
c/o Christopher B. Amandes
Morgan, Lewis, & Bockius, LLP
1000 Louisiana, Suite 4000
Houston, Texas 77002

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Administrator. 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 in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting as 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 complete the project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of an SEP. Respondent 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 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 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.