Executive Summary – Enforcement Matter – Case No. 48953
The Lubrizol Corporation
RN100221589
Docket No. 2014-0971-AIR-E

Order Type:
1660 Agreed Order
Findings Order Justification:
N/A
Media:
AIR
Small Business:
No
Location(s) Where Violation(s) Occurred:
Lubrizol Deer Park, 41 Tidal Road, Deer Park, Harris County
Type of Operation:
Chemical manufacturing plant
Other Significant Matters:
Additional Pending Enforcement Actions: Yes: 2014-1437-AIR-E
Past-Due Penalties: No
Other: N/A
Interested Third-Parties: None
Texas Register Publication Date: October 31, 2014
Comments Received: No

Penalty Information

Total Penalty Assessed: $15,000
Amount Deferred for Expedited Settlement: $3,000
Amount Deferred for Financial Inability to Pay: $0
Total Paid to General Revenue: $6,000
Total Due to General Revenue: $0
Payment Plan: N/A
SEP Conditional Offset: $6,000
Name of SEP: Barber's Hill Independent School District (Third Party Pre-Approved)
Compliance History Classifications:
Person/CN - Satisfactory
Site/RN - Satisfactory
Major Source: Yes
Statutory Limit Adjustment: N/A
Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: May 15, 2014
Date(s) of NOE(s): June 27, 2014

Violation Information

Failed to comply with the maximum allowable hourly emissions rates for nitrogen oxides ("NOx"), carbon monoxide ("CO"), and volatile organic compounds ("VOC") for the Poly Plant Flare, Emission Point Number ("EPN") POLY FL-1. Specifically, the Respondent exceeded the hourly emissions rates of 0.41 pound per hour ("lb/hr") of NOx by an average of 0.24 lb/hr for 871 hours, 2.93 lbs/hr of CO by an average of 1.73 lbs/hr for 889 hours, and 12.02 lbs/hr of VOC by an average of 9.56 lbs/hr for 120 hours from March 1, 2012 through August 31, 2012, resulting in the unauthorized release of approximately 209.04 lbs of NOx, 1,537.97 lbs of CO, and 1,147.20 lbs of VOC. [30 TEX. ADMIN. CODE §§116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY Code §382.085(b), Federal Operating Permit No. O1935, Special Terms and Conditions No. 7, and New Source Review ("NSR") Permit No. 22056, Special Conditions No. 1]

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent submitted a permit amendment application for NSR Permit No. 22056 to increase the maximum allowable hourly emissions rates for the Poly Plant Flare, EPN POLY FL-1.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See Attachment A)

2. The Order will also require the Respondent to:

a. Within 30 days, respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application for NSR Permit No. 22056.

b. Within 180 days, submit written certification to demonstrate that either a permit amendment has been obtained or that operation has ceased until such time that appropriate authorization is obtained.

Litigation Information

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

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: 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: Tanya M. Travis, General Manager, The Lubrizol Corporation, P.O. Box 158, Deer Park, Texas 77536
Respondent's Attorney: N/A

Attachment A

Docket Number: 2014-0971-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**The Lubrizol Corporation**
Penalty Amount:	**Twelve Thousand Dollars ($12,000)**
SEP Offset Amount:	**Six Thousand Dollars ($6,000)**
Type of SEP:	**Contribution to a Third-Party Pre-Approved SEP**
Third-Party Administrator:	**Barber's Hill Independent School District**
Project Name:	***Alternative Fuel School Bus Replacement***
Location of SEP:	**Chambers County**

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to **Barber's Hill Independent School District** ("Barber's Hill ISD") for the *Alternative Fuel School Bus Replacement* program. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount shall be used to reduce carbon monoxide ("CO"), nitrogen oxides ("NO_x"), particulate matter ("PM"), and volatile organic compounds ("VOCs") emissions by replacing older school buses with new propane-fueled buses. The Third-Party Administrator shall ensure that each replacement bus purchased has an engine that meets 2010 EPA Standards. The Third-Party Administrator has invested in propane fueling infrastructure to support the operation of new propane-fueled buses. The Third-Party Administrator shall give preference to replacing the oldest, most polluting buses currently in use. Only older buses that are currently in regular use, driven on a regular route on a weekly basis for at least the past two years are eligible for replacement. The SEP Offset Amount will only be used for the purchase of a base model propane-fueled Replacement Bus. The Third-Party Administrator shall own and operate each Replacement Bus for at least five years following the date of purchase. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used 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 able to be 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 directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a new 2010 ultra-low emission model, passengers' exposures to NO_x may be reduced by 98 percent; VOCs by 93 percent; CO by 83 percent; and PM by 99 percent.

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 check payable to **Barber's Hill ISD SEP** and shall mail the contribution with a copy of the Agreed Order to:

John Johnson, Consultant
Carl R. Griffith & Associates, Inc.
2901 Turtle Creek Drive, Suite 445
Port Arthur, Texas 77642

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 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 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. Recognition

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.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 4 (April 2014) — *PCW Revision March 26, 2014*

DATES

Assigned	30-Jun-2014				
PCW	4-Aug-2014	**Screening**	9-Jul-2014	**EPA Due**	

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	48953	**No. of Violations**	1
Docket No.	2014-0971-AIR-E	**Order Type**	1660
Media Program(s)	Air	**Government/Non-Profit**	No
Multi-Media		**Enf. Coordinator**	Jessica Schildwachter
		EC's Team	Enforcement Team 5

Admin. Penalty $ Limit Minimum $0 **Maximum** $25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $7,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **100.0%** Enhancement — *Subtotals 2, 3, & 7* $7,500

Notes: Enhancement for eight NOVs with same or similar violations, five orders with denial of liability, and two orders without denial of liability. Reduction for three Notices of Intent to conduct an audit.

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments — *Subtotal 5* $0

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

Total EB Amounts $730

Estimated Cost of Compliance $5,000

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $15,000

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount $15,000

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $15,000

DEFERRAL 20.0% Reduction — *Adjustment* -$3,000

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 $12,000

Screening Date 9-Jul-2014 **Docket No.** 2014-0971-AIR-E **PCW**

Respondent The Lubrizol Corporation *Policy Revision 4 (April 2014)*

Case ID No. 48953 *PCW Revision March 26, 2014*

Reg. Ent. Reference No. RN100221589

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 (*number of NOVs meeting criteria*)	8	40%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgments or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

		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) 187%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

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

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

>> Final Compliance History Adjustment

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

Screening Date 9-Jul-2014 **Docket No.** 2014-0971-AIR-E **PCW**

Respondent The Lubrizol Corporation *Policy Revision 4 (April 2014)*

Case ID No. 48953 *PCW Revision March 26, 2014*

Reg. Ent. Reference No. RN100221589

Media [Statute] Air

Enf. Coordinator Jessica Schildwachter

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit No. O1935, Special Terms and Conditions No. 7, and New Source Review ("NSR") Permit No. 22056, Special Conditions No. 1

Violation Description Failed to comply with the maximum allowable hourly emissions rates for nitrogen oxides ("NOx"), carbon monoxide ("CO"), and volatile organic compounds ("VOC") for the Poly Plant Flare, Emission Point Number ("EPN") POLY FL-1. Specifically, the Respondent exceeded the hourly emissions rates of 0.41 pound per hour ("lb/hr") of NOx by an average of 0.24 lb/hr for 871 hours, 2.93 lbs/hr of CO by an average of 1.73 lbs/hr for 889 hours, and 12.02 lbs/hr of VOC by an average of 9.56 lbs/hr for 120 hours from March 1, 2012 through August 31, 2012, resulting in the unauthorized release of approximately 209.04 lbs of NOx, 1,537.97 lbs of CO, and 1,147.20 lbs of VOC.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

Release	Major	Moderate	Minor
Actual			x
Potential			

OR **Harm**

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

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 the violation.

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events 2 | 183 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $7,500

Two quarterly events are recommended for the period of non-compliance from March 1, 2012 to August 31, 2012.

Good Faith Efforts to Comply

0.0% **Reduction** $0

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

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

Violation Subtotal $7,500

Economic Benefit (EB) for this violation

Estimated EB Amount $730

Statutory Limit Test

Violation Final Penalty Total $15,000

This violation Final Assessed Penalty (adjusted for limits) $15,000

Economic Benefit Worksheet

Respondent The Lubrizol Corporation
Case ID No. 48953
Reg. Ent. Reference No. RN100221589
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	$5,000	1-Mar-2012	31-Jan-2015	2.92	$730	n/a	$730

Notes for DELAYED costs: Estimated cost to submit a permit amendment application for NSR Permit No. 22056 to increase the allowable hourly emissions rates for EPN POLY FL-1. 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

TOTAL $730

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

TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600269617, RN100221589, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN600269617, The Lubrizol Corporation **Classification:** SATISFACTORY **Rating:** 6.89

Regulated Entity: RN100221589, LUBRIZOL DEER PARK **Classification:** SATISFACTORY **Rating:** 8.58

Complexity Points: 48 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 41 TIDAL RD DEER PARK, TX 77536-2439, HARRIS COUNTY

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS PERMIT 1934
AIR OPERATING PERMITS PERMIT 1931
AIR OPERATING PERMITS PERMIT 1929
AIR OPERATING PERMITS PERMIT 1933
AIR OPERATING PERMITS PERMIT 2191
AIR OPERATING PERMITS PERMIT 1929
AIR OPERATING PERMITS PERMIT 1931
AIR OPERATING PERMITS PERMIT 1934
WASTEWATER EPA ID TX0007048
AIR NEW SOURCE PERMITS PERMIT 669
AIR NEW SOURCE PERMITS PERMIT 5847
AIR NEW SOURCE PERMITS REGISTRATION 10807
AIR NEW SOURCE PERMITS PERMIT 19487
AIR NEW SOURCE PERMITS PERMIT 21933
AIR NEW SOURCE PERMITS PERMIT 22045
AIR NEW SOURCE PERMITS PERMIT 22048
AIR NEW SOURCE PERMITS PERMIT 22055
AIR NEW SOURCE PERMITS PERMIT 22059
AIR NEW SOURCE PERMITS REGISTRATION 38145
AIR NEW SOURCE PERMITS REGISTRATION 49758
AIR NEW SOURCE PERMITS REGISTRATION 76173
AIR NEW SOURCE PERMITS PERMIT 71546
AIR NEW SOURCE PERMITS REGISTRATION 76823
AIR NEW SOURCE PERMITS REGISTRATION 83439
AIR NEW SOURCE PERMITS REGISTRATION 87415
AIR NEW SOURCE PERMITS REGISTRATION 95158
AIR NEW SOURCE PERMITS REGISTRATION 99055
AIR NEW SOURCE PERMITS REGISTRATION 100791
AIR NEW SOURCE PERMITS REGISTRATION 99086
AIR NEW SOURCE PERMITS REGISTRATION 100065
AIR NEW SOURCE PERMITS REGISTRATION 100974
AIR NEW SOURCE PERMITS REGISTRATION 100728
AIR NEW SOURCE PERMITS REGISTRATION 102471
AIR NEW SOURCE PERMITS REGISTRATION 103657
AIR NEW SOURCE PERMITS REGISTRATION 101903
AIR NEW SOURCE PERMITS REGISTRATION 105124
AIR NEW SOURCE PERMITS REGISTRATION 103670
AIR NEW SOURCE PERMITS REGISTRATION 103656
AIR NEW SOURCE PERMITS REGISTRATION 103632
AIR NEW SOURCE PERMITS REGISTRATION 103667
AIR OPERATING PERMITS PERMIT 1932
AIR OPERATING PERMITS PERMIT 1930
AIR OPERATING PERMITS ACCOUNT NUMBER HG0459J
AIR OPERATING PERMITS PERMIT 1935
AIR OPERATING PERMITS PERMIT 1581
AIR OPERATING PERMITS PERMIT 1930
AIR OPERATING PERMITS PERMIT 1932
WASTEWATER PERMIT WQ0000639000
AIR NEW SOURCE PERMITS REGISTRATION 71099
AIR NEW SOURCE PERMITS PERMIT 2757
AIR NEW SOURCE PERMITS PERMIT 7577
AIR NEW SOURCE PERMITS REGISTRATION 14714
AIR NEW SOURCE PERMITS PERMIT 19804
AIR NEW SOURCE PERMITS PERMIT 22044
AIR NEW SOURCE PERMITS PERMIT 22046
AIR NEW SOURCE PERMITS PERMIT 22049
AIR NEW SOURCE PERMITS PERMIT 22056
AIR NEW SOURCE PERMITS PERMIT 22095
AIR NEW SOURCE PERMITS REGISTRATION 39308
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0459J
AIR NEW SOURCE PERMITS AFS NUM 4820100109
AIR NEW SOURCE PERMITS REGISTRATION 74835
AIR NEW SOURCE PERMITS REGISTRATION 47016
AIR NEW SOURCE PERMITS REGISTRATION 84324
AIR NEW SOURCE PERMITS REGISTRATION 93716
AIR NEW SOURCE PERMITS REGISTRATION 96850
AIR NEW SOURCE PERMITS REGISTRATION 99620
AIR NEW SOURCE PERMITS REGISTRATION 98216
AIR NEW SOURCE PERMITS REGISTRATION 100611
AIR NEW SOURCE PERMITS REGISTRATION 98838
AIR NEW SOURCE PERMITS REGISTRATION 98328
AIR NEW SOURCE PERMITS REGISTRATION 98604
AIR NEW SOURCE PERMITS REGISTRATION 103671
AIR NEW SOURCE PERMITS REGISTRATION 103664
AIR NEW SOURCE PERMITS REGISTRATION 104672
AIR NEW SOURCE PERMITS REGISTRATION 103658
AIR NEW SOURCE PERMITS PERMIT 102761
AIR NEW SOURCE PERMITS REGISTRATION 103633
AIR NEW SOURCE PERMITS REGISTRATION 103473
AIR NEW SOURCE PERMITS REGISTRATION 106724

AIR NEW SOURCE PERMITS REGISTRATION 109093
AIR NEW SOURCE PERMITS REGISTRATION 109591
AIR NEW SOURCE PERMITS REGISTRATION 105115
AIR NEW SOURCE PERMITS REGISTRATION 107272
AIR NEW SOURCE PERMITS REGISTRATION 114750
AIR NEW SOURCE PERMITS REGISTRATION 105118
AIR NEW SOURCE PERMITS REGISTRATION 119210
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1011526
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0459J
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30324
POLLUTION PREVENTION PLANNING ID NUMBER P00401
AIR NEW SOURCE PERMITS REGISTRATION 109687
AIR NEW SOURCE PERMITS REGISTRATION 105113
AIR NEW SOURCE PERMITS REGISTRATION 117479
AIR NEW SOURCE PERMITS REGISTRATION 119821
AIR NEW SOURCE PERMITS REGISTRATION 113086
AIR NEW SOURCE PERMITS REGISTRATION 117842
AIR NEW SOURCE PERMITS REGISTRATION 82200
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30324
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50077
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD041067638

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

Date Compliance History Report Prepared: July 08, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 08, 2009 to July 08, 2014

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: 06/26/2010 ADMINORDER 2009-2073-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:General Terms and Conditions OP
Description: Failure to report deviations and accurately certify the Annual Compliance Certification. Specifically, the Annual Compliance Certification report for the period of March 1, 2008 through February 28, 2009, did not include all instances of deviations and therefore was not accurately certified.
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(B)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:General Terms and Conditions OP
Description: Failure to timely submit a semiannual deviation report. Specifically, one deviation report was submitted on March 30, 2009, to cover both the March 1, 2008 through August 31, 2008 and the September 1, 2008 through February 28, 2009 reporting periods.

2 Effective Date: 08/09/2010 ADMINORDER 2009-1605-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:General Terms and Conditions OP
Description: Failed to submit a timely and complete deviation report for the emissions units in FOP No. O-01933.

Classification: Moderate

Citation:
30 TAC Chapter 116, SubChapter B 116.115(c)
Classification: Moderate
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Description: Failed to comply with permitted emissions limits.
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:FOP O-01934, General Terms & Conditions OP
Description: Failed to submit a timely and complete deviation report for the emissions units in FOP No. O-01934.
Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:FOP O-01934, General Terms & Conditions OP
Description: Failed to submit a complete deviation report for the emissions units in FOP No. O-01934.

3 Effective Date: 04/18/2011 ADMINORDER 2010-1468-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:General Terms and Conditions OP
Description: Failed to submit the semi-annual deviation report within the required time frame. Specifically, the semi-annual deviation report for the Lubrizol Acid, 121, and Alcohol Recovery Units for the March 18, 2008 through September 17, 2008 period was due on October 17, 2008, but it was not submitted until April 16, 2009.

4 Effective Date: 07/02/2011 ADMINORDER 2010-2043-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:S.C. 9 E PERMIT
ST&C 5 OP
Description: Failure to submit test results within 60 days of test for the 2007 stack test of FI-07. Category C 3.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:SC 7, 8 and 9C PERMIT
ST&C 5 OP
Description: Failure to prove initial compliance with 99% H2S DRE for FI-07 during 5/31/07 stack test. Cat B13

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

5 Effective Date: 08/13/2011 ADMINORDER 2011-0014-IWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov:Effluent Limit's & Monitoring Req. No. 1 PERMIT
Description: Failure to comply with permit effluent limits for Outfall 001, as documented during a record review conducted on December 1, 2010.
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov:Effluent Limitations and Monitoring Req2 PERMIT

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

6 Effective Date: 04/07/2013 ADMINORDER 2012-1110-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 5A PERMIT
Special Term and Condition 7 OP
Description: Failure to maintain the required minimum firebox exit temperature of 1,400 degrees Fahrenheit for the incinerator, EPN F1-06.

7 Effective Date: 12/19/2013 ADMINORDER 2013-0375-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:ST&C No. 1.A. OP
Description: The Respondent failed to maintain a flare operation log, in violation of FOP No. O1934, ST&C No. 1.A., 30 TEX. ADMIN. CODE
§§ 111.111(a)(4)(A)(ii) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b).
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:Special Condition 4 PERMIT
Special Terms & Conditions 7 OP
ST&C No. 1.A. OP
Description: The Respondent failed to sample and analyze the scrubbing liquid of Caustic Scrubber S-42 at least daily to determine the NaOH content, in violation of FOP No. O1934, ST&C Nos. 1.A. and 7, New Source Review Permit ("NSRP") No. 22060, Special Conditions ("SC") No. 4, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b).
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1025(b)(3)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(1)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Terms and Conditions 1A OP
Description: The Respondent failed to conduct monthly LDAR monitoring of all applicable components in the SPP and MMB Additive Detergent Units, in violation of FOP No. O1934, ST&C No. 1.A., 40 CFR §§63.1025(b)(3)(i) and 63.1026(b)(1), 30 TEX. ADMIN. CODE §§ 101.20(2) and 122.143(4), and TEX. HEALTH & SAFETY CODE §382.085(b).
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 Terms and Conditions 7 OP
Description: The Respondent failed to conduct quarterly LDAR monitoring of all applicable components in the MMB Additive Detergent Unit, in violation of FOP No. O1934, ST&C No. 7, NSRP No. 22050, SC No. 11.F., 30 TEX. ADMIN. CODE §§116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE §382.085(b).
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: The Respondent failed to report all instances of deviations in semi-annual deviation reports, in violation of FOP No. O1934, General Terms and Conditions, 30 TEX. ADMIN. CODE §§122.143(4) and 122.145(2)(A), and TEX. HEALTH & SAFETY CODE §382.085(b).
Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Term and Condition 3(A)(iv)(4) OP

Description: The Respondent failed to conduct quarterly visible emissions observations no earlier than one hour after sunrise, in violation of FOP No. O1935, ST&C No. 3(A)(iv)(4), 30 TEX. ADMIN. CODE §122.143(4), and TEX. HEALTH & SAFETY CODE §382.085(b).
Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.335(a)(4)
30 TAC Chapter 117, SubChapter H 117.9020(2)(C)(i)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Term and Condition 12A(i)(2) OP
Special Term and Condition 1A OP

Description: The Respondent failed to conduct a stack test of Hot Oil Heater POLY-H-1, in violation of Federal Operating Permit ("FOP") No. O1935, Special Terms and Conditions ("ST&C") Nos. 1.A. and 12.A.(i)(2), 30 TEX. ADMIN. CODE §§ 117.335(a)(4), 117.9020(2)(C)(i), and 122.143(4), and TEX. HEALTH & SAFETY CODE §382.085(b).
Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(6)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Term and Condition 1A OP

Description: The Respondent failed to maintain complete delay of repair records, in violation of FOP No. O1935, ST&C No. 1.A., 40 CFR §60.486(c)(6), 30 TEX. ADMIN. CODE §§ 101.20(1) and122.143(4), and TEX. HEALTH & SAFETY CODE §382.085(b).
Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 115, SubChapter D 115.356(3)(B)
30 TAC Chapter 115, SubChapter H 115.786(d)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Term and Condition 1A OP

Description: The Respondent failed to include a justification for each of the components on the difficult-to-monitor list, in violation of FOP No. O1935, ST&C No. 1.A., 40 CFR §60.486(f)(2), 30 TEX. ADMIN. CODE §§ 101.20(1), 115.356(3)(B), 115.786(d), and 122.143(4), and TEX. HEALTH & SAFETY CODE §382.085(b).
Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(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(c)(3)(ii)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 3 PERMIT
Special Terms and Conditions 1A & 7 OP

Description: The Respondent failed to comply with the minimum net heating value requirement of 300 Btu/scfm for flares, in violation of FOP No. O1935, ST&C Nos. 1.A. and 7, NSRP No. 22056, SC No. 3, 40 CODE OF FEDERAL REGULATIONS ("CFR") § 60.18(c)(3)(ii), 30 TEX. ADMIN. CODE §§ 101.20(1), 116.115(c), and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b).

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	July 15, 2009	(804924)
Item 2	August 12, 2009	(759265)
Item 3	September 03, 2009	(747486)
Item 4	October 13, 2009	(804927)
Item 5	November 18, 2009	(804928)
Item 6	December 21, 2009	(804929)
Item 7	May 07, 2010	(830981)
Item 8	May 24, 2010	(845064)
Item 9	June 18, 2010	(846300)

Item 10	July 15, 2010	(860891)
Item 11	July 28, 2010	(842913)
Item 12	August 19, 2010	(866865)
Item 13	September 20, 2010	(825297)
Item 14	September 28, 2010	(843160)
Item 15	November 08, 2010	(843682)
Item 16	November 17, 2010	(863666)
Item 17	January 18, 2011	(902335)
Item 18	February 10, 2011	(909120)
Item 19	February 22, 2011	(828683)
Item 20	March 04, 2011	(890937)
Item 21	March 08, 2011	(858194)
Item 22	March 17, 2011	(916373)
Item 23	March 31, 2011	(907420)
Item 24	April 12, 2011	(924863)
Item 25	April 29, 2011	(914916)
Item 26	May 12, 2011	(938058)
Item 27	May 17, 2011	(895141)
Item 28	June 08, 2011	(907778)
Item 29	June 09, 2011	(945426)
Item 30	July 01, 2011	(936401)
Item 31	July 26, 2011	(922542)
Item 32	July 27, 2011	(877674)
Item 33	August 17, 2011	(948980)
Item 34	August 19, 2011	(949342)
Item 35	August 29, 2011	(922659)
Item 36	September 12, 2011	(965372)
Item 37	September 17, 2011	(952382)
Item 38	September 20, 2011	(949909)
Item 39	October 03, 2011	(957967)
Item 40	October 17, 2011	(971411)
Item 41	December 09, 2011	(957652)
Item 42	December 12, 2011	(984338)
Item 43	January 16, 2012	(990636)
Item 44	February 13, 2012	(997997)
Item 45	February 23, 2012	(988310)
Item 46	March 12, 2012	(1003524)
Item 47	April 11, 2012	(1010089)
Item 48	May 14, 2012	(1016480)
Item 49	May 25, 2012	(1006397)
Item 50	June 12, 2012	(1024202)
Item 51	July 12, 2012	(1031595)
Item 52	July 25, 2012	(1008184)
Item 53	August 01, 2012	(1008475)
Item 54	August 09, 2012	(1037972)
Item 55	September 11, 2012	(1046706)
Item 56	October 08, 2012	(1060982)
Item 57	October 26, 2012	(996347)
Item 58	November 15, 2012	(1060983)
Item 59	November 27, 2012	(1035349)
Item 60	December 17, 2012	(1060984)
Item 61	January 14, 2013	(1079030)
Item 62	February 11, 2013	(1079029)
Item 63	March 18, 2013	(1089339)
Item 64	April 15, 2013	(1095732)
Item 65	May 13, 2013	(1106657)
Item 66	May 16, 2013	(1088787)
Item 67	June 12, 2013	(1110332)
Item 68	July 02, 2013	(1094113)
Item 69	July 17, 2013	(1117217)
Item 70	August 13, 2013	(1124972)

Item 71	September 12, 2013	(1129571)
Item 72	October 14, 2013	(1135303)
Item 73	November 14, 2013	(1140701)
Item 74	December 11, 2013	(1147160)
Item 75	January 02, 2014	(1134748)
Item 76	January 10, 2014	(1143541)
Item 77	January 13, 2014	(1153229)
Item 78	February 17, 2014	(1160564)
Item 79	March 04, 2014	(1144364)
Item 80	April 17, 2014	(1174342)
Item 81	June 05, 2014	(1152560)

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

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

1 Date: 08/07/2013 (1087743) CN600269617

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term and Condition 6 OP
NSR Special Condition 5A PERMIT

Description: Failure to maintain the temperature in Incinerator FI-06 above 1400 degrees Fahrenheit [Category B18 violation]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term and Condition 6 OP
Special Condition 3A PERMIT

Description: Failure to maintain the pH of the scrubbing solution in scrubber S-49 above 8.0 [Category C4 violation]

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)
FOP Special Term and Condition 6 OP
NSR Special Condition 19 PERMIT
NSR Special Condition 5 PERMIT

Description: Failure to achieve VOC destruction efficiency greater than 99.9% in the incinerator FI-06 [Category B18 violation]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term and Condition 6 OP
NSR Special Condition 3G PERMIT

Description: Failure to monitor one pump on a quarterly basis [Category C1 violation]

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term and Condition 6 OP
NSR Special Condition 3F PERMIT

Description: Failure to monitor valves on a quarterly basis [Category C1 violation]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
FOP General Terms and Conditions OP

Description: Failure to report all deviations [Category C3 violation]

2 Date: 08/27/2013 (1094318) CN600269617

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
FOP O-02191 Special Term & Condition 6 OP
NSR Permit 22048 Special Condition 6 PERMIT

Description: Failure to maintain scrubber flow rate on S-BL4. (CATEGORY B18 Violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter B 115.122(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(3)

5C THSC Chapter 382 382.085(b)
FOP O-02191 Special Term & Condition 6 OP
NSR Permit 22048 Special Condition 8 PERMIT
Description: Failure to maintain the required temperature of 1610 degrees fahrenheit for incinerator FI-07. (CATEGORY B18 Violation)

3 Date: 08/27/2013 (1073119) CN600269617
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1025(b)(3)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(1)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP
Description: Failure to conduct monthly monitoring for 447 components. (Category C1)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A ORDER
Description: Failure to maintain a minimum net heating value of 300 British thermal units per standard cubic foot (Btu/scf) for EPN POLY-FL-1. (Category C4)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP
Description: Failure to maintain records of the daily flare observations for EPN FL-177. (Category B3)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)(2)
5C THSC Chapter 382 382.085(b)
Description: Failure to include all applicable requirements for EPNs H-77LR, K-1LR, and L-6LR. (Category C3)
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 and Condtions OP
Description: Failure to include all instances of deviation in the deviation report dated May 29, 2012. (Category C3)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 6A PERMIT
Special Condition 6B PERMIT
Special Term and Condition 7 OP
Description: Failure to maintain a constant flame for EPN FL-177. (Category C4)

4 Date: 08/29/2013 (1094410) CN600269617
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SPECIAL CONDITIONS 4 PERMIT
SPECIAL TERMS AND CONDITIONS 1A PERMIT
SPECIAL TERMS AND CONDITIONS 9 PERMIT
Description: Failure to maintain liquid flow rate through scrubber S-53 above permitted limit on March 21, 2013.

5 Date: 08/30/2013 (1115749) CN600269617
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term and Condition 8 OP

NSR Special Condition 6H PERMIT
Description: Failure to repair a valve within fifteen days [Category C1 violation]
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)
FOP Special Terms & Conditions 1A and 7 OP
Description: Failure to repair valves in HRVOC service within 7 days [Category C1 violation]

6 Date: 08/30/2013 (1094408) CN600269617
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 6E PERMIT
ST&C 1A OP
ST&C 8 OP
Description: Failure to prevent open ended line (C10)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
3B PERMIT
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP
ST&C 7 OP
ST&C 8 OP
Description: Failure to maintain record of pilot monitoring (C3)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 4A PERMIT
ST&C 8 OP
Description: Failure to catch a sample of scrubbing liquid (C1)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(1)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP
Description: Failure to complete monthly MON 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)
Description: Failure to submit complete deviation report on time.

7 Date: 11/22/2013 (1116394) CN600269617
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1025(b)(3)(i)
5C THSC Chapter 382 382.085(b)
Special Condition 11F PERMIT
Special Term and Condition 7 OP
Description: Failure to conduct fugitive monitoring of 40 valves. [Category C1 violation]
Self Report? NO Classification: Minor
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(1)
5C THSC Chapter 382 382.085(b)
Description: Failure to conduct fugitive monitoring of one pump [Category C1 violation]
Self Report? NO Classification: Minor
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 FFFF 63.2480(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1024(a)
5C THSC Chapter 382 382.085(b)
Special Condition 11H PERMIT

Special Term and Condition 7 OP
Description: Failure to repair a leaking valve within 15 days of discovering the leak [Category C4 violation]
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 4 PERMIT
Special Term and Condition 7 OP
Description: Failure to test the scrubbing solution in the caustic scrubber S-42 [Category C1 violation]
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 3 PERMIT
Special Term and Condition 7 OP
Description: Failure to prevent visible emissions from the incinerator FI-03 [Category C4 violation]
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 7 PERMIT
Special Term and Condition 7 OP
Description: Failure to maintain the oxygen concentration in the incinerator above 3% [Category C4 violation]

8 Date: 05/30/2014 (1152630) CN600269617
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(1)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP
Description: Failure to perform monthly monitoring of a pump. Sub-category: C1.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.767(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP
Description: Failure of cooling tower heat exchange systems to maintain appropriate differential pressure. Sub-category: C4.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Special Condition 6B PERMIT
Description: Failure to maintain a continuous flare pilot flame. Sub-category: C4.
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)
GT&C OP
Description: Failure to include all instances of deviation in the deviation report dated May 23, 2013. Sub-category: C3.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condtion 12 PERMIT
ST&C 8 OP
Description: Failure to maintain minimum liquid flow rate to the scrubber. Sub-category: C4.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter H 101.358(a)
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)
ST&C H(v) OP
Description: Failure to utilize the required emission quantifications for NOx. Sub-category: C3.

F. Environmental audits:

Notice of Intent Date: 07/30/2009 (790720)
No DOV Associated
Notice of Intent Date: 02/04/2010 (826428)
No DOV Associated
Notice of Intent Date: 03/04/2013 (1074605)
No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	**§**	**BEFORE THE**
ENFORCEMENT ACTION	**§**	
CONCERNING	**§**	**TEXAS COMMISSION ON**
THE LUBRIZOL CORPORATION	**§**	
RN100221589	**§**	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2014-0971-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 The Lubrizol Corporation ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant located at 41 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 July 2, 2014.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Fifteen Thousand Dollars ($15,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Dollars ($6,000) of the administrative penalty and Three Thousand Dollars ($3,000) 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. Six Thousand Dollars ($6,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).

9. The Executive Director recognizes that on October 9, 2013, the Respondent submitted a permit amendment application for New Source Review ("NSR") Permit No. 22056 to increase the maximum allowable hourly emissions rates for the Poly Plant Flare, Emission Point Number ("EPN") POLY FL-1.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to comply with the maximum allowable hourly emissions rates for nitrogen oxides ("NOx"), carbon monoxide ("CO"), and volatile organic compounds ("VOC") for the Poly Plant Flare, EPN POLY FL-1, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O1935, Special Terms and Conditions No. 7, and NSR Permit No. 22056, Special Conditions No. 1, as documented during a record review conducted on May 15, 2014. Specifically, the Respondent exceeded the hourly emissions rates of 0.41 pound per hour ("lb/hr") of NOx by an average of 0.24 lb/hr for 871 hours, 2.93 lbs/hr of CO by an average of 1.73 lbs/hr for 889 hours, and 12.02 lbs/hr of VOC by an average of 9.56 lbs/hr for 120 hours from March 1, 2012 through August 31, 2012, resulting in the unauthorized release of approximately 209.04 lbs of NOx, 1,537.97 lbs of CO, and 1,147.20 lbs 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: The Lubrizol Corporation, Docket No. 2014-0971-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, Six Thousand Dollars ($6,000) 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. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application for NSR Permit No. 22056 within 30 days after the date of such requests, or by any other deadline specified in writing; and

   b. Within 180 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate that either a permit amendment has been obtained or that operation has ceased until such time that appropriate authorization is 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 I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and

complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. 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

_____ 2/6/15
For the Executive Director 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.

_____ 9/29/14
Signature Date

TANYA M. TRAVIS GENERAL MANAGER
Name (Printed or typed) Title
Authorized Representative of
The Lubrizol Corporation

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: 2014-0971-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**The Lubrizol Corporation**
Penalty Amount:	**Twelve Thousand Dollars ($12,000)**
SEP Offset Amount:	**Six Thousand Dollars ($6,000)**
Type of SEP:	**Contribution to a Third-Party Pre-Approved SEP**
Third-Party Administrator:	**Barber's Hill Independent School District**
Project Name:	***Alternative Fuel School Bus Replacement***
Location of SEP:	**Chambers County**

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to **Barber's Hill Independent School District** ("Barber's Hill ISD") for the *Alternative Fuel School Bus Replacement* program. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount shall be used to reduce carbon monoxide ("CO"), nitrogen oxides ("NO_x"), particulate matter ("PM"), and volatile organic compounds ("VOCs") emissions by replacing older school buses with new propane-fueled buses. The Third-Party Administrator shall ensure that each replacement bus purchased has an engine that meets 2010 EPA Standards. The Third-Party Administrator has invested in propane fueling infrastructure to support the operation of new propane-fueled buses. The Third-Party Administrator shall give preference to replacing the oldest, most polluting buses currently in use. Only older buses that are currently in regular use, driven on a regular route on a weekly basis for at least the past two years are eligible for replacement. The SEP Offset Amount will only be used for the purchase of a base model propane-fueled Replacement Bus. The Third-Party Administrator shall own and operate each Replacement Bus for at least five years following the date of purchase. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used 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 able to be 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 directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a new 2010 ultra-low emission model, passengers' exposures to NO_x may be reduced by 98 percent; VOCs by 93 percent; CO by 83 percent; and PM by 99 percent.

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 check payable to **Barber's Hill ISD SEP** and shall mail the contribution with a copy of the Agreed Order to:

John Johnson, Consultant
Carl R. Griffith & Associates, Inc.
2901 Turtle Creek Drive, Suite 445
Port Arthur, Texas 77642

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 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 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. Recognition

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.