

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 45471  
DOME PETROCHEMICAL, L.C.  
RN101519551  
Docket No. 2012-2357-AIR-E

**Order Type:**

Agreed Order

**Media:**

AIR

**Small Business:**

Yes

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

6655 West Bay Road, Baytown, Chambers County

**Type of Operation:**

chemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: None  
Past-Due Penalties: None  
Past-Due Fees: None  
Other: None  
Interested Third-Parties: None

**Texas Register Publication Date:** March 29, 2013

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$7,875

**Total Paid to General Revenue:** \$245

**Total Due to General Revenue:** \$7,630

Payment Plan: 35 payments of \$218 each

**SEP Conditional Offset:** N/A

**Compliance History Classifications:**

Person/CN – Satisfactory  
Site/RN – Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** September 2011

**Investigation Information**

**Complaint Date(s):** N/A

**Date(s) of Investigation:** September 20, 2012

**Date(s) of NOV(s):** January 4, 2012

**Date(s) of NOE(s):** December 4, 2012

**DOME PETROCHEMICAL, L.C.**

**RN101519551**

**Docket No. 2012-2357-AIR-E**

**Violation Information**

1. Failed to submit a semi-annual deviation report [30 TEX. ADMIN. CODE §§ 122.145(2)(B) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit (“FOP”) No. O-1572, General Terms and Conditions (“GTC”)].
2. Failed to submit a permit compliance certification (“PCC”) no later than 30 days after the end of the certification period [30 TEX. ADMIN. CODE §§ 122.146(2) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O-1572, GTC].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

Submitted the PCC on September 17, 2012.

**Technical Requirements:**

1. Within 30 days, implement measures to ensure that deviation reports and PCCs are submitted completely and in a timely manner.
2. Within 45 days, submit certification to demonstrate compliance.

**Litigation Information**

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**Settlement Date:** March 4, 2013

**Contact Information**

**TCEQ Attorneys:** Jeffrey Huhn, Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400

**TCEQ SEP Coordinator:** N/A

**TCEQ Enforcement Coordinator:** Rajesh Acharya, Enforcement Division, (512) 239-0577

**TCEQ Regional Contact:** Jason Harris, Houston Regional Office, (713) 767-3609

**Respondent:** Rodman Eggen, Manager, Dome Petrochemical, L.C., 3121 Buffalo Speedway,  
Apt. 2304, Houston, Texas 77098

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	29-Oct-2012			
	<b>PCW</b>	6-Feb-2013	<b>Screening</b>	12-Nov-2012	<b>EPA Due</b> 20-Jul-2013

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Dome Petrochemical, L.C.
<b>Reg. Ent. Ref. No.</b>	RN101519551
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>		<b>No. of Violations</b>	2
<b>Enf./Case ID No.</b>	45471	<b>Order Type</b>	1660
<b>Docket No.</b>	2012-2357-AIR-E	<b>Government/Non-Profit</b>	No
<b>Media Program(s)</b>	Air	<b>Enf. Coordinator</b>	Rajesh Acharya
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$7,500
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>		Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.
<b>Compliance History</b>	5.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b> \$375

<b>Notes</b>	Enhancement for one NOV with same/similar violations.
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
Total EB Amounts	\$75	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$1,000		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$7,875
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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<b>Notes</b>		
<b>Final Penalty Amount</b>		\$7,875

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$7,875
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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<b>Notes</b>	Deferral not offered for non-expedited settlement.
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<b>PAYABLE PENALTY</b>	\$7,875
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**Screening Date** 12-Nov-2012

**Docket No.** 2012-2357-AIR-E

**PCW**

**Respondent** Dome Petrochemical, L.C.

*Policy Revision 3 (September 2011)*

**Case ID No.** 45471

*PCW Revision August 3, 2011*

**Reg. Ent. Reference No.** RN101519551

**Media [Statute]** Air

**Enf. Coordinator** Rajesh Acharya

### Compliance History Worksheet

**>> Compliance History Site Enhancement (Subtotal 2)**

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

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

**Adjustment Percentage (Subtotal 3)**

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

**Adjustment Percentage (Subtotal 7)**

**>> Compliance History Summary**

**Compliance History Notes**

Enhancement for one NOV with same/similar violations.

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

**>> Final Compliance History Adjustment**

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

<b>Screening Date</b>	12-Nov-2012	<b>Docket No.</b>	2012-2357-AIR-E	<b>PCW</b>
<b>Respondent</b>	Dome Petrochemical, L.C.			<i>Policy Revision 3 (September 2011)</i>
<b>Case ID No.</b>	45471			<i>PCW Revision August 3, 2011</i>
<b>Reg. Ent. Reference No.</b>	RN101519551			
<b>Media [Statute]</b>	Air			
<b>Enf. Coordinator</b>	Rajesh Acharya			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 122.145(2)(B) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit ("FOP") No. O-1572, General Terms and Conditions ("GTC")			
<b>Violation Description</b>	Failed to submit a semi-annual deviation report. Specifically, the Respondent did not submit the first semi-annual deviation report for the period of March 30, 2011 through September 29, 2011, when a deviation was known to have occurred. The deviation report was due by October 29, 2011.			
		<b>Base Penalty</b>	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				Percent <input type="text" value="0.0%"/>
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent <input type="text" value="15.0%"/>

Matrix Notes: The Respondent failed to meet 100% of the rule requirement.

Adjustment

Violation Events

Number of Violation Events   Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	x	

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply  Reduction

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

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

Violation Subtotal

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$44"/>	Violation Final Penalty Total <input type="text" value="\$3,938"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$3,938"/>	

# Economic Benefit Worksheet

**Respondent** Dome Petrochemical, L.C.  
**Case ID No.** 45471  
**Reg. Ent. Reference No.** RN101519551  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	29-Oct-2011	29-Jul-2013	1.75	\$44	n/a	\$44

**Notes for DELAYED costs**  
 Estimated cost to implement measures to ensure complete and timely submittal of deviation reports. The Date Required is the date the deviation report was due. The Final Date is the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$500

**TOTAL** \$44

**Screening Date** 12-Nov-2012  
**Respondent** Dome Petrochemical, L.C.  
**Case ID No.** 45471  
**Reg. Ent. Reference No.** RN101519551  
**Media [Statute]** Air  
**Enf. Coordinator** Rajesh Acharya

**Docket No.** 2012-2357-AIR-E

**PCW**

*Policy Revision 3 (September 2011)*

*PCW Revision August 3, 2011*

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

30 Tex. Admin. Code §§ 122.146(2) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and FOP No. O-1572, GTC

**Violation Description**

Failed to submit a permit compliance certification ("PCC") no later than 30 days after the end of the certification period. Specifically, the PCC for the period of March 30, 2011 through March 29, 2012 was due by April 28, 2012, but was not submitted until September 17, 2012.

**Base Penalty**

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

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>

**Percent**

**Matrix Notes**

The Respondent failed to meet 100% of the rule requirement.

**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 type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

**Violation Base Penalty**

One single event is recommended.

**Good Faith Efforts to Comply**

Reduction

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

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

**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** Dome Petrochemical, L.C.  
**Case ID No.** 45471  
**Reg. Ent. Reference No.** RN101519551  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	28-Apr-2012	29-Jul-2013	1.25	\$31	n/a	\$31

Notes for DELAYED costs

Estimated cost to implement measures to ensure complete and timely submittal of PCCs. The Date Required is the date the PCC was due. The Final Date is the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$31



# Compliance History Report

**PUBLISHED** Compliance History Report for CN601182496, RN101519551, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

<b>Customer, Respondent, or Owner/Operator:</b>	CN601182496, Dome Petrochemical, L.C.	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 1.54
<b>Regulated Entity:</b>	RN101519551, DOME PETROCHEMICAL CHAMBERS PLANT II	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 1.81
<b>Complexity Points:</b>	12	<b>Repeat Violator:</b>	NO
<b>CH Group:</b>	05 - Chemical Manufacturing		
<b>Location:</b>	6655 W BAY RD BAYTOWN, TX 77523-8615, CHAMBERS COUNTY		
<b>TCEQ Region:</b>	REGION 12 - HOUSTON		

## ID Number(s):

<b>AIR OPERATING PERMITS</b> ACCOUNT NUMBER CI0069U	<b>AIR OPERATING PERMITS</b> PERMIT 1572
<b>AIR OPERATING PERMITS</b> ACCOUNT NUMBER CI0191W	<b>AIR OPERATING PERMITS</b> ACCOUNT NUMBER CI0191W
<b>AIR NEW SOURCE PERMITS</b> PERMIT 9564	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 31384
<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 75699	<b>AIR NEW SOURCE PERMITS</b> REGISTRATION 76232
<b>AIR NEW SOURCE PERMITS</b> ACCOUNT NUMBER CI0191W	<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX1007
<b>AIR NEW SOURCE PERMITS</b> PERMIT 45375	<b>AIR NEW SOURCE PERMITS</b> EPA PERMIT PSDTX670
<b>AIR NEW SOURCE PERMITS</b> AFS NUM 4807100031	

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

**Date Compliance History Report Prepared:** December 03, 2012

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** December 03, 2007 to December 03, 2012

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

**Name:** Rajesh Acharya

**Phone:** (512) 239-1000

## 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? YES
- 3) If YES for #2, who is the current owner/operator? Dome Petrochemical, L.C. OWNER OPERATOR since 1/11/2008  
Dome Petrochemical, L.C. OWNER OPERATOR since 1/1/1800
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? Dome Hydrocarbons, L.C., OWNER OPERATOR, 1/29/2003 to 1/11/2008
- 5) If YES, when did the change(s) in owner or operator occur? 1/11/2008

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

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

N/A

### B. Criminal convictions:

N/A

### C. Chronic excessive emissions events:

N/A

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

Item 1	August 05, 2010	(830111)
Item 2	December 15, 2010	(858212)



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
DOME PETROCHEMICAL, L.C.;  
RN101519551**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER**

**DOCKET NO. 2012-2357-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Dome Petrochemical, L.C. ("Respondent") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent together stipulate that:

1. Respondent owns and operates a chemical manufacturing plant located at 6655 West Bay Road in Baytown, Chambers County, Texas (the "Plant"). The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and TCEQ rules.
3. The Executive Director and Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that Respondent is subject to the Commission's jurisdiction.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of seven thousand eight hundred seventy-five dollars (\$7,875.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid two hundred forty-five dollars (\$245.00) of the administrative penalty. The remaining amount of seven thousand six hundred thirty dollars (\$7,630.00) of the administrative penalty shall be payable in thirty-five (35) monthly payments of two hundred eighteen dollars (\$218.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Agreed Order constitutes the failure by Respondent to timely and satisfactorily comply with all of the terms of
6. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.

7. The Executive Director and Respondent agree on a settlement of the matters addressed in this Agreed Order, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions contained in this Agreed Order.
9. 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.
10. The provisions of this Agreed Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

1. During an investigation conducted on September 20, 2012, a TCEQ Houston Regional Office investigator documented that Respondent:
  - a. Failed to submit a semi-annual deviation report, in violation of 30 TEX. ADMIN. CODE §§ 122.145(2)(B) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") No. O-1572, General Terms and Conditions ("GTC"). Specifically, Respondent did not submit the first semi-annual deviation report for the period of March 30, 2011 through September 29, 2011, when a deviation was known to have occurred. The deviation report was due by October 29, 2011; and
  - b. Failed to submit a permit compliance certification ("PCC") no later than 30 days after the end of the certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.146(2) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O-1572, GTC. Specifically, the PCC for the period of March 30, 2011 through March 29, 2012, was due by April 28, 2012, but was not submitted until September 17, 2012.
2. Respondent received notice of the violations on or about December 9, 2012.

## **III. DENIALS**

Respondent generally denies each Allegation in Section II.

## **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that Respondent pay an administrative penalty as set forth in Section I, Paragraph 5, above. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Dome Petrochemical, L.C., Docket No. 2012-2357-AIR-E" to:

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

2. Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, Respondent shall implement measures to ensure that deviation reports and PCCs are submitted completely and in a timely manner.
  - b. Within 45 days after the effective date of this Agreed Order, Respondent shall submit written certification to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall include the following certification language:

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

Respondent shall submit the written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

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

3. All relief not expressly granted in this Agreed Order is denied.
4. The duties and provisions imposed by this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If 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, Respondent's failure to comply is not a violation of this Agreed Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent

shall notify the Executive Director within seven days after 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission" "owner" "person" "writing" and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails a copy of the fully executed Agreed Order to Respondent, whichever is earlier.

**SIGNATURE PAGE**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

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

*[Signature]*  
For the Executive Director

May 3, 2013  
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of Dome Petrochemical, L.C., and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

*[Signature]*  
Signature - Rodman Eggen, President  
Dome Petrochemical, L.C. AUTHORIZED REP

5/4/13  
Date