

**Executive Summary – Enforcement Matter – Case No. 45939**  
**Rohm and Haas Texas Incorporated**  
**RN100223205**  
**Docket No. 2013-0059-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

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

Rohm and Haas Texas Deer Park Plant, 1900 Tidal Road, Deer Park, Harris County

**Type of Operation:**

Industrial organic 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:** April 25, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$54,275

**Amount Deferred for Expedited Settlement:** \$10,855

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

**Total Paid to General Revenue:** \$21,710

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

Payment Plan: N/A

**SEP Conditional Offset:** \$21,710

Name of SEP: Houston Regional Monitoring Corporation (Third-Party Pre-Approved)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** October 3, 2012 through October 16, 2012

**Date(s) of NOE(s):** December 7, 2012

**Executive Summary – Enforcement Matter – Case No. 45939  
Rohm and Haas Texas Incorporated  
RN100223205  
Docket No. 2013-0059-AIR-E**

***Violation Information***

Failed to comply with the allowable annual acrylic acid ("AA") emissions rate for the HT2 Cooling Tower, Emission Point Number ("EPN") HT-29 and the allowable annual volatile organic compounds ("VOC") emissions rate for the HT1 Cooling Tower, EPN HT-36. Specifically, the Respondent exceeded the allowable annual AA emissions rate of 0.24 ton per year, based on a rolling 12-month period, from January 1, 2011 through December 31, 2011 and of 1.66 tons per year from January 1, 2012 through July 31, 2012 from EPN HT-29, resulting in the unauthorized release of 7.64 tons of AA. The Respondent exceeded the allowable annual VOC emissions rate of 0.45 ton per year, based on a rolling 12-month period, from January 1, 2011 through December 31, 2011 and of 3.08 tons per year from February 1, 2012 through July 31, 2012 from EPN HT-36, resulting in the unauthorized release of 7.9 tons of VOC [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O2236, Special Terms and Conditions, and Air Permit Nos. 8838 and N61, Special Conditions No. 1].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require the Respondent to:
  - a. Within 30 days, submit an administratively complete permit amendment application for Air Permit Nos. 8838 and N61 to increase the allowable annual AA emissions rate for EPN HT-29 and the allowable annual VOC emissions rate for EPN HT-36;
  - b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application for Air Permit Nos. 8838 and N61 within 30 days after the date of such requests, or by other deadline specified in writing; and
  - c. Within 360 days, submit written certification that either a permit amendment has been obtained or that the operation has ceased until such time that appropriate authorization has been obtained.

***Litigation Information***

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

**Executive Summary – Enforcement Matter – Case No. 45939  
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Docket No. 2013-0059-AIR-E**

**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:** Jessica Schildwachter, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-2617; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565  
**Respondent:** Susan Lewis, Operations Director, Rohm and Haas Texas Incorporated, 1900 Tidal Road, Deer Park, Texas 77536  
Denise DeLaune, Responsible Care Leader, Rohm and Haas Texas Incorporated, 1900 Tidal Road, Deer Park, Texas 77536  
**Respondent's Attorney:** N/A



**Attachment A**

**Docket Number: 2013-0059-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Rohm and Haas Texas Incorporated</b>
<b>Penalty Amount:</b>	<b>Forty-Three Thousand Four Hundred Twenty Dollars (\$43,420)</b>
<b>SEP Offset Amount:</b>	<b>Twenty-One Thousand Seven Hundred Ten Dollars (\$21,710)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Houston Regional Monitoring Corporation</b>
<b>Project Name:</b>	<b><i>Houston Area Air Monitoring Project</i></b>
<b>Location of SEP:</b>	<b>Harris County</b>

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

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **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 Houston Regional Monitor (“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 implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

Rohm and Haas Texas Incorporated  
Agreed Order - Attachment A

The 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. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide TCEQ with near real-time access to high quality, short time resolution volatile organic compound, nitrogen oxide, 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 with data from other monitors to provide critical information that can be used to evaluate 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 that is essential to furthering our 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 both 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

The 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, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The 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:

Rohm and Haas Texas Incorporated  
Agreed Order - Attachment A

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

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

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

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent, must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

<b>DATES</b>	Assigned	10-Dec-2012	Screening	19-Dec-2012	EPA Due	3-Sep-2013
	PCW	29-Oct-2014				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Rohm and Haas Texas Incorporated
Reg. Ent. Ref. No.	RN100223205
Facility/Site Region	12-Houston
Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	45939	No. of Violations	2
Docket No.	2013-0059-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jessica Schildwachter
Admin. Penalty \$	Limit Minimum \$0	EC's Team	Enforcement Team 5
	Maximum \$10,000		

### Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$32,500**

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

**Compliance History** **67.0%** Enhancement **Subtotals 2, 3, & 7** **\$21,775**

Notes: Enhancement for five NOV's with same/similar violations, four orders with denial of liability, and two orders without denial of liability. Reduction for fifty-six Notices of Intent to conduct an audit and sixteen Disclosures of Violations.

**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** **\$0**

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

Total EB Amounts \$874  
Approx. Cost of Compliance \$5,000  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$54,275**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty Box]

**Final Penalty Amount** **\$54,275**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$54,275**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$10,855**

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

Notes: Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$43,420**

Screening Date 19-Dec-2012

Docket No. 2013-0059-AIR-E

PCW

Respondent Rohm and Haas Texas Incorporated

Policy Revision 2 (September 2002)

Case ID No. 45939

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100223205

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

### 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> )	5	25%
	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> )	56	-56%
	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> )	16	-32%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 67%

>> 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 five NOVs with same/similar violations, four orders with denial of liability, and two orders without denial of liability. Reduction for fifty-six Notices of Intent to conduct an audit and sixteen Disclosures of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 67%

Screening Date 19-Dec-2012

Docket No. 2013-0059-AIR-E

PCW

Respondent Rohm and Haas Texas Incorporated

Policy Revision 2 (September 2002)

Case ID No. 45939

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100223205

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit No. O2236, Special Terms and Conditions, and Air Permit Nos. 8838 and N61, Special Conditions No. 1

Violation Description Failed to comply with the allowable annual acrylic acid ("AA") emissions rate for the HT2 Cooling Tower, Emission Point Number ("EPN") HT-29. Specifically, the Respondent exceeded the allowable annual AA emissions rates of 0.24 ton per year ("tpy") based on a rolling 12-month period for the 12-month periods ending on January 2011 through December 2011; and 1.66 tpy based on a rolling 12-month period for the 12-month periods ending on January 2012 through July 2012, resulting in the unauthorized release of 7.64 tons of AA.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	25%
	Potential				

>> Programmatic Matrix

	Major	Moderate	Minor	Percent
Falsification				0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 7 Number of violation days 578

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$17,500

Seven quarterly events are recommended for the period of non-compliance from January 1, 2011 to July 31, 2012.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/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 \$17,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$874

Violation Final Penalty Total \$29,225

This violation Final Assessed Penalty (adjusted for limits) \$29,225

# Economic Benefit Worksheet

**Respondent** Rohm and Haas Texas Incorporated  
**Case ID No.** 45939  
**Reg. Ent. Reference No.** RN100223205  
**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	\$5,000	1-Jan-2011	30-Jun-2014	3.50	\$874	n/a	\$874
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 Estimated cost to submit an administratively complete permit amendment application for Air Permit Nos. 8838 and N61. The Date Required is the initial date of non-compliance. 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	\$5,000	<b>TOTAL</b>	\$874
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Screening Date 19-Dec-2012

Docket No. 2013-0059-AIR-E

PCW

Respondent Rohm and Haas Texas Incorporated

Policy Revision 2 (September 2002)

Case ID No. 45939

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100223205

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit No. O2236, Special Terms and Conditions, and Air Permit Nos. 8838 and N61, Special Conditions No. 1

Violation Description

Failed to comply with the allowable annual volatile organic compounds ("VOC") emissions rate for the HTI Cooling Tower, EPN HT-36. Specifically, the Respondent exceeded the allowable annual VOC emissions rates of 0.45 tpy based on a rolling 12-month period for the 12-month periods ending on February 2011 through December 2011; and 3.08 tpy based on a rolling 12-month period for the 12-month periods ending on January 2012 through July 2012, resulting in the unauthorized release of 7.9 tons of VOC.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 6

547 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$15,000

Six quarterly events are recommended for the period of non-compliance from February 1, 2011 to July 31, 2012.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$25,050

This violation Final Assessed Penalty (adjusted for limits) \$25,050

## Economic Benefit Worksheet

**Respondent** Rohm and Haas Texas Incorporated

**Case ID No.** 45939

**Reg. Ent. Reference No.** RN100223205

**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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Delayed cost included in Violation No. 1.

**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

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 CN600131395, RN100223205, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600131395, Rohm and Haas Texas Incorporated	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	5.32
<b>Regulated Entity:</b>	RN100223205, ROHM AND HAAS TEXAS DEER PARK PLANT	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	5.32
<b>Complexity Points:</b>	54	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	05 - Chemical Manufacturing				
<b>Location:</b>	1900 TIDAL RD DEER PARK, TX 77536-2416, HARRIS COUNTY				
<b>TCEQ Region:</b>	REGION 12 - HOUSTON				

### ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER HG0632T  
**AIR OPERATING PERMITS** PERMIT 2232  
**AIR OPERATING PERMITS** PERMIT 2234  
**AIR OPERATING PERMITS** PERMIT 2236  
**AIR OPERATING PERMITS** ACCOUNT NUMBER HG0632T  
**WASTEWATER** EPA ID TX0006084  
**AIR NEW SOURCE PERMITS** PERMIT 723  
**AIR NEW SOURCE PERMITS** PERMIT 1257A  
**AIR NEW SOURCE PERMITS** PERMIT 2165  
**AIR NEW SOURCE PERMITS** PERMIT 5802  
**AIR NEW SOURCE PERMITS** PERMIT 6654  
**AIR NEW SOURCE PERMITS** PERMIT 7309  
**AIR NEW SOURCE PERMITS** PERMIT 7648  
**AIR NEW SOURCE PERMITS** REGISTRATION 10715  
**AIR NEW SOURCE PERMITS** REGISTRATION 13804  
**AIR NEW SOURCE PERMITS** PERMIT 20901  
**AIR NEW SOURCE PERMITS** REGISTRATION 28728  
**AIR NEW SOURCE PERMITS** REGISTRATION 28913  
**AIR NEW SOURCE PERMITS** REGISTRATION 30727  
**AIR NEW SOURCE PERMITS** REGISTRATION 33817  
**AIR NEW SOURCE PERMITS** REGISTRATION 35142  
**AIR NEW SOURCE PERMITS** REGISTRATION 38913  
**AIR NEW SOURCE PERMITS** REGISTRATION 42914  
**AIR NEW SOURCE PERMITS** PERMIT 27131  
**AIR NEW SOURCE PERMITS** EPA PERMIT N61  
**AIR NEW SOURCE PERMITS** REGISTRATION 88106  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX828M1  
**AIR NEW SOURCE PERMITS** REGISTRATION 50454  
**AIR NEW SOURCE PERMITS** REGISTRATION 74756  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX987  
**AIR NEW SOURCE PERMITS** REGISTRATION 54056  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER HG0632T  
**AIR NEW SOURCE PERMITS** REGISTRATION 81342  
**AIR NEW SOURCE PERMITS** REGISTRATION 83631  
**AIR NEW SOURCE PERMITS** REGISTRATION 83418  
**AIR NEW SOURCE PERMITS** REGISTRATION 88111  
**AIR NEW SOURCE PERMITS** REGISTRATION 85413  
**AIR NEW SOURCE PERMITS** REGISTRATION 93841  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX987M1  
**AIR NEW SOURCE PERMITS** REGISTRATION 99255

**AIR OPERATING PERMITS** PERMIT 1583  
**AIR OPERATING PERMITS** PERMIT 2233  
**AIR OPERATING PERMITS** PERMIT 2235  
**AIR OPERATING PERMITS** PERMIT 2237  
**WASTEWATER** PERMIT WQ0000458000  
**AIR NEW SOURCE PERMITS** AFS NUM 4820100034  
**AIR NEW SOURCE PERMITS** PERMIT 751  
**AIR NEW SOURCE PERMITS** PERMIT 1957  
**AIR NEW SOURCE PERMITS** PERMIT 5051  
**AIR NEW SOURCE PERMITS** PERMIT 6233  
**AIR NEW SOURCE PERMITS** PERMIT 6894  
**AIR NEW SOURCE PERMITS** PERMIT 7637  
**AIR NEW SOURCE PERMITS** PERMIT 8838  
**AIR NEW SOURCE PERMITS** REGISTRATION 11779  
**AIR NEW SOURCE PERMITS** PERMIT 17392  
**AIR NEW SOURCE PERMITS** REGISTRATION 26728  
**AIR NEW SOURCE PERMITS** PERMIT 29010  
**AIR NEW SOURCE PERMITS** REGISTRATION 29705  
**AIR NEW SOURCE PERMITS** REGISTRATION 32671  
**AIR NEW SOURCE PERMITS** REGISTRATION 34654  
**AIR NEW SOURCE PERMITS** REGISTRATION 37086  
**AIR NEW SOURCE PERMITS** REGISTRATION 42737  
**AIR NEW SOURCE PERMITS** REGISTRATION 44595  
**AIR NEW SOURCE PERMITS** REGISTRATION 47480  
**AIR NEW SOURCE PERMITS** REGISTRATION 54970  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX828  
**AIR NEW SOURCE PERMITS** REGISTRATION 55988  
**AIR NEW SOURCE PERMITS** REGISTRATION 87523  
**AIR NEW SOURCE PERMITS** REGISTRATION 73913  
**AIR NEW SOURCE PERMITS** REGISTRATION 77253  
**AIR NEW SOURCE PERMITS** REGISTRATION 77200  
**AIR NEW SOURCE PERMITS** REGISTRATION 80267  
**AIR NEW SOURCE PERMITS** REGISTRATION 82086  
**AIR NEW SOURCE PERMITS** REGISTRATION 83810  
**AIR NEW SOURCE PERMITS** REGISTRATION 87544  
**AIR NEW SOURCE PERMITS** REGISTRATION 87129  
**AIR NEW SOURCE PERMITS** REGISTRATION 92062  
**AIR NEW SOURCE PERMITS** REGISTRATION 93645  
**AIR NEW SOURCE PERMITS** REGISTRATION 95620  
**AIR NEW SOURCE PERMITS** REGISTRATION 100215

**AIR NEW SOURCE PERMITS** REGISTRATION 105286  
**AIR NEW SOURCE PERMITS** REGISTRATION 111198  
**AIR NEW SOURCE PERMITS** REGISTRATION 109292  
**AIR NEW SOURCE PERMITS** REGISTRATION 105358  
**AIR NEW SOURCE PERMITS** REGISTRATION 105289  
**AIR NEW SOURCE PERMITS** REGISTRATION 115368  
**AIR NEW SOURCE PERMITS** REGISTRATION 105361  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX1320  
**AIR NEW SOURCE PERMITS** REGISTRATION 105291  
**AIR NEW SOURCE PERMITS** REGISTRATION 114403

**INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE**  
REGISTRATION # (SWR) 30041  
**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION  
1011717  
**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER  
HG0632T

**AIR NEW SOURCE PERMITS** REGISTRATION 105302  
**AIR NEW SOURCE PERMITS** REGISTRATION 105290  
**AIR NEW SOURCE PERMITS** REGISTRATION 115449  
**AIR NEW SOURCE PERMITS** REGISTRATION 114338  
**AIR NEW SOURCE PERMITS** REGISTRATION 112813  
**AIR NEW SOURCE PERMITS** REGISTRATION 111655  
**AIR NEW SOURCE PERMITS** REGISTRATION 105362  
**AIR NEW SOURCE PERMITS** REGISTRATION 108131  
**AIR NEW SOURCE PERMITS** REGISTRATION 105299  
**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID  
TXD065096273  
**INDUSTRIAL AND HAZARDOUS WASTE** PERMIT 50102

**IHW CORRECTIVE ACTION SOLID WASTE** REGISTRATION  
# (SWR) 30041  
**POLLUTION PREVENTION PLANNING** ID NUMBER  
P00587

**Compliance History Period:** September 01, 2008 to August 31, 2013      **Rating Year:** 2013      **Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** December 17, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** December 17, 2008 to December 17, 2013

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

**Name:** Jessica Schildwachter

**Phone:** (512) 239-2617

### **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: 02/22/2009      ADMINORDER 2008-1182-AIR-E (1660 Order-Agreed Order With Denial)  
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)  
Rqmt Prov:OP O-02236, SC 13 OP  
P 8838 and N61, SC 1 PA  
Description: Failure to limit hourly NOx emission rate, Unit ID#HT-3. Repeat Category B violation.
- 2      Effective Date: 09/21/2009      ADMINORDER 2009-0296-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:Special Condition 1 PA  
Special Condition 15 OP  
Description: As owner and operator of the Plant, the Respondent is alleged to have failed to comply with the 48.8 tons per year ("tpy") volatile organic compound ("VOC") emissions limit for Decanter ACET-1A.
- 3      Effective Date: 12/18/2009      ADMINORDER 2009-0891-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition No. 1 PERMIT  
Description: Failed to prevent unauthorized emissions.

- 4 Effective Date: 01/28/2010 ADMINORDER 2008-0156-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:8838 - S.C. 1 PERMIT  
Description: Failure to comply with CO emission limits in Permit #8838 for EPN: HT-32  
Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:Permit 751, Special Condition 1 PA  
Description: Failure to limit NOx hourly maximum emission rates for HR-2, and HR-3 preheaters.  
Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Part 60, Subpart H 60.82(a)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:Permit 751, Special Condition 6 PA  
Description: Failure to limit acid production to 4 lb of SO2 per ton of H2SO4 produced.  
Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:Permit 751, Special Condition 1 PA  
Description: Failure to limit sulfur dioxide hourly emissions of 434.9 lb/hr during normal operation.

- 5 Effective Date: 08/30/2010 ADMINORDER 2009-1116-AIR-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:Special Condition No. 1 PA  
Description: Failure to prevent the unauthorized emissions. Specifically, 325,498.50 lbs of propylene and 17,131.50 lbs of propane were released to the atmosphere. The bleed valve which should be closed during normal operations was left opened for 357 hours and 40 minutes.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(3)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:Permit 8838, SC 16 PERMIT  
Special Condition 1 PERMIT  
Description: Failure to prevent unauthorized emissions. Since the emissions event was excessive and avoidable by better operational practices, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov:Permit 8838, SC 10A and 16 PERMIT  
Description: Failure to prevent unauthorized emissions.  
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 in the semi-annual deviation reports.  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Permit 1257A, SC 1 PERMIT

Permit 48921, SC 1 PERMIT  
SPECIAL CONDITION 1 OP

Description: Failure to prevent unauthorized emissions.

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:OP O-01583 Special Terms & Conditions 8 OP  
Permit 751, Special Condition 1 PERMIT

Description: Failure to limit sulfur dioxide hourly emission of 434.9 lbs/hr for the Davy Stack (EPN: HR-8) during 13 hours of normal operation. (Category A 12(i)(6))

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:OP O-01583 Special Terms & Conditions 8 OP  
Permit 751, Special Condition 6 PERMIT

Description: Failure to limit acid production to 4 lbs/ton during 18 hours of normal operations.(Category A 12(i)(6))

6 Effective Date: 11/18/2011 ADMINORDER 2011-0510-AIR-E (Findings Order-Agreed Order Without 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:Special Condition 10(B)(1) PERMIT  
Special Condition 10(C)(1) PERMIT  
Special Term and Condition 13 OP

Description: Failed to operate thermal oxidizers EPN HT-3, HT-11, HT-30, and HT-46 at the required minimum temperatures for a total of 156 hours. (Category B18 violation)

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.146(2)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP

Description: Failed to submit the permit compliance certification for FOP No. O-01583 for the period of May 21, 2009 through April 30, 2010 no later than 30 days after the end of the certification period [CATEGORY A8(c)(1)(E)]

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)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP

Description: Failed to include a signed certification of accuracy and completeness with the deviation report dated May 28, 2010 for the reporting period of November 1, 2009 through April 30, 2010. [CATEGORY B3]

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	February 23, 2009	(750297)
Item 2	March 18, 2009	(768386)
Item 3	April 03, 2009	(723995)
Item 4	April 22, 2009	(768387)
Item 5	May 15, 2009	(741241)
Item 6	June 10, 2009	(742136)
Item 7	June 29, 2009	(804725)
Item 8	August 25, 2009	(766077)

Item 9	August 28, 2009	(804726)
Item 10	September 22, 2009	(804727)
Item 11	October 09, 2009	(776883)
Item 12	October 14, 2009	(779059)
Item 13	October 16, 2009	(767313)
Item 14	October 22, 2009	(778685)
Item 15	October 26, 2009	(804728)
Item 16	November 13, 2009	(778579)
Item 17	November 23, 2009	(804729)
Item 18	December 23, 2009	(804730)
Item 19	January 22, 2010	(804731)
Item 20	February 19, 2010	(792110)
Item 21	March 18, 2010	(830910)
Item 22	April 13, 2010	(792897)
Item 23	May 17, 2010	(830912)
Item 24	June 15, 2010	(824476)
Item 25	June 16, 2010	(846278)
Item 26	June 30, 2010	(824483)
Item 27	July 16, 2010	(860872)
Item 28	August 31, 2010	(803127)
Item 29	September 03, 2010	(797744)
Item 30	September 07, 2010	(826777)
Item 31	September 16, 2010	(826914)
Item 32	October 19, 2010	(865176)
Item 33	October 29, 2010	(872293)
Item 34	November 19, 2010	(888038)
Item 35	December 16, 2010	(896251)
Item 36	February 16, 2011	(909094)
Item 37	February 18, 2011	(887466)
Item 38	February 22, 2011	(843680)
Item 39	March 16, 2011	(916352)
Item 40	April 18, 2011	(924823)
Item 41	May 19, 2011	(938035)
Item 42	June 16, 2011	(945404)
Item 43	July 18, 2011	(952633)
Item 44	July 20, 2011	(914080)
Item 45	July 29, 2011	(943154)
Item 46	August 04, 2011	(943032)
Item 47	August 16, 2011	(959314)
Item 48	August 22, 2011	(936297)
Item 49	August 30, 2011	(942101)
Item 50	September 20, 2011	(1046683)
Item 51	October 13, 2011	(951518)
Item 52	October 18, 2011	(971387)
Item 53	November 17, 2011	(977546)
Item 54	December 15, 2011	(984314)
Item 55	January 17, 2012	(990615)
Item 56	January 25, 2012	(982066)
Item 57	February 16, 2012	(997976)
Item 58	March 19, 2012	(1003500)
Item 59	April 19, 2012	(1010064)
Item 60	May 17, 2012	(1016459)
Item 61	June 19, 2012	(1024178)
Item 62	July 05, 2012	(943067)
Item 63	July 16, 2012	(1008132)
Item 64	July 19, 2012	(1031573)
Item 65	August 20, 2012	(1037950)
Item 66	August 22, 2012	(1027574)
Item 67	September 05, 2012	(1029744)
Item 68	October 18, 2012	(1060903)



Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Term & Condition 3.B.(iv)1 OP  
 Description: A third quarter 2013 visible emission observation was not made for HR-II Preheater (EPN: 36-HR-5) and HR-II Short Stack (EPN: 36-HR-11) while the units were in operation. (Category C1)

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 5.J OP  
 Special Term and Condition 12 OP  
 Description: A connecting flange in the B-4 Unit (Tag #30763.2) was found to be leaking on April 22, 2013 at 710 ppm VOC and replaced. No Method 21 monitoring was done after the repair to verify VOC concentration. (Category C1)

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 5.I OP  
 Special Term and Condition 12 OP  
 Description: A valve in the B-3 Unit (Tag #35680) was found to be leaking on April 2, 2013 at 845 ppm VOC. The valve required repair within 15 days. The valve was not repaired or placed on Delay Of Repair (DOR) by April 17, 2013. (Category C1)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 OP  
 Special Term and Condition 12 OP  
 Description: Exceedance of annual emission limits for storage tanks, flare, and vent stack. (Category B18)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(e)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 7.B OP  
 Description: Rohm & Haas reported 1 deviation as a result of once incident when the pilot flame on the B-3 unit flare was deactivated for a unit shutdown while three tanks (FINS: B-3-13, B-3-15- & B-3-17) were still venting to the flare during the period from March 5, 2013 through March 13, 2013. (Category B18)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(iii)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 4 OP  
 Special Term and Condition 12 OP  
 Special Term and Condition 8 OP  
 Description: Rohm & Haas reported one deviation as a result of one instance when forms required during roof replacement of the acid residue tanks (FIN: 34560) were not completely filled out for maintenance activities that took place during the period from June 1, 2012 through September 2, 2012. (Category C3)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Terms and Conditions 12 OP  
 Description: Rohm & Haas reported three deviations as a result of three OELs in VOC service. (Category C10)

5

Date: 11/26/2013 (1116237)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 SC 5 PERMIT

ST&C 11 OP  
 Description: Tank temperature exceeded permitted limit (C4)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 SC 1 PERMIT  
 ST&C 11 OP  
 Description: Failure to maintain annual emissions below permitted limits on two storage tanks (B18)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 SC 1 OP  
 Description: Failure to monitor repaired relief valve using Method 21 monitoring. (C1)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 General Terms & Conditions OP  
 Description: Failure to report all deviations on corresponding deviation report. (C3)

#### F. Environmental audits:

Notice of Intent Date: 02/09/2009 (740157)  
 No DOV Associated

Notice of Intent Date: 04/23/2009 (746495)

Disclosure Date: 08/15/2011

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter K 106.263  
 30 TAC Chapter 106, SubChapter A 106.4(a)(1)  
 30 TAC Chapter 106, SubChapter A 106.4(a)(2)

Description: Failed to have an adequate record keeping system to demonstrate that the cumulative total emissions are less than 25 tpy over a 12 month period.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.354(a)(5)

Description: The diesel fire pond engines are not included in the Chapter 117 final control plan as exempt stationary internal combustion engines as required by the final control plan procedures for attainment demonstration emission specifications.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.303(a)(6)(D)  
 30 TAC Chapter 117, SubChapter B 117.345(f)

Description: Failed to be able to locate the written records documenting the purpose of engine operation and, if operation was for an emergency situation.

Viol. Classification: Minor

Citation: 40 CFR Chapter 372, SubChapter J, PT 372, SubPT A 372.1

Description: Failed to include point source emissions from Acrylonitrile. The Form R listed "0" for point source emissions.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.213(b)

Description: Failed to comply with VOC loading operations. Vapors were not controlled and the site is not complying with the overall 90% control option provided in REg. 5 Loading/Unloading. A record of the VCC vapor pressure of these particular loading operations was not available.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)(ii)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)(iv)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)(vii)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)(x)

Description: The HON Subpart H periodic report templates are submitted reports and are missing the following information: # of valves, pumps, compressors, agitators and connectors for which leaks were not repaired as required.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.147

Description: Failed to have industrial wastewater records to demonstrate the characteristics of wastewater streams and the qualification for any exemptions claimed under the section of the rule 30 TAC §115.147.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT 2237

PERMIT 27131

Description: Failure to include small tank LU-3 and natural gas used to fuel pyrolysis oven in emissions inventory reports, failed to record time of quarterly visible emissions observations, failed to attach fugitive monitoring tags on components associated with spool piece on a styrene pump, failed to record monitoring for components, failed to authorize non-MSS emissions from the whitewater pit under the NSR permit 27131 or by PBR 27131.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2520(e)(10)

Description: Failure to provide the method of compliance with HON subpart H for each fugitive component type for Lonestar in MON NOCS, failed to update and provide required information of MON NCS and submit notification of process change with the semiannual compliance report as required by 63.2520 (e)(10), failed to include documentation of the methodology used to determine annual average concentration of Table 8 and 9 compounds for Group 2 process wastewater streams and loading racks that contain HAP in MON

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.997(b)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.999(a)(1)(iv)

Description: Failure to submit flare test reports with 8/15/08 MON NOCS. Failure to submit request to use a previous test for purposes of MON compliance 90 days before the compliance test was required as specified in Subpart SS

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT GGG 63.1253(f)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT GGG 63.1253(f)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT GGG 63.1253(f)(5)(i)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT GGG 63.1253(f)(5)(ii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT GGG 63.1253(f)(5)(iii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT GGG 63.1253(f)(7)(i)

Description: Failure to claim vapor balancing option as a form of control in the MON NOCS. Failed to comply with all the vapor balancing requirements specified in 63.1253(F) as referenced by MON, 63.2470(e). Failure to obtain certification from off-site reloading facility as required by 63.1253(f)(7)(i) stating that the reloading facility will meet the requirements in the vapor balancing provisions of MON or another Part 63 NESHAP. Failure to have records of DOT certification verification as required by 63.1

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.160

30 TAC Chapter 115, SubChapter B 115.161

30 TAC Chapter 115, SubChapter B 115.162

30 TAC Chapter 115, SubChapter B 115.163

30 TAC Chapter 115, SubChapter B 115.164

30 TAC Chapter 115, SubChapter B 115.165

30 TAC Chapter 115, SubChapter B 115.166

30 TAC Chapter 115, SubChapter B 115.167

30 TAC Chapter 115, SubChapter B 115.169

Description: Failure to complete assessment relative to the applicability of 30 TAC Chapter 115 (Reg 5), subchapter B, Division 6: Batch Processes, 115.160-115.169. Failure to reference 30 TAC 115 Batch Processed in the Title V permit O-02237

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2382(b)(1)

Description: Failure to submit initial notification for the Organic liquids distribution MACT. Failure to list transfer racks for unloading organic liquids from containers, tank trucks, and railcars that contain >55 Table 1 OHAP are part of the OLD MACT affected source in the MON affected source.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.212(a)(2)

30 TAC Chapter 115, SubChapter C 115.212(a)(3)

30 TAC Chapter 115, SubChapter C 115.214(a)(1)(A)

30 TAC Chapter 115, SubChapter C 115.214(a)(1)(B)

30 TAC Chapter 115, SubChapter C 115.216(3)(B)

Description: Failure to include applicable requirements for Chapter 115 for VOC unloading operations in which the VOC has a true vapor pressure greater than or equal to 0.5 psia at storage conditions in Title V permit O2237 dated 8/20/08. Failure to include product loading operations that contain residual VOC but have a VOC true vapor pressure <0.5 psia in Unit/Group/Process ID "LS\_UNLOAD-1".

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT GGG 63.1260(f)

Description: Failure to submit initial demonstration with the 8/15/08 MON NOCS of the reflux condenser on the batch

process vent line associated with reacto 50610 that is considered a process condenser under MON.

Viol. Classification: Moderate  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT D 63.78  
Description: Failed to submit initial notifications for spills on Feb 5. 2004. Failed to submit 8 semi annual reports since 10/9/06. Failed to correctly reviews spill events for applicability for Site Remediation NESHAPS.

Notice of Intent Date: 08/04/2009 (765566)  
No DOV Associated

Notice of Intent Date: 09/17/2009 (778256)  
No DOV Associated

Notice of Intent Date: 10/14/2009 (782823)  
No DOV Associated

Notice of Intent Date: 01/19/2010 (792301)  
No DOV Associated

Notice of Intent Date: 02/02/2010 (796606)  
Disclosure Date: 02/09/2011  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 106, SubChapter K 106.263  
Description: Failed to comply with recordkeeping requirements outlined for each maintenance, startup, and shutdown activity per the requirements outlined in Rule 106.263(g).  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 106, SubChapter I 106.227  
Description: Failed to comply with emission recordkeeping requirements in 30 TAC 106.227.  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 106, SubChapter S 106.433  
Description: Failed to comply with recordkeeping requirements outlined for each surface coating activity per 30 TAC 106.433(8).  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 106, SubChapter T 106.452  
30 TAC Chapter 106, SubChapter T 106.454  
Description: Failed to comply with recordkeeping requirements of 106.452 and 106.454 for abrasive material usage and solvent usage.

Notice of Intent Date: 02/02/2010 (796609)  
No DOV Associated

Notice of Intent Date: 03/15/2010 (798933)  
No DOV Associated

Notice of Intent Date: 04/21/2010 (826776)  
Disclosure Date: 07/05/2011  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.340(a)  
Description: Failed to be able to locate records indicating initial calibration for fuel flow meters on Boiler #4 to demonstrate compliance with NOx rules.

Notice of Intent Date: 04/23/2010 (826783)  
Disclosure Date: 08/15/2011  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.726(g)  
30 TAC Chapter 115, SubChapter H 115.726(h)  
Description: Failed to have available daily records to demonstrate compliance with emission limits, for flares, and PRVs.  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.726(e)(3)(A)  
Description: Failed to have available records to demonstrate the exemption criteria of 30 TAC 115.727(c) to document the vents that are exempted.  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.725(f)  
30 TAC Chapter 115, SubChapter H 115.726(d)(4)  
30 TAC Chapter 115, SubChapter H 115.726(d)(6)  
Description: Failed to maintain records for flares used solely for abatement of emissions from scheduled or unscheduled maintenance, startup, or shutdown activities.

Viol. Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter B 115.126(3)  
30 TAC Chapter 115, SubChapter B 115.126(4)

Description: Failed to be able to locate documentation for exempted vent gas streams associated with maintenance, startup, or shutdown activities that went to the atmosphere.

Viol. Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.726(e)

Description: Failed to be able to locate documentation for exempted vent gas streams meeting 30 TAC 115.726(e).

Notice of Intent Date: 06/15/2010 (829196)  
Disclosure Date: 08/03/2011

Viol. Classification: Minor  
Citation: 40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.81(b)  
40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.81(d)(2)  
40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.81(d)(4)

Description: Failed to have documentation that a root cause investigation was started within 24 hours.

Viol. Classification: Minor  
Citation: 40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.65(d)(1)(vii)

Description: Failed to have documentation that current energy balances existed for the following units: 1) South Butyl Acrylate; 2) Ethyl Acrylate; and 3) Separations 1

Viol. Classification: Minor  
Citation: 40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.73(d)(4)

Description: Failed to have documentation that indicated the chlorine detectors at Battleground Water had an annual test.

Viol. Classification: Minor  
Citation: 40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.77(a)  
Rqmt Prov: OP SC 19

Description: Failed to have documentation that a subsequent pre-startup safety review was completed for 5 management of change reviews.

Viol. Classification: Minor  
Citation: 40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.75(c)  
Rqmt Prov: OP SC 19

Description: Failed to be able to locate documentation that preliminary training and final training was done when equipment was turned over to operations.

Viol. Classification: Minor  
Citation: 40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.73(e)

Description: Failed to properly manage 6 temporary repairs requiring a temporary management of change.

Viol. Classification: Minor  
Citation: 40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.75(b)(4)  
Rqmt Prov: OP SC 19

Description: Failed to indicate how long a temporary repair would remain in place.

Viol. Classification: Minor  
Citation: 40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.67(e)  
Rqmt Prov: OP SC 16  
OP SC 19

Description: Several action point closures were overdue and/or the action point was closed without sufficient documentation.

Viol. Classification: Minor  
Citation: 40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.81(f)  
Rqmt Prov: OP SC 19

Description: Failed to communicate key learnings of 7 root cause investigations that were examined to affected personnel whose job tasks were relevant to the incidents.

Viol. Classification: Minor  
Citation: 40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.69(d)  
Rqmt Prov: OP SC 16  
OP SC 19

Description: Failed to have the close-out section completed on 8 confined space and/or hot work permits, and 4 safe work permits were not completed properly.

Viol. Classification: Minor  
Citation: 40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.73(e)

Description: At the time of the audit there were 118 open action items related to priority 1 & 2 deficiencies found during mechanical integrity inspections. Due dates and owners for completion of the action items are not assigned.

Viol. Classification: Minor  
Citation: 40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.73(d)(3)

Description: Failed to include owner visual inspections of process containing equipment and piping systems in the Deer Park mechanical integrity program. As a consequence, the inspections have not been completed.

Viol. Classification: Minor

Citation: 40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.73(d)  
40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.73(e)

Rqmt Prov: OP SC 16

Description: Two stationary hydrogen cyanide gas detectors are currently impaired at the N-3/7 Unit. One of these detectors failed in April 2010, the other failed in June 2010, and the detectors are listed as critical instruments.

Viol. Classification: Minor

Citation: 40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.65(c)(1)(ii)

Rqmt Prov: OP sc 19

Description: Failed to have heat of reaction data present for all main and side reactions for B3.

Viol. Classification: Minor

Citation: 40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.65(d)(1)(ii)

Rqmt Prov: OP SC 19

Description: Failed to have an official "Red Line" copy that accurately reflects the current equipment in the process.

Viol. Classification: Minor

Citation: 40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.65(d)(1)(iii)

Rqmt Prov: OP sc 16

Description: Failed to have up to date electrical classification drawings posted in the N area.

Viol. Classification: Minor

Citation: 40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.65(d)(1)(vii)

Rqmt Prov: OP sc 19

Description: Failed to be able to locate energy balances for heat exchange equipment introduced after May 20, 1992 as required by OSHA PSM 1910-119.

Notice of Intent Date: 06/18/2010 (829217)

Disclosure Date: 03/23/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352  
30 TAC Chapter 115, SubChapter D 115.354  
30 TAC Chapter 115, SubChapter D 115.356  
30 TAC Chapter 115, SubChapter D 115.357  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1019  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1039  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.161  
4F TWC Chapter 63, SubChapter A 63.183  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480

Description: The component class was incorrectly identified in the fugitive monitoring database resulting in exemption.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354  
30 TAC Chapter 115, SubChapter D 115.356  
30 TAC Chapter 115, SubChapter D 115.357  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.161  
40 CFR Part 63, Subpart H 63.169

Description: The instrumentation exemption was applied to valves and connectors over the size limitation.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.161  
40 CFR Part 63, Subpart H 63.169  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480

Description: The insulation exemption was applied to valves.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115  
Rqmt Prov: PERMIT SC 6 and 8

Description: The fugitive monitoring conditions listed in Permit 8838 were not applied to all components with affected process streams.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.161

40 CFR Part 63, Subpart H 63.169

Description: Follow up monitoring was not set in LeadDas for HON.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.780

30 TAC Chapter 115, SubChapter H 115.781

30 TAC Chapter 115, SubChapter H 115.782

30 TAC Chapter 115, SubChapter H 115.783

30 TAC Chapter 115, SubChapter H 115.786

30 TAC Chapter 115, SubChapter H 115.787

30 TAC Chapter 115, SubChapter H 115.788

30 TAC Chapter 115, SubChapter H 115.789

Description: HRVOC regulation was not applied to all components with a stream of .5% propylene.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 8

Description: Ruleset for 28MID pressure relief valves in light liquid service was incorrectly set to exempt frequency.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT 723

PERMIT SC 5

PERMIT SC 7

PERMIT SC 8

Description: Leak detection was incorrectly set at 500 ppm for 28MID, 28VHP, and 28RCT.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 8

Description: Ruleset for 28MID pressure relief valves in Gas Vapor service, Difficult to Monitor, incorrectly set to exempt frequency.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352

30 TAC Chapter 115, SubChapter D 115.354

30 TAC Chapter 115, SubChapter D 115.356

30 TAC Chapter 115, SubChapter D 115.357

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1019

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1039

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160

4F TWC Chapter 63, SubChapter A 63.183

40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480

Description: Normal to monitor components were incorrectly identified as difficult to monitor components.

Notice of Intent Date: 06/15/2010 (842104)

Disclosure Date: 08/03/2011

Viol. Classification: Minor

Citation: 40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.65(d)(1)(iv)

Description: Failed to be able to locate the design basis for the reactor emergency relief system.

Viol. Classification: Minor

Citation: 40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.69(a)(1)(iv)

Description: Failed to have written emergency procedures for critical instruments to be used in the event of a critical instrument failure or malfunction.

Viol. Classification: Minor

Citation: 40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.65(d)(1)(ii)

Description: Failed to have detailed written test procedures for critical instruments, and the preventative maintenance documents are not detailed.

Viol. Classification: Minor

Citation: 40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.69(a)(1)(v)

Description: Failed to document procedures to be used in the event of a Safety Instrumented System (SIS) failure or malfunction or actions to be taken in the event of any SIS diagnostic alarm sound.

Notice of Intent Date: 07/29/2010 (826782)

Disclosure Date: 08/03/2011

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.356  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)  
Rqmt Prov: OP Permit Conditions  
PERMIT SC 5

Description: Failed to have speciation data available in the fugitive monitoring database for all components. The facility used SOCFI factors to calculate fugitive emission leaks.

Viol. Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.11

Description: NH3 emissions for LU-1 Flare were not reported.

Notice of Intent Date: 08/13/2010 (860346)

Disclosure Date: 08/15/2011

Viol. Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Failed to include the following sources in the annual emission inventory report: EPN Nos. B-4-2, B-4-4, AND B-4-5.

Viol. Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: The incorrect emission factors were used to calculate emissions from generators.

Viol. Classification: Minor  
Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Failed to follow TCEQ guidance when calculating VOC emissions from the Cooling Towers.

Notice of Intent Date: 08/17/2010 (860060)

No DOV Associated

Notice of Intent Date: 08/18/2010 (860069)

Disclosure Date: 08/24/2011

Viol. Classification: Minor  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1039(a)(1)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1039(a)(1)(ii)

Description: Components counts and methods of compliance for all components subject to Subpart UU are not accurate in the original Notification of Compliance Status submitted in April 2006.

Viol. Classification: Minor  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1109

Description: Failed to maintain records containint information developped and used to assess control applicability under 40 CFR 63.1103 were not maintained.

Viol. Classification: Minor  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038

Description: Failed to maintain records of general and specific equipment that are subject to Subpart UU that are not physically tagged.

Viol. Classification: Minor  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038

Description: Failed to maintain records to identify equipment - specifically for pressure relief devices in gas/vapor service that are equipped with a closed vent system and control devices, pressure relief devices equipped with a rupture disk upstream, and instrumentation systems.

Viol. Classification: Minor  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(g)(5)(iv)

Description: Failed to get approval in a pre-test report to use engineering calculations to substantiate the process vent stream velocity and heating content for the N-5 and N-3/7 flares in lieu of test data.

Viol. Classification: Moderate  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1039(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(d)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.999(b)

Description: The notification of compliance status submitted on 4/7/06 did not contain all the required information required.

Viol. Classification: Moderate  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(g)(5)(iii)

Description: Failure to submit engineering calculations to substantiat that the flares meet the applicable heat content or flow rates during worst case conditions for the process vent emissions occuring during startup, shutdown, and malfunctions that are controlled by the N-3 and N-5/7 flares.

Viol. Classification: Moderate  
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(g)(5)(i)

Description: Failure to designate specific components as never being safe to monitor with the NOCS submitted on 4/7/06. Failure to certify that monitoring such equipment at any time the CCMPU is operatins is never safe.

Notice of Intent Date: 09/27/2010 (870802)

Disclosure Date: 09/29/2010

Viol. Classification: Minor

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

Description: Failed to perform an annual RATA on HR-3.

Viol. Classification: Minor

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

Description: Failed to perform an annual RATA on non-NSPS sources, HR-1 and HR-2.

Notice of Intent Date: 01/24/2011 (901279)

No DOV Associated

Notice of Intent Date: 01/27/2011 (901282)

Disclosure Date: 08/15/2011

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT Special Conditions

Description: Failed to operate HT incinerators (HT-3, HT-11, HT-30, and HT-46) within the temperature curve; the monitoring system did not identify all deviations due to inaccuracies in programming.

Notice of Intent Date: 02/08/2011 (901290)

Disclosure Date: 08/15/2011

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT SC 13

Description: Failed to complete weekly cooling tower TDS samples

Notice of Intent Date: 03/09/2011 (933353)

No DOV Associated

Notice of Intent Date: 03/31/2011 (933209)

No DOV Associated

Notice of Intent Date: 04/05/2011 (933328)

No DOV Associated

Notice of Intent Date: 04/11/2011 (914791)

No DOV Associated

Notice of Intent Date: 04/26/2011 (922163)

Disclosure Date: 07/18/2011

Viol. Classification: Minor

Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(8)(i)(A)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(a)(1)

Rqmt Prov: PERMIT 50102 Provision V.I.7.b.

Description: Failure to complete Daily CEMS System Audit Checklist forms between the 3rd quarter 2010 and 1st quarter 2011. Failure to include the full name of operator for four days in August 2010.

Viol. Classification: Minor

Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(8)(i)(A)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(a)(1)

Rqmt Prov: PERMIT 50102 Provision V.I.7.c.

Description: Failure to maintain a calibration error less than 4%.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(2)

Description: Failure to have on hand 2011-current SSMP logs; failure to complete SSMP logs in 2011.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1207(j)(1)(ii)

Rqmt Prov: PERMIT 50102 Provision V.I.2.a.

Description: Failure to not exceed Maximum Total Waste Feed Rate of 3907 lbs/hr during three periods totaling 21 hours

with a maximum exceedence of 4072lbs/hr.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(10)  
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(8)(i)(A)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)(vii)

Rqmt Prov: PERMIT 50102 Provision V.I.7.d

Description: Failure to log ten test/strip events in AWFCO System Trip Performance Log and Daily Summary Reports.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(8)(i)(A)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)(viii)

Rqmt Prov: PERMIT 50102 Provision V.I.7.d

Description: Failure to conduct two of the seven day tests on AWFCO system.

Notice of Intent Date: 07/06/2011 (1027444)  
No DOV Associated

Notice of Intent Date: 07/05/2011 (937097)  
No DOV Associated

Notice of Intent Date: 08/24/2011 (1024009)  
No DOV Associated

Notice of Intent Date: 09/13/2011 (964876)

Disclosure Date: 10/21/2011

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.73(b)

Description: Failed to maintain preventative maintenance records on the high and low vacuum system interlocks on the chlorine system, as required per the Risk Management Plan.

Notice of Intent Date: 09/26/2011 (968525)  
No DOV Associated

Notice of Intent Date: 10/03/2011 (968521)  
No DOV Associated

Notice of Intent Date: 12/07/2011 (980749)  
No DOV Associated

Notice of Intent Date: 12/07/2011 (980830)  
No DOV Associated

Notice of Intent Date: 01/26/2012 (988364)  
No DOV Associated

Notice of Intent Date: 03/12/2012 (1014221)  
No DOV Associated

Notice of Intent Date: 03/23/2012 (1014213)

Disclosure Date: 11/28/2012

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(b)

Rqmt Prov: PERMIT SC 10A  
OP SC 12

Description: Failed to have the analyzer which is used during the initial testing preparations, account for SO2 interference. Specifically, during setup for the initial test, an ultraviolet NOx analyzer which had no "filter" mechanism to prevent interference was used for sampling.

Notice of Intent Date: 04/26/2012 (1014203)  
No DOV Associated

Notice of Intent Date: 05/15/2012 (1013566)

No DOV Associated

Notice of Intent Date: 06/14/2012 (1020772)

No DOV Associated

Notice of Intent Date: 06/18/2012 (948429)

No DOV Associated

Notice of Intent Date: 07/05/2012 (1020151)

No DOV Associated

Notice of Intent Date: 08/09/2012 (1058040)

No DOV Associated

Notice of Intent Date: 09/04/2012 (1058200)

No DOV Associated

Notice of Intent Date: 11/08/2012 (1058539)

No DOV Associated

Notice of Intent Date: 11/15/2012 (1058672)

No DOV Associated

Notice of Intent Date: 02/13/2013 (1076498)

No DOV Associated

Notice of Intent Date: 02/11/2013 (1076512)

No DOV Associated

Notice of Intent Date: 03/05/2013 (1076477)

No DOV Associated

Notice of Intent Date: 03/11/2013 (1076451)

No DOV Associated

Notice of Intent Date: 04/24/2013 (1095196)

No DOV Associated

Notice of Intent Date: 05/14/2013 (1095398)

No DOV Associated

Notice of Intent Date: 06/04/2013 (1098792)

No DOV Associated

Notice of Intent Date: 08/14/2013 (1115910)

No DOV Associated

Notice of Intent Date: 10/18/2013 (1128284)

No DOV Associated

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
ROHM AND HAAS TEXAS  
INCORPORATED  
RN100223205

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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2013-0059-AIR-E

I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Rohm and Haas Texas Incorporated ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates an industrial organic chemical manufacturing plant at 1900 Tidal Road in Deer Park, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 12, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fifty-Four Thousand Two Hundred Seventy-Five Dollars (\$54,275) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-One Thousand

Seven Hundred Ten Dollars (\$21,710) of the administrative penalty and Ten Thousand Eight Hundred Fifty-Five Dollars (\$10,855) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Twenty-One Thousand Seven Hundred Ten Dollars (\$21,710) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to comply with the allowable annual acrylic acid ("AA") emissions rate for the HT2 Cooling Tower, Emission Point Number ("EPN") HT-29, and the allowable annual volatile organic compounds ("VOC") emissions rate for the HT1 Cooling Tower, EPN HT-36, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O2236, Special Terms and Conditions, and Air Permit Nos. 8838 and N61, Special Conditions No. 1, as documented during a record review conducted from October 3, 2012 through October 16, 2012. Specifically, the Respondent exceeded the allowable annual AA emissions rates of 0.24 ton per year ("tpy") based on a rolling 12-month period for the 12-month periods ending on January 2011 through December 2011; and 1.66 tpy based on a rolling 12-month period for the 12-month periods ending on January 2012 through July 2012, from EPN HT-29, resulting in the unauthorized release of 7.64 tons of AA. The Respondent exceeded the allowable annual VOC emissions rate of 0.45 tpy based on a rolling 12-month period for the 12-month periods ending on February 2011 through December 2011; and 3.08 tpy based on a rolling 12-month period for the 12-month periods ending February 2012 through July 2012, from EPN HT-36, resulting in the unauthorized release of 7.9 tons of VOC.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Rohm and Haas Texas Incorporated, Docket No. 2013-0059-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 I, Paragraph 6 above, Twenty-One Thousand Seven Hundred Ten Dollars (\$21,710) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, submit an administratively complete permit amendment application for Air Permit Nos. 8838 and N61 to increase the allowable annual AA emissions rate for EPN HT-29 and the allowable annual VOC emissions rate for EPN HT-36 to:

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

- b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application for Air Permit Nos. 8838 and N61 within 30 days after the date of such requests, or by other deadline specified in writing; and
- c. Within 360 days after the effective date of this Agreed Order, submit written certification that either a permit amendment has been obtained or that the

operation has ceased until such time that appropriate authorization has been obtained. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

*Ronn Davie*  
For the Executive Director

1/22/15  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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

*Denise Delaune*  
Signature

10/30/14  
Date

Denise Delaune  
Name (Printed or typed)  
Authorized Representative of  
Rohm and Haas Texas Incorporated

Responsible Care Leader  
Title

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

**Attachment A**  
**Docket Number: 2013-0059-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Rohm and Haas Texas Incorporated</b>
<b>Penalty Amount:</b>	<b>Forty-Three Thousand Four Hundred Twenty Dollars (\$43,420)</b>
<b>SEP Offset Amount:</b>	<b>Twenty-One Thousand Seven Hundred Ten Dollars (\$21,710)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Houston Regional Monitoring Corporation</b>
<b>Project Name:</b>	<b><i>Houston Area Air Monitoring Project</i></b>
<b>Location of SEP:</b>	<b>Harris County</b>

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

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **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 Houston Regional Monitor (“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 implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The 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. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide TCEQ with near real-time access to high quality, short time resolution volatile organic compound, nitrogen oxide, 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 with data from other monitors to provide critical information that can be used to evaluate 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 that is essential to furthering our 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 both 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

The 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, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The 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:

Rohm and Haas Texas Incorporated  
Agreed Order - Attachment A

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

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

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

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent, must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.