

Executive Summary – Enforcement Matter – Case No. 49837
The Dow Chemical Company
RN100225945
Docket No. 2014-1881-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Dow Texas Operations Freeport, 2301 North Brazosport Boulevard, Freeport, Brazoria County

Type of Operation:

Petrochemical 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: June 5, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$15,188

Amount Deferred for Expedited Settlement: \$3,037

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$6,076

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$6,075

Name of SEP: Houston-Galveston Area Council-AERCO (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - High

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

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Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 12 through 25, 2014, September 16 through 30, 2014, and December 9 through 23, 2014

Date(s) of NOE(s): December 15, 2014, December 17, 2014, and January 23, 2015

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 100 percent opacity and released 28,192.68 pounds ("lbs") of carbon monoxide ("CO"), 3,839.64 lbs of nitrogen oxides ("NOx"), 13,449.07 lbs of ethylene, 7,860.28 lbs of propylene, 3,154.61 lbs of hazardous air pollutants ("HAPs"), and 3,168.39 lbs of other volatile organic compounds ("VOC") from the FS-1 Large Flare, Emission Point Number ("EPN") B60F3, during an avoidable emissions event (Incident No. 200946) that began on July 13, 2014 and lasted for 27 hours and 5 minutes. The event occurred when a thermocouple in the Power 9 Steam Supply Unit failed, resulting in a loss of steam to the Light Hydrocarbons ("LHC") 7 Unit. This resulted in a loss of pressure to the LHC 7 Unit compressors, which then tripped. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O2213, Special Terms and Conditions ("STC") No. 21, and New Source Review ("NSR") Permit Nos. 20432 and PSDTX994M1, Special Conditions ("SC") No. 1].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 100 percent opacity and released 43,091.41 lbs of CO, 5,902.53 lbs of NOx, 17,750.54 lbs of ethylene, 2,765.09 lbs of propylene, 2,378.44 lbs of HAPs, and 9,740.65 lbs of other VOC from the FS-1 Large Flare, EPN B60F3, during an avoidable emissions event (Incident No. 201153) that began on July 15, 2014 and lasted for 51 hours. The event occurred due to pressure buildup in the T-51 Tower, requiring the unit to be shutdown. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O2213, STC No. 21, and NSR Permit Nos. 20432 and PSDTX994M1, SC No. 1].

3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,674.76 lbs of CO, 234.96 lbs of NOx, 2,349.97 lbs of ethylene, and 98.99 lbs of propylene from the FS-1 Elevated Flare, EPN OC6F1, and released 76.01 lbs of ethylene and 6.83 lbs of propylene from the FS-1000 Ground Flare, EPN OC6F1000, during an avoidable emissions event (Incident No. 202836) that began on August 27, 2014 and

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The Dow Chemical Company
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lasted for four hours. The event occurred when a rapid temperature change created additional CO in the F9 Furnace which generated off-spec product, resulting in flaring. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O2213, STC No. 21, and NSR Permit Nos. 20432 and PSDTX994M1, SC No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On August 21, 2014, changed the scale factor on the Distributed Control System to read all the way to zero to allow operators to know exactly what the pressure in the header is to prevent recurrence of emissions events due to the same or similar causes as Incident No. 200946;
- b. By January 1, 2015, modified the start-up procedure to clearly address how lower coil outlet temperatures affect air emissions to prevent recurrence of emissions events due to the same or similar causes as Incident No. 201153; and
- c. On January 9, 2015, modified the process control code to ramp the valves to 109% on the top steam control valves during the feed-in step to prevent recurrence of emissions events due to the same or similar causes as Incident No. 202836.

Technical Requirements:

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

Litigation Information

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

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The Dow Chemical Company
RN100225945
Docket No. 2014-1881-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Amancio R. Gutierrez, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-3921; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

Respondent: Fran Quinlan Falcon, TXO Environmental Leveraged Delivery Leader, The Dow Chemical Company, 2301 North Brazosport Boulevard, Freeport, Texas 77541
Jarod Davis, Regulatory Affairs Manager, The Dow Chemical Company, 2301 North Brazosport Boulevard, Freeport, Texas 77541

Respondent's Attorney: N/A

Attachment A

Docket Number: 2014-1881-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	The Dow Chemical Company
Penalty Amount:	Twelve Thousand One Hundred Fifty-One Dollars (\$12,151)
SEP Offset Amount:	Six Thousand Seventy-Five Dollars (\$6,075)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO ("AERCO")
Project Name:	<i>Clean Vehicles Partnership Project</i>
Location of SEP: Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

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 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 the **Houston-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership Project*. 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 to replace old, higher emission buses that do not meet 2010 Environmental Protection Agency ("EPA") emissions standards ("Old Buses") with new, lower emission buses that meet the most recent EPA emissions standards ("New Buses") or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities ("SEP Administrators") that apply for replacement, retrofit, or conversion of buses.

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for

The Dow Chemical Company
Agreed Order - Attachment A

purchase of New Buses or conversion or retrofit equipment and contract labor for installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards. Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months. All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done 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 the Respondent 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 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

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 **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement 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 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:

The Dow Chemical Company
Agreed Order - Attachment A

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 and/or project, 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 Attachment A and in the attached 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)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	26-Jan-2015	Screening	2-Feb-2015	EPA Due	
	PCW	2-Feb-2015				

RESPONDENT/FACILITY INFORMATION	
Respondent	The Dow Chemical Company
Reg. Ent. Ref. No.	RN100225945
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	49837	No. of Violations	3
Docket No.	2014-1881-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Amancio R. Gutierrez
		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	\$18,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes: Enhancement for 24 NOVs with same/similar violations, eight NOVs with dissimilar violations, 12 orders containing a denial of liability, and five orders without a denial of liability. Reduction for 310 notices of intent to conduct an audit and 138 disclosures of violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$3,562
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$47
 Estimated Cost of Compliance: \$3,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$15,188
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$15,188
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$15,188
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DEFERRAL	20.0% Reduction	Adjustment	-\$3,037
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$12,151
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Screening Date 2-Feb-2015

Docket No. 2014-1881-AIR-E

PCW

Respondent The Dow Chemical Company

Policy Revision 4 (April 2014)

Case ID No. 49837

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100225945

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

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>)	24	120%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	12	240%
	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	5	125%
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 judgments 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>)	310	-310%
	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>)	138	-276%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> **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 24 NOVs with same/similar violations, eight NOVs with dissimilar violations, 12 orders containing a denial of liability, and five orders without a denial of liability. Reduction for 310 notices of intent to conduct an audit and 138 disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 0%

Screening Date 2-Feb-2015

Docket No. 2014-1881-AIR-E

PCW

Respondent The Dow Chemical Company

Policy Revision 4 (April 2014)

Case ID No. 49837

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100225945

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. 02213, Special Terms and Conditions ("STC") No. 21, and New Source Review ("NSR") Permit Nos. 20432 and PSDTX994M1, Special Conditions ("SC") No. 1

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 100 percent opacity and released 28,192.68 pounds ("lbs") of carbon monoxide ("CO"), 3,839.64 lbs of nitrogen oxides ("NOx"), 13,449.07 lbs of ethylene, 7,860.28 lbs of propylene, 3,154.61 lbs of hazardous air pollutants ("HAPs"), and 3,168.39 lbs of other volatile organic compounds ("VOC") from the FS-1 Large Flare, Emission Point Number ("EPN") B60F3, during an avoidable emissions event (Incident No. 200946) that began on July 13, 2014 and lasted for 27 hours and 5 minutes. The event occurred when a thermocouple in the Power 9 Steam Supply Unit failed, resulting in a loss of steam to the Light Hydrocarbons ("LHC") 7 Unit. This resulted in a loss of pressure to the LHC 7 Unit compressors, which then tripped. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (30.0%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%).

Matrix Notes

Based on an Air Quality Analysis of dispersion modeling provided by the Respondent, human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 Number of violation days 2

Table for event frequency: daily, weekly, monthly (marked with x), quarterly, semiannual, annual, single event.

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

Table for Good Faith Efforts: Extraordinary, Ordinary (marked with x), N/A (mark with x).

Notes

The Respondent completed corrective measures on August 21, 2014, before the December 15, 2014 Notice of Enforcement ("NOE").

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$5,625

This violation Final Assessed Penalty (adjusted for limits) \$5,625

Economic Benefit Worksheet

Respondent The Dow Chemical Company
Case ID No. 49837
Reg. Ent. Reference No. RN100225945
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	13-Jul-2014	21-Aug-2014	0.11	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to change the scale factor on the Distributed Control System to read all the way to zero to allow operators to know exactly what the pressure in the header is to prevent recurrence of emissions events due to the same or similar causes as Incident No. 200946. The Date Required is the date the emissions event began and the Final Date is the 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

\$1,000

TOTAL

\$5

Screening Date 2-Feb-2015

Docket No. 2014-1881-AIR-E

PCW

Respondent The Dow Chemical Company

Policy Revision 4 (Apr. 1 2014)

Case ID No. 49837

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100225945

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O2213, STC No. 21, and NSR Permit Nos. 20432 and PSDTX994M1, SC No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent experienced 100 percent opacity and released 43,091.41 lbs of CO, 5,902.53 lbs of NOx, 17,750.54 lbs of ethylene, 2,765.09 lbs of propylene, 2,378.44 lbs of HAPs, and 9,740.65 lbs of other VOC from the FS-1 Large Flare, EPN B60F3, during an avoidable emissions event (Incident No. 201153) that began on July 15, 2014 and lasted for 51 hours. The event occurred due to pressure buildup in the T-51 Tower requiring the unit to be shutdown. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Based on an Air Quality Analysis of dispersion modeling provided by the Respondent, human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

3 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$750

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes

The Respondent completed corrective measures on January 1, 2015, after the December 17, 2014 NOE.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$23

Violation Final Penalty Total \$6,750

This violation Final Assessed Penalty (adjusted for limits) \$6,750

Economic Benefit Worksheet

Respondent The Dow Chemical Company
Case ID No. 49837
Reg. Ent. Reference No. RN100225945
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)	\$1,000	15-Jul-2014	1-Jan-2015	0.47	\$23	n/a	\$23

Notes for DELAYED costs

Estimated cost to modify the start-up procedure to clearly address how lower coil outlet temperatures affect air emissions to prevent recurrence of emissions events due to the same or similar causes as Incident No. 201153. The Date Required is the date the emissions event began and the Final Date is the 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

\$1,000

TOTAL

\$23

Screening Date 2-Feb-2015

Docket No. 2014-1881-AIR-E

PCW

Respondent The Dow Chemical Company

Policy Revision 1.4 (April 2014)

Case ID No. 49837

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100225945

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O2213, STC No. 21, and NSR Permit Nos. 20432 and PSDTX994M1, SC No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,674.76 lbs of CO, 234.96 lbs of NOx, 2,349.97 lbs of ethylene, and 98.99 lbs of propylene from the FS-1 Elevated Flare, EPN OC6F1, and released 76.01 lbs of ethylene and 6.83 lbs of propylene from the FS-1000 Ground Flare, EPN OC6F1000, during an avoidable emissions event (Incident No. 202836) that began on August 27, 2014 and lasted for four hours. The event occurred when a rapid temperature change created additional CO in the F9 Furnace which generated off-spec product, resulting in flaring. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

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 that 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 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent completed corrective measures on January 9, 2015, before the January 23, 2015 NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$2,813

This violation Final Assessed Penalty (adjusted for limits) \$2,813

Economic Benefit Worksheet

Respondent The Dow Chemical Company
Case ID No. 49837
Req. Ent. Reference No. RN100225945
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
Training/Sampling				0.00	\$0	\$0	\$0
Remediation/Disposal				0.00	\$0	\$0	\$0
Permit Costs				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	27-Aug-2014	9-Jan-2015	0.37	\$18	\$0	\$18

Notes for DELAYED costs

Estimated cost to modify the process control code to ramp the valves to 109% on the top steam control valves during the feed-in step to prevent recurrence of emissions events due to the same or similar causes as Incident No. 202836. The Date Required is the date the emissions event began and the Final Date is the 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

\$1,000

TOTAL

\$18

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TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600356976, RN100225945, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN600356976, The Dow Chemical Company
Regulated Entity: RN100225945, DOW TEXAS OPERATIONS FREEPORT
Complexity Points: 113
CH Group: 05 - Chemical Manufacturing

Classification: SATISFACTORY

Rating: 0.32

Classification: HIGH

Rating: 0.00

Repeat Violator: NO

Location: 2301 N BRAZOSPORT BLVD FREEPORT, TX 77541-3203, BRAZORIA COUNTY

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER BL0082R
AIR OPERATING PERMITS PERMIT 2202
AIR OPERATING PERMITS PERMIT 2204
AIR OPERATING PERMITS PERMIT 2207
AIR OPERATING PERMITS PERMIT 2210
AIR OPERATING PERMITS PERMIT 2212
AIR OPERATING PERMITS PERMIT 2214
AIR OPERATING PERMITS PERMIT 2216
AIR OPERATING PERMITS PERMIT 2218
AIR OPERATING PERMITS PERMIT 2220
AIR OPERATING PERMITS PERMIT 2311
AIR OPERATING PERMITS PERMIT 2697

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008092793
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50161

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0200530
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0200232
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0200534

WASTEWATER PERMIT WQ0000007000
WASTEWATER EPA ID TX0006484
AIR NEW SOURCE PERMITS PERMIT 3947
AIR NEW SOURCE PERMITS REGISTRATION 12173
AIR NEW SOURCE PERMITS PERMIT 20195
AIR NEW SOURCE PERMITS PERMIT 20432
AIR NEW SOURCE PERMITS PERMIT 20687
AIR NEW SOURCE PERMITS PERMIT 20776
AIR NEW SOURCE PERMITS PERMIT 20909
AIR NEW SOURCE PERMITS PERMIT 22071
AIR NEW SOURCE PERMITS PERMIT 22743
AIR NEW SOURCE PERMITS REGISTRATION 22853
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AIR NEW SOURCE PERMITS REGISTRATION 23519
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AIR NEW SOURCE PERMITS REGISTRATION 24053
AIR NEW SOURCE PERMITS REGISTRATION 24030
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AIR NEW SOURCE PERMITS REGISTRATION 25124
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AIR NEW SOURCE PERMITS REGISTRATION 31992
AIR NEW SOURCE PERMITS REGISTRATION 33328

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INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30106
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0200535
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0200531
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PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0200027
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AIR NEW SOURCE PERMITS REGISTRATION 106687
AIR NEW SOURCE PERMITS REGISTRATION 106512
AIR NEW SOURCE PERMITS REGISTRATION 107169
AIR NEW SOURCE PERMITS REGISTRATION 109891
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1328
AIR NEW SOURCE PERMITS REGISTRATION 120429
AIR NEW SOURCE PERMITS REGISTRATION 127721
AIR NEW SOURCE PERMITS REGISTRATION 123265
AIR NEW SOURCE PERMITS REGISTRATION 108969
AIR NEW SOURCE PERMITS REGISTRATION 123731
AIR NEW SOURCE PERMITS REGISTRATION 111978
AIR NEW SOURCE PERMITS REGISTRATION 106558
AIR NEW SOURCE PERMITS REGISTRATION 111875
AIR NEW SOURCE PERMITS REGISTRATION 119361
AIR NEW SOURCE PERMITS REGISTRATION 123961
AIR NEW SOURCE PERMITS REGISTRATION 108567
AIR NEW SOURCE PERMITS REGISTRATION 119474
AIR NEW SOURCE PERMITS REGISTRATION 116011
AIR NEW SOURCE PERMITS REGISTRATION 110071
AIR NEW SOURCE PERMITS REGISTRATION 107975
AIR NEW SOURCE PERMITS REGISTRATION 107849
AIR NEW SOURCE PERMITS PERMIT 112341
AIR NEW SOURCE PERMITS REGISTRATION 106758
AIR NEW SOURCE PERMITS REGISTRATION 105870
AIR NEW SOURCE PERMITS REGISTRATION 120549
AIR NEW SOURCE PERMITS REGISTRATION 120405
AIR NEW SOURCE PERMITS REGISTRATION 112030
AIR NEW SOURCE PERMITS REGISTRATION 123137
AIR NEW SOURCE PERMITS REGISTRATION 123092
AIR NEW SOURCE PERMITS REGISTRATION 116812
AIR NEW SOURCE PERMITS REGISTRATION 119685
AIR NEW SOURCE PERMITS REGISTRATION 110551
AIR NEW SOURCE PERMITS PERMIT 107153
AIR NEW SOURCE PERMITS REGISTRATION 123113
AIR NEW SOURCE PERMITS REGISTRATION 109512
AIR NEW SOURCE PERMITS REGISTRATION 115279
AIR NEW SOURCE PERMITS REGISTRATION 107010
AIR NEW SOURCE PERMITS REGISTRATION 105878
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
 # (SWR) 30106
STORMWATER PERMIT TXR15XS41
STORMWATER PERMIT TXR15YE79
STORMWATER PERMIT TXR150011636
STORMWATER PERMIT TXR15XB45
STORMWATER PERMIT TXR150013083
POLLUTION PREVENTION PLANNING ID NUMBER
 P00182

AIR NEW SOURCE PERMITS REGISTRATION 103328
AIR NEW SOURCE PERMITS PERMIT 104098
AIR NEW SOURCE PERMITS REGISTRATION 109820
AIR NEW SOURCE PERMITS REGISTRATION 105872
AIR NEW SOURCE PERMITS REGISTRATION 112928
AIR NEW SOURCE PERMITS REGISTRATION 109043
AIR NEW SOURCE PERMITS REGISTRATION 107954
AIR NEW SOURCE PERMITS REGISTRATION 108295
AIR NEW SOURCE PERMITS REGISTRATION 107142
AIR NEW SOURCE PERMITS REGISTRATION 105876
AIR NEW SOURCE PERMITS REGISTRATION 105874
AIR NEW SOURCE PERMITS REGISTRATION 120685
AIR NEW SOURCE PERMITS REGISTRATION 127372
AIR NEW SOURCE PERMITS REGISTRATION 129598
AIR NEW SOURCE PERMITS REGISTRATION 112408
AIR NEW SOURCE PERMITS REGISTRATION 122699
AIR NEW SOURCE PERMITS REGISTRATION 109182
AIR NEW SOURCE PERMITS REGISTRATION 124403
AIR NEW SOURCE PERMITS REGISTRATION 122958
AIR NEW SOURCE PERMITS REGISTRATION 121229
AIR NEW SOURCE PERMITS REGISTRATION 118367
AIR NEW SOURCE PERMITS REGISTRATION 105871
AIR NEW SOURCE PERMITS REGISTRATION 115993
AIR NEW SOURCE PERMITS REGISTRATION 118271
AIR NEW SOURCE PERMITS REGISTRATION 105877
AIR NEW SOURCE PERMITS REGISTRATION 130099
AIR NEW SOURCE PERMITS REGISTRATION 110553
AIR NEW SOURCE PERMITS PERMIT 119089
AIR NEW SOURCE PERMITS REGISTRATION 108345
AIR NEW SOURCE PERMITS REGISTRATION 119476
AIR NEW SOURCE PERMITS REGISTRATION 124588
AIR NEW SOURCE PERMITS REGISTRATION 105972
AIR NEW SOURCE PERMITS REGISTRATION 123629
AIR NEW SOURCE PERMITS REGISTRATION 106065
AIR NEW SOURCE PERMITS REGISTRATION 106147
AIR NEW SOURCE PERMITS REGISTRATION 117006
AIR NEW SOURCE PERMITS REGISTRATION 122115
AIR NEW SOURCE PERMITS REGISTRATION 115831
AIR NEW SOURCE PERMITS REGISTRATION 120753
AIR NEW SOURCE PERMITS REGISTRATION 115030
AIR NEW SOURCE PERMITS REGISTRATION 107036
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1314
AIR NEW SOURCE PERMITS REGISTRATION 124431
AIR NEW SOURCE PERMITS REGISTRATION 120773
AIR NEW SOURCE PERMITS REGISTRATION 106326
AIR NEW SOURCE PERMITS REGISTRATION 110074
AIR NEW SOURCE PERMITS REGISTRATION 124429
AIR NEW SOURCE PERMITS REGISTRATION 117346
AIR NEW SOURCE PERMITS REGISTRATION 120969
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1314M1
AIR NEW SOURCE PERMITS REGISTRATION 120607
AIR NEW SOURCE PERMITS REGISTRATION 124257
AIR NEW SOURCE PERMITS REGISTRATION 106609
AIR NEW SOURCE PERMITS REGISTRATION 129373
AIR NEW SOURCE PERMITS REGISTRATION 118982
AIR NEW SOURCE PERMITS REGISTRATION 105880
AIR NEW SOURCE PERMITS REGISTRATION 107132
AIR NEW SOURCE PERMITS REGISTRATION 110676
AIR NEW SOURCE PERMITS REGISTRATION 118816
AIR NEW SOURCE PERMITS REGISTRATION 119868
AIR NEW SOURCE PERMITS REGISTRATION 115916
AIR NEW SOURCE PERMITS REGISTRATION 109104
AIR NEW SOURCE PERMITS AFS NUM 4803900041
STORMWATER PERMIT TXR15UP11
STORMWATER PERMIT TXR15YE80
STORMWATER PERMIT TXR15YE78
STORMWATER PERMIT TXR150011635
STORMWATER PERMIT TXR150012250
AIR EMISSIONS INVENTORY ACCOUNT NUMBER BL0082R

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: February 12, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 12, 2010 to February 12, 2015

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

Name: Amancio R. Gutierrez

Phone: (512) 239-3921

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: 04/11/2010 ADMINORDER 2009-1251-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 1 PERMIT
Special Term and Condition 16 OP
Description: Failed to maintain an emission rate below the allowable limit for propylene from the Site Functions 1 Area. TCEQ staff documented the exceedance of the permitted propylene emission limit of 4.05 pounds per hour ("lbs/hr") from the Site Functions 1 Area on June 23-24, 2008 and July 13, 2008, totaling 42.74 lbs of propylene in excess of permitted limits.
Classification: Moderate
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 VV 60.482-1(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Term and Condition 16 OP
Special Term and Condition 1A OP
Description: Failed to conduct LDAR on 78 components in VOC service. TCEQ staff documented that quarterly Leak Detection and Repair ("LDAR") had not been conducted on 44 connectors and seven valves in Unit A22FUST from October 16, 2003 through March 31, 2008 and 27 valves in Unit A28FUST from February 5, 2007 through October 14, 2008.
Classification: Major
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition, Chapter III-1 PERMIT
Description: Failed to maintain an emission rate below the allowable limit for propylene from the Site Functions 1 Area. TCEQ staff documented the unauthorized release of 11,521 pounds ("lbs") of carbon monoxide, 1,595 lbs of nitrogen oxides, and 12,209 lbs of volatile organic compounds ("VOCs"), including 8,859 lbs of highly reactive VOCs, exceeded permit hourly limits due to the Light Hydrocarbons-8 failure to eliminate non-condensables from the Propylene Refrigeration System causing high pressure in the C
- 2 Effective Date: 10/25/2010 ADMINORDER 2010-0477-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition Chapter III - 1 PERMIT
Description: Dow failed to prevent unauthorized emissions during Incident No. 134215. Dow's operating discipline and unit freeze plan did not establish a minimum instrument air dewpoint for the system operating at freezing ambient temperatures.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition Chapter III-1 PERMIT
Description: Dow failed to prevent unauthorized emissions. A vendor's employee did not verify that the proper gas was unloaded from the truck, and did not verify that the correct carrier gas was connected. Dow's employee did not escort the vendor nor verify his work.
- 3 Effective Date: 03/07/2011 ADMINORDER 2010-1279-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 1 PERMIT
Description: Dow failed to prevent unauthorized emissions during Incident No. 137259.

- 4 Effective Date: 05/08/2011 ADMINORDER 2010-1450-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THSC Chapter 382 382.0518(a)
5C THSC Chapter 382 382.085(b)
Description: Failed to submit an application for renewal prior to expiration of a permit and continued to operate the Plant without authorization after the permit expired. Specifically, the Respondent failed to renew Standard Permit No. 43417 before the permit expiration date of February 16, 2010, as documented during a record review investigation conducted on September 1, 2010.
Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
5C THSC Chapter 382 382.0518(a)
5C THSC Chapter 382 382.085(b)
Description: Failed to submit an application for renewal prior to the expiration of a permit and continued to operate the Plant without authorization after the permit expired. Specifically, the Respondent failed to renew New Source Review ("NSR") Permit No. 9046 before the permit expiration date of July 21, 2010, as documented during a record review investigation conducted on September 1, 2010.
- 5 Effective Date: 05/22/2011 ADMINORDER 2010-1781-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Special Condition 4(B) PERMIT
Description: Dow failed to keep the emissions capture equipment and abatement equipment in operation when emissions were routed to it during Incident No. 141646.
- 6 Effective Date: 08/13/2011 ADMINORDER 2011-0051-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:SC Chap III-1 PERMIT
Description: Failed to prevent unauthorized emissions during Incident No. 143416. Dow failed to maintain communications at the operator work stations during a startup. Dow also failed to maintain the operations of the ST-10 turbine during the startup.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:SC Chapter III-1 PERMIT
Description: Failure to prevent unauthorized emissions during Incident No. 144990. Dow failed to prevent the flaring of off-spec ethylene, when impure hydrogen was being supplied to the internal header system that supplies LHC-7.
- 7 Effective Date: 11/18/2011 ADMINORDER 2011-0581-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition #1 PERMIT
Description: Failure to prevent unauthorized emissions due to obstruction of the filter screen on the oil supply to the oil driven Speed Governor Valve that regulates the compressor speed. Subcategory: A12(i)(6).
- 8 Effective Date: 06/08/2012 ADMINORDER 2011-1123-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)(1)
5C THSC Chapter 382 382.085(b)
Description: Failed to incorporate Permit by Rule ("PBR") 30 Tex. Admin. Code § 106.263 in Federal Operating Permit ("FOP") No. O2217, as documented during an investigation conducted on April 14, 2011.
Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter K 106.263(g)
5C THSC Chapter 382 382.085(b)
Description: Failed to maintain records to demonstrate compliance with PBR 30 Tex. Admin. Code § 106.263 for maintenance activities performed on Refrigeration Unit 7001 from June 7 through June 30, 2010, as documented during an investigation conducted on April 14, 2011.
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:FOP No. O2217, Spec Terms & Cond 16 OP

SPECIAL CONDITION 1 PERMIT

Description: Failed to comply with the annual allowable emissions rate (based on a rolling 12-month period), as documented during an investigation conducted on April 14, 2011. Specifically, in December 2009 and December 2010, the Respondent exceeded the carbon monoxide ("CO") 12-month rolling allowable emissions rate of 5.10 tons per year ("tpy") and exceeded the nitrogen oxides ("NOx") 12-month rolling allowable emissions rate of 1.68 tpy at the Marine Unloading Flare, EPN A35F1, resulting in the unauthori

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.10(b)(2)
5C THSC Chapter 382 382.085(b)

Description: Failed to submit an administratively complete emissions inventory for calendar year 2009, as documented during an investigation conducted on April 14, 2011. Specifically, the 2009 emissions inventory did not include emissions for three diesel engine pumps: Emissions Point Numbers ("EPN") A40S836A, A40S836B, and A40S836C.

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 16 OP

SPECIAL CONDITION 2 PERMIT

Description: Failed to comply with the annual throughput rates for Tank Nos. TM-3 and T-4044, as documented during an investigation conducted on April 14, 2011. Specifically, the annual throughput for Tank No. TM-3 is limited to 53,129,080 pounds ("lbs"), and the tank throughput was 67,861,993 lbs in 2009 and 87,595,298 lbs in 2010. The annual throughput for Tank No. T-4044 is limited to 60,428,990 lbs, and the tank throughput was 121,947,551 lbs in 2009 and 114,817,995 lbs in 2010. In 2009, annual volati

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)(1)
5C THSC Chapter 382 382.085(b)

Description: Failed to make an accurate representation regarding Tank No. A30CMST3 in the application for FOP No. O2217, as documented during an investigation conducted on April 14, 2011. Specifically, FOP No. O2217 representation indicates that Tank No. A30CMST3 is subject to 40 Code of Federal Regulations Part 60, Subpart Kb; however, the tank is not subject to this rule.

- 9 Effective Date: 08/02/2012 ADMINORDER 2011-2269-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 PERMIT
ST&C 11 OP
Description: Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Permit No. 6803, Special Conditions No. 1, and Federal Operating Permit No. O2215, Special Terms & Conditions No. 11, as documented during a record review conducted from September 29 through October 8, 2011. Specifically, the Respondent released 2,544 pounds of ethylene from the Polyethylene 3 unit during an avoidable emissions event (Incident No. 1
- 10 Effective Date: 09/29/2012 ADMINORDER 2012-0358-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions during an event that occurred from September 9, 2011 through September 11, 2011 (Incident No. 159031). Specifically, the Respondent released 60,935 pounds ("lbs") of volatile organic compounds, which included 42,325 lbs of ethylene, 3,168 lbs of propylene, 2,334 lbs of 1,3-butadiene, and 8,166 lbs of toluene, 8,302 lbs of nitrogen oxides, and 59,055 lbs of carbon monoxide from Flare-FS1 (Emission Point No. B60F3) during the 42 hour event.
- 11 Effective Date: 12/15/2012 ADMINORDER 2012-0897-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 PERMIT
Special Terms & Conditions No. 11 OP
Description: Failed to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Conditions No. III-1 PERMIT
Special Terms & Conditions No. 19 OP
Description: Failed 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:Special Condition No. 1 PERMIT
Special Terms & Conditions No. 11 OP
Description: Failure to prevent unauthorized emissions during Incident No. 164161.

- 12 Effective Date: 06/03/2013 ADMINORDER 2012-1672-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Special Terms & Conditions No. 21 OP
Description: Failed to prevent unauthorized emissions during Incident No. 166761.
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 PERMIT
Special Terms & Conditions No. 16 OP
Description: Failed to prevent unauthorized emissions during Incident No. 166822.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Special Terms & Conditions No. 21 OP
Description: Failed to prevent unauthorized emissions during Incident No. 167157.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Description: Failed to comply with the reporting requirements during Incident No. 167157.
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 No. 1 PERMIT
Special Terms & Conditions No. 11 OP
Description: Failed to prevent unauthorized emissions during Incident No. 167526.
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 No.1 PA
Special Terms & Conditions No. 11 OP
Description: Failure to prevent unauthorized emissions during Incident No. 169152.
- 13 Effective Date: 08/03/2013 ADMINORDER 2012-2015-IHW-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)(6)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(8)(iv)
Rqmt Prov:PROVISION V.I.7.d. PERMIT
Description: Failure to perform operational testing on the automatic waste feed cutoff system for Boiler FTB-210 at least once every 7 days when hazardous waste is burned
Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174
Description: Failure to demonstrate that containers were inspected weekly for leakage and deterioration
Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.195(g)
Description: Failure to have documentation indicating inspections were conducted for Tank ND-116 (NOR Unit No. 008 in Block A-18) on May 13, 2012 and Tank D-840 (NOR Unit No. 205 in Block B-46) on October 2, 2011.
Classification: Major
Citation: 30 TAC Chapter 335, SubChapter H 335.221(a)(6)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(1)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(2)(ii)(A)
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.104(b)(1)
Rqmt Prov:PROVISION V.I.3.b.(1) PERMIT
Description: Failure to meet the operating parameter limit for Boiler FTB-210 (Permit Unit No. 29, NOR Unit No. 154) for minimum scrubber water pH once during 2011 and maximum stack gas concentration of carbon monoxide on 24 occurrences during 2011 while there was hazardous waste in the unit

- 14 Effective Date: 10/05/2014 ADMINORDER 2013-2215-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
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 MMM 63.1362(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Conditions Nos. 1 and 11C PERMIT
Special Terms and Conditions No. 13 OP
Description: Failure to comply with maximum allowable hourly emission rate.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
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 PERMIT
Special Term and Condition 14 OP
Description: Failure to comply with maximum allowable hourly emissions rates.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
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 Chapter III-1 PERMIT
Special Terms and Conditions No. OP
Description: Failure to prevent unauthorized emissions during Incident No. 185324.
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)
Rqmt Prov:SC 1 PERMIT
ST&C 15 OP
Description: Failure to comply with maximum allowable hourly emissions rates.
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 PERMIT
Special Terms and Conditions No. 11 OP
Description: Failure to prevent unauthorized emissions during Incident No. 190559.
- 15 Effective Date: 10/05/2014 ADMINORDER 2014-0158-PWS-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: TTHM MCL 2Q2013 - The system violated the maximum contaminant level for trihalomethanes during the 2nd quarter of 2013 with a RAA of 0.092 mg/L.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: TTHM MCL 1Q2013 - The system violated the maximum contaminant level for trihalomethanes during the 1st quarter of 2013 with a RAA of 0.081 mg/L.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: TTHM MCL 3Q2013 - The system violated the maximum contaminant level for trihalomethanes during the 3rd quarter of 2013 with a RAA of 0.088 mg/L.
- 16 Effective Date: 10/17/2014 ADMINORDER 2013-0736-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 PERMIT
Special Terms & Conditions No. 11 OP
Description: Failure to prevent unauthorized emissions during Incident No. 173215.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition III-1 PA

Special Terms & Conditions No. 21 OP

Description: Failure to prevent unauthorized emissions during Incident No. 173591.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Conditions No. III-1 PERMIT
Special Terms and Conditions No. 21 OP

Description: Failure to prevent unauthorized emissions during Incident No. 175802.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP

Description: Failure to submit a complete final record for Incident No. 175802.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Conditions No. III-1 PERMIT
Special Terms and Conditions No. 21 OP

Description: Failed to prevent unauthorized emissions during Incident No. 176126.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Conditions No. III-1 PERMIT
Special Terms and Conditions No. 21 OP

Description: Failed to prevent unauthorized emissions during Incident No. 177149.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(D)
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:General Terms and Conditions OP

Description: Failed to submit a complete and accurate emissions event final record for Incident No. 177149.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Conditions No. III-1 PERMIT
Special Terms and Conditions No. 21 OP

Description: Failure to prevent unauthorized emissions during Incident No. 177891.

See addendum for information regarding federal actions.

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 17, 2010	(789487)
Item 2	February 19, 2010	(789491)
Item 3	February 22, 2010	(789345)
Item 4	February 23, 2010	(789490)
Item 5	March 03, 2010	(784740)
Item 6	March 17, 2010	(789346)
Item 7	March 22, 2010	(830960)
Item 8	March 30, 2010	(767542)
Item 9	March 31, 2010	(790100)
Item 10	April 02, 2010	(789347)
Item 11	April 05, 2010	(790092)
Item 12	April 08, 2010	(794302)
Item 13	April 09, 2010	(790086)
Item 14	April 12, 2010	(790080)
Item 15	April 15, 2010	(790078)
Item 16	April 16, 2010	(830961)
Item 17	April 21, 2010	(790102)
Item 18	May 07, 2010	(797403)
Item 19	May 10, 2010	(798066)

Item 20	May 12, 2010	(800460)
Item 21	May 17, 2010	(798932)
Item 22	May 19, 2010	(799233)
Item 23	May 20, 2010	(797395)
Item 24	May 26, 2010	(802223)
Item 25	June 11, 2010	(799638)
Item 26	June 14, 2010	(824802)
Item 27	June 16, 2010	(801231)
Item 28	June 17, 2010	(824465)
Item 29	June 18, 2010	(801241)
Item 30	June 24, 2010	(801544)
Item 31	June 25, 2010	(799641)
Item 32	June 28, 2010	(802835)
Item 33	July 07, 2010	(828931)
Item 34	July 09, 2010	(803093)
Item 35	July 12, 2010	(828930)
Item 36	July 14, 2010	(827163)
Item 37	July 21, 2010	(842057)
Item 38	July 23, 2010	(803101)
Item 39	July 24, 2010	(860887)
Item 40	July 28, 2010	(802837)
Item 41	August 12, 2010	(803144)
Item 42	August 19, 2010	(824878)
Item 43	August 20, 2010	(826373)
Item 44	August 23, 2010	(866857)
Item 45	September 03, 2010	(827135)
Item 46	September 07, 2010	(826569)
Item 47	September 10, 2010	(828111)
Item 48	September 18, 2010	(873926)
Item 49	October 05, 2010	(848874)
Item 50	October 08, 2010	(848876)
Item 51	October 12, 2010	(850106)
Item 52	October 14, 2010	(857749)
Item 53	October 19, 2010	(865702)
Item 54	October 20, 2010	(857947)
Item 55	October 28, 2010	(858061)
Item 56	October 29, 2010	(857950)
Item 57	November 01, 2010	(844915)
Item 58	November 05, 2010	(844901)
Item 59	November 08, 2010	(871865)
Item 60	November 09, 2010	(866686)
Item 61	November 15, 2010	(888052)
Item 62	December 06, 2010	(858073)
Item 63	December 16, 2010	(858064)
Item 64	December 23, 2010	(864695)
Item 65	January 03, 2011	(886741)
Item 66	January 05, 2011	(887237)
Item 67	January 20, 2011	(880092)
Item 68	January 26, 2011	(858057)
Item 69	January 27, 2011	(866395)
Item 70	February 01, 2011	(891718)
Item 71	February 07, 2011	(887922)
Item 72	February 08, 2011	(887902)
Item 73	February 09, 2011	(877393)
Item 74	February 16, 2011	(909112)
Item 75	February 24, 2011	(877954)
Item 76	March 02, 2011	(886566)
Item 77	March 04, 2011	(887744)
Item 78	March 31, 2011	(890913)
Item 79	April 06, 2011	(908529)
Item 80	April 07, 2011	(906237)
Item 81	April 20, 2011	(900011)
Item 82	April 25, 2011	(899436)
Item 83	May 11, 2011	(899440)
Item 84	May 19, 2011	(938051)
Item 85	June 13, 2011	(945419)
Item 86	June 24, 2011	(908598)
Item 87	July 01, 2011	(936448)
Item 88	July 08, 2011	(914054)
Item 89	July 19, 2011	(923035)
Item 90	July 22, 2011	(936842)
Item 91	August 16, 2011	(922596)
Item 92	August 22, 2011	(899754)
Item 93	August 23, 2011	(949740)
Item 94	August 24, 2011	(959331)

Item 95	August 31, 2011	(948288)
Item 96	September 15, 2011	(965364)
Item 97	October 19, 2011	(971403)
Item 98	November 16, 2011	(977561)
Item 99	December 09, 2011	(970299)
Item 100	December 15, 2011	(970613)
Item 101	December 16, 2011	(984331)
Item 102	December 19, 2011	(970662)
Item 103	December 20, 2011	(971102)
Item 104	January 05, 2012	(970635)
Item 105	January 18, 2012	(970657)
Item 106	January 24, 2012	(980403)
Item 107	February 01, 2012	(969281)
Item 108	February 14, 2012	(987436)
Item 109	February 16, 2012	(987704)
Item 110	February 17, 2012	(987272)
Item 111	February 21, 2012	(997990)
Item 112	February 24, 2012	(971185)
Item 113	February 27, 2012	(988947)
Item 114	March 19, 2012	(1003517)
Item 115	April 03, 2012	(993988)
Item 116	April 13, 2012	(993681)
Item 117	April 18, 2012	(1010082)
Item 118	April 24, 2012	(995660)
Item 119	April 25, 2012	(994686)
Item 120	May 01, 2012	(996737)
Item 121	May 04, 2012	(997785)
Item 122	May 11, 2012	(994143)
Item 123	May 15, 2012	(989453)
Item 124	May 18, 2012	(948856)
Item 125	May 22, 2012	(994688)
Item 126	May 24, 2012	(994684)
Item 127	June 08, 2012	(1007990)
Item 128	June 15, 2012	(1024195)
Item 129	June 20, 2012	(1008522)
Item 130	June 21, 2012	(1008508)
Item 131	June 25, 2012	(1009180)
Item 132	June 28, 2012	(1015072)
Item 133	July 02, 2012	(1013035)
Item 134	July 18, 2012	(1009237)
Item 135	July 30, 2012	(1013952)
Item 136	August 07, 2012	(996853)
Item 137	August 09, 2012	(1015142)
Item 138	August 15, 2012	(1001054)
Item 139	August 21, 2012	(1037965)
Item 140	September 14, 2012	(1008318)
Item 141	September 18, 2012	(1031360)
Item 142	September 19, 2012	(1046698)
Item 143	September 24, 2012	(1020461)
Item 144	October 22, 2012	(1060952)
Item 145	October 26, 2012	(1029292)
Item 146	November 06, 2012	(1041226)
Item 147	November 15, 2012	(1035647)
Item 148	November 19, 2012	(1060953)
Item 149	December 03, 2012	(1044422)
Item 150	December 04, 2012	(1046084)
Item 151	December 12, 2012	(1036299)
Item 152	December 14, 2012	(1037471)
Item 153	December 20, 2012	(1060954)
Item 154	January 08, 2013	(1041022)
Item 155	January 18, 2013	(1035654)
Item 156	January 21, 2013	(1079014)
Item 157	January 23, 2013	(1036297)
Item 158	January 29, 2013	(1054979)
Item 159	February 13, 2013	(1050260)
Item 160	February 21, 2013	(1079013)
Item 161	February 22, 2013	(1059544)
Item 162	February 25, 2013	(1035692)
Item 163	February 26, 2013	(1008881)
Item 164	February 28, 2013	(1001639)
Item 165	March 06, 2013	(1050252)
Item 166	March 20, 2013	(1089331)
Item 167	April 03, 2013	(1060008)
Item 168	April 04, 2013	(1059940)
Item 169	April 10, 2013	(1058915)

Item 170	April 12, 2013	(1075521)
Item 171	April 22, 2013	(1095725)
Item 172	April 29, 2013	(951840)
Item 173	May 24, 2013	(1106650)
Item 174	June 14, 2013	(1086656)
Item 175	June 20, 2013	(1110325)
Item 176	June 25, 2013	(1095339)
Item 177	July 18, 2013	(1117210)
Item 178	August 05, 2013	(1099245)
Item 179	August 07, 2013	(1103277)
Item 180	August 14, 2013	(1103369)
Item 181	August 19, 2013	(1124965)
Item 182	August 29, 2013	(1099911)
Item 183	September 13, 2013	(1087996)
Item 184	September 23, 2013	(1129565)
Item 185	September 26, 2013	(1103825)
Item 186	October 21, 2013	(1105811)
Item 187	November 06, 2013	(1058974)
Item 188	November 08, 2013	(1120629)
Item 189	November 21, 2013	(1140694)
Item 190	November 25, 2013	(1121004)
Item 191	December 04, 2013	(1134449)
Item 192	December 19, 2013	(1134635)
Item 193	January 07, 2014	(1133980)
Item 194	January 15, 2014	(1133862)
Item 195	January 16, 2014	(1153222)
Item 196	January 23, 2014	(1140170)
Item 197	February 10, 2014	(1138528)
Item 198	February 18, 2014	(1123371)
Item 199	February 19, 2014	(1145193)
Item 200	March 06, 2014	(1139397)
Item 201	March 11, 2014	(1152691)
Item 202	March 19, 2014	(1167202)
Item 203	April 09, 2014	(1158019)
Item 204	April 21, 2014	(1174335)
Item 205	May 05, 2014	(1156495)
Item 206	May 20, 2014	(1180523)
Item 207	May 21, 2014	(1134887)
Item 208	May 23, 2014	(1163971)
Item 209	May 28, 2014	(1165338)
Item 210	May 30, 2014	(1152642)
Item 211	June 02, 2014	(1171593)
Item 212	June 04, 2014	(1163572)
Item 213	June 20, 2014	(1173907)
Item 214	June 24, 2014	(1177824)
Item 215	July 08, 2014	(1165917)
Item 216	July 11, 2014	(1178348)
Item 217	July 17, 2014	(1165261)
Item 218	July 21, 2014	(1139379)
Item 219	July 24, 2014	(1170772)
Item 220	July 31, 2014	(1179225)
Item 221	August 15, 2014	(1172125)
Item 222	September 15, 2014	(1116302)
Item 223	September 18, 2014	(1205826)
Item 224	September 23, 2014	(1196175)
Item 225	October 07, 2014	(1198124)
Item 226	October 13, 2014	(1198276)
Item 227	October 22, 2014	(1203876)
Item 228	October 27, 2014	(1202501)
Item 229	November 07, 2014	(1163549)
Item 230	November 17, 2014	(1209283)
Item 231	November 20, 2014	(1218490)
Item 232	November 24, 2014	(1210203)
Item 233	December 03, 2014	(1170318)
Item 234	December 05, 2014	(1193169)
Item 235	December 17, 2014	(1224269)
Item 236	December 19, 2014	(1211893)
Item 237	December 22, 2014	(1211963)
Item 238	January 06, 2015	(1211960)
Item 239	January 20, 2015	(1212015)
Item 240	January 26, 2015	(1210942)

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: 02/19/2014 (1134752) CN600356976
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)
 5C THSC Chapter 382 382.085(b)
 FOP O-02203 Special Term & Condition 16 OP
 FOP O-02203 Special Term & Condition 1A OP
 NSR Permit 4031 Special Condition 15F PERMIT
 NSR Permit 4031 Special Condition 16 PERMIT
 Description: Failure to monitor fugitive components for unit B76POFU1. (CATEGORY C1 Violation)
- 2 Date: 02/20/2014 (1134763) CN600356976
 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 20A(i) PERMIT
 SPECIAL CONDITION 23A(1) PERMIT
 SPECIAL TERM AND CONDITION 11 OP
 Description: Failure to conduct and retain VOC analyzer calibrations. (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 CONDITION 1 PERMIT
 SPECIAL TERM AND CONDITION 11 OP
 Description: Failure to comply with the hourly emission limits of the storage tank (EPN B77APST133), cooling tower (EPN B27P3CT01), and a flare (EPN B45F1). (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)
 5C THSC Chapter 382 382.085(b)
 SPECIAL CONDITION 9A PERMIT
 SPECIAL TERM AND CONDITION 11 OP
 Description: Failure to sample and maintain records for carbon canister system. (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 CONDITION 1 PERMIT
 SPECIAL CONDITION 4B PERMIT
 SPECIAL TERM AND CONDITION 11 OP
 Description: Failure to comply with the hourly emission limits and failure to maintain constant pilot flame for flare with EPN B78APPF1. (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)
 5C THSC Chapter 382 382.085(b)
 SPECIAL CONDITION 18 PERMIT
 SPECIAL TERM AND CONDITION 11 OP
 Description: Failure to conduct 9 visible emission checks for particulate matter. (Category C3)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(3)
 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 Term and Condition 1A OP
 Description: Failure to conduct weekly audio/visual/olfactory inspections of flanges. (Category C3)
- 3 Date: 02/21/2014 (1135085) CN600356976
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(a)(1)(i)(A)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(2)
 5C THSC Chapter 382 382.085(b)
 Special Condition #2(E) PERMIT
 Special Condition #2(F) PERMIT

Special Terms and Conditions #18 OP
 Special Terms and Conditions #1A OP
 Description: Failure to monitor 42 fugitive components. (Category C1)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC# 2(E) PERMIT
 ST&C# 18 OP

Description: Failure to conduct weekly audio, visual and/or olfactory (AVO) inspections on connectors. (Category C1)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)
 5C THSC Chapter 382 382.085(b)
 SC #I-4(B) PERMIT
 ST&C #11 OP
 ST&C #18 OP

Description: Failure to record the monthly benzene waste operations car seal inspection. (Category C3)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C #2(F) OP

Description: Non-reportable emissions event recorded late. (Category C3)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(4)(iii)
 5C THSC Chapter 382 382.085(b)
 SC# 3 PERMIT
 ST&C #18 OP
 ST&C #1A OP

Description: Failure to maintain the flare tip velocity. (Category C4)

4 Date: 02/27/2014 (1134463) CN600356976
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 NSR 20432, SC 1E PERMIT
 NSR 35022, SC 10E PERMIT
 O2207, ST&C 1A and 17A OP
 Description: Failure to equip open ended lines with a second valve or a plug

5 Date: 02/28/2014 (1134903) CN600356976
 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.E. PERMIT
 Special Terms & Conditions 9 OP
 Description: Dow reported one deviation as a result of two instances of bull plugs missing from lines in Volatile Organic Compound (VOC) service. During the period from December 19-20, 2012 two open ended lines were discovered by Dow operations staff. (Category C10)

6 Date: 02/28/2014 (1134542) CN600356976
 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 16 OP
 Description: Failure to maintain ethylene dichloride loading throughput below the annual limit [Category B18 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 1 PERMIT
Special Term and Condition 16 OP
Description: Failure to maintain compliance with the maximum allowable annual emission rate for EPN A35F1 [Category B18 violation]

- 7 Date: 03/18/2014 (1152860) CN600356976
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Description: Dow failed to prevent unauthorized emissions when high pressure ethylene slipped past the improperly installed packing and leaked into a low pressured compressor housing. (Category B.18)
- 8 Date: 04/10/2014 (1152662) CN600356976
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 No. 6E PERMIT
Description: Failure to maintain weekly AVO inspection records of the (B13FUPGA1) Unit during the week of June 30, 2013 through July 10, 2013. (Category C1 Violation)
- 9 Date: 04/25/2014 (1163631)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Description: The facility failed to provide evidence concerning the root cause of the compressor seal failure to demonstrate that they met the Affirmative Defense criteria. (Category B18)
- 10 Date: 05/06/2014 (1159893)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Description: Dow Failed to prevent unauthorized emissions when a threaded connection failed for an unknown reason. (Category B18)
- 11 Date: 05/21/2014 (1164489) CN600356976
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1365(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1365(a)(6)
5C THSC Chapter 382 382.085(b)
Special Condition 11 PERMIT
Special Term & Condition 13 OP
Description: Failure to maintain minimum total flow rate of the caustic scrubber
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition 20 PERMIT
Special Terms and conditions 13 OP
Description: Failure to maintain the minimum required pH level on the THROX absorber.
- 12 Date: 05/30/2014 (1164791) CN600356976
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 & Condition 9 OP
NSR Special Condition 4 PERMIT
Description: Failure to prevent exceedance of fill/drain rate for storage tank D-15C [EPN: A26ST15C]. Category C4
- 13 Date: 05/31/2014 (1187421) CN600356976
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 14 Date: 06/06/2014 (1166265) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Description: Dow failed to prevent unauthorized emissions when a crimped wire in the R-201 polyethylene reactor inlet control valve control center suffered an insulation failure. (Category B18)
- 15 Date: 07/01/2014 (1170315) CN600356976 Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)
 30 TAC Chapter 335, SubChapter E 335.112(a)(8)
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174
 Description: The facility failed to conduct required inspections of less than 90 days container storage areas.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)(8)
 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.195(b)
 II.C.2.h PERMIT
 Description: The facility failed to conduct required inspections.
- 16 Date: 07/08/2014 (1177966) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition 6 PERMIT
 Description: Dow failed to prevent unauthorized emissions when a marine loading terminal pipeline was overpressurized and leaked VDC due to an operator error. (Category B18)
- 17 Date: 07/18/2014 (1172230) CN600356976 Classification: Minor
 Self Report? NO
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2346(c)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(c)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A OP
 Description: Missing weekly audio, visual, olfactory (AVO) inspection records
- 18 Date: 08/26/2014 (1172355) CN600356976 Classification: Minor
 Self Report? NO
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 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 H 63.168(b)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition No. 13F PERMIT
 Special Terms and Conditions No. 1A OP
 Special Terms and Conditions No. 20 OP
 Description: Failure to monitor fugitive components (valves in gas/vapor and in light liquid service) [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 H 63.174(a)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Special Condition No. 14 PERMIT
 Special Terms and Conditions No. 1A OP
 Special Terms and Conditions No. 20 OP
 Description: Failure to monitor fugitive components (connectors in gas/vapor and in light liquid service) [Category C1 violation]
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 106, SubChapter K 106.262(a)(3)
 30 TAC Chapter 116, SubChapter B 116.110(a)(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failure to submit Permit-By-Rule authorization [Category B9].
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 General Terms and Conditions OP
 Description: Failure to report deviation(s) [Category B3].

19 Date: 08/28/2014 (1172233) CN600356976
 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 9 PERMIT
 ST&C 10 OP
 Description: Failure to maintain complete complete AVO records (C3)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 3 OP
 Description: Opacity checks not completed
 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 10 PERMIT
 ST&C 10 OP
 Description: Missed one daily cooling water conductivity sample
 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 14 PERMIT
 ST&C 10 OP
 Description: Failure to conduct sampling for total dissolved solids

20 Date: 08/29/2014 (1172301) CN600356976
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
 30 TAC Chapter 115, SubChapter H 115.781(b)
 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 UU 63.1025(b)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(e)(3)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 16 PERMIT
 Special Condition No. 17F PERMIT
 Special Terms and Conditions No. 1A OP
 Special Terms and Conditions No. 21 OP
 Description: Failure to monitor fugitive components (valves in gas/vapor and in light liquid service) [Category C1 violation]
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)
 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 UU 63.1027(b)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(e)(3)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 18 PERMIT
 Special Terms and Conditions No. 1A OP
 Special Terms and Conditions No. 21 OP
 Description: Failure to monitor fugitive components (connectors in gas/vapor and in light liquid service) [Category C1 violation]
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(e)(3)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 17E PERMIT
 Special Terms and Conditions No. 1A OP
 Special Terms and Conditions No. 21 OP
 Description: Failure to seal open-ended valves or lines [Category 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)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Special Condition No. 24A PERMIT
Special Terms and Conditions No. 1A OP
Special Terms and Conditions No. 21 OP

Description: Failure to maintain a continuous flare pilot/flare on the flare [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 63, SubChapter C, PT 63, SubPT YY 63.1110(e)(2)
5C THSC Chapter 382 382.085(b)
Special Condition No. 4D PERMIT
Special Terms and Conditions No. 1A OP
Special Terms and Conditions No. 21 OP

Description: Failure to submit Ethylene MACT (40 CFR 63 Subpart YY) report within the required timeframe [Category C3].

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
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)
General Condition No. 4 PERMIT
Special Condition No. III-17 PERMIT
Special Terms and Conditions No. 1A OP
Special Terms and Conditions No. 21 OP

Description: Failure to meet Net Heating Value requirements of 40 CFR 60.18 [Category C4].

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart A 60.18(c)(4)(i)
5C THSC Chapter 382 382.085(b)
General Condition No. 4 PERMIT
Special Condition No. III-17 PERMIT
Special Terms and Conditions No. 1A OP
Special Terms and Conditions No. 21 OP

Description: Failure to meet exit velocity requirements of 40 CFR 60.18 [Category C4].

21

Date: 09/12/2014 (1193630)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
NSR 20432 SC 1 PERMIT

Description: Dow failed to prevent unauthorized emissions when an electronics failure in a TurboExpander control card resulted in a facility trip (Category B18).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)
5C THSC Chapter 382 382.085(b)

Description: Dow failed to provide information as requested in an Additional Information request for Incident 199223.

22

Date: 09/30/2014 (1212238) CN600356976

Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter

23

Date: 11/05/2014 (1192981) CN600356976

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
SC 4 PERMIT
ST&C 13 OP
ST&C 1A OP

Description: Failure to prevent smoking flare (Category B14)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
SC 5E PERMIT
ST&C 13 OP
ST&C 1A OP

Description: Failure to prevent two open-ended lines (Category C10)

- 24 Date: 11/14/2014 (1193094) CN600356976
 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 SS 63.998(b)(1)(i)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.998(b)(6)(A)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(d)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1108(b)
 5C THSC Chapter 382 382.085(b)
 SC6 PERMIT
 ST&C 1(A) OP
 ST&C 9 OP
 Description: Failure to monitor adequately scrubber flow. Sub-category: C1.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 3(F) PERMIT
 ST&C 9 OP
 Description: Failure to monitor after first repair attempt on a leaking valve was completed within the required time frame. Sub-category: C10.
- 25 Date: 11/21/2014 (1193224) CN600356976
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.726(c)(4)
 30 TAC Chapter 115, SubChapter H 115.786(e)
 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 Standard Term and Condition 13 OP
 FOP Standard Term and Condition 1I OP
 Description: Failure to maintain quarterly visual inspection records for pressure relief devices (PRD). [B3]
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter B 115.126(1)(B)
 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 13 OP
 FOP Special Term and Condition 1A OP
 NSR Special Condition 4A PERMIT
 Description: Failure to maintain flare (EPN B3808F1) above 300 British thermal unit per standard cubic feet (Btu/scf). [C4]
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(1)
 5C THSC Chapter 382 382.085(b)
 FOP Special Term and Condition 1I OP
 Description: Failure to continuously monitor the pressure relief valve in VOC service. [C4]
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 FOP Standard Term and Condition 13 OP
 NSR Special Condition 4B PERMIT
 Description: Failure to maintain a flame present at all time and/or have a constant pilot flame on flare (EPN B3808F1). [C4]
- 26 Date: 11/25/2014 (1192840) CN600356976
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP
 Description: Failure to cap, plug, or otherwise seal three open-ended lines. CATEGORY C10 VIOLATION
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(a)(2)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A & 1G OP
 Description: Failure to comply with the monitoring system performance plan in accordance with 40 CFR 63, Subpart EEE. (CATEGORY C4 VIOLATION)

27 Date: 11/25/2014 (1210118) CN600356976
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
NSR Special Condition 1 PERMIT
Description: Dow failed to prevent unauthorized emissions during an emissions event when corrosion caused a leak from a heat exchanger into the cooling tower water (Category B14).

28 Date: 11/26/2014 (1193090) CN600356976
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 113, SubChapter C 113.130
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 H 63.182(c)
5C THSC Chapter 382 382.085(b)
SC 7. PERMIT
ST&C 1.A. OP
Description: Did not submit a Notification of Compliance Status (NOCS) report for 10 compressors (Category C3).
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 16. OP
Description: Exceeded carbon monoxide (CO) Maximum Allowable Emission Rates Table (MAERT) hourly limit (Category C4).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 4.C.(1) PERMIT
ST&C 16. OP
Description: Did not calibrate a Lower Explosive Limit (LEL) detector to the certified gas standard (Category C1).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 115, SubChapter H 115.782(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 16. OP
Description: Did not monitor a leaking component during the first attempt at repair (Category C1).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 8.F. PERMIT
ST&C 16. OP
Description: Did not perform quarterly fugitive monitoring (Category C7).
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 17. PERMIT
ST&C 16. OP
Description: Did not analyze bottoms from a stripping tower for Volatile Organic Compound (VOC) concentration (Category C1).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP
Description: Did not include all deviations in a deviation report (Category B3)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(2)(B)
5C THSC Chapter 382 382.085(b)
ST&C 2.F. OP
Description: Did not maintain all records necessary for non-reportable emissions events (Category C3).

- 29 Date: 01/06/2015 (1211965) CN600356976
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Description: Dow failed to prevent unauthorized emissions during an emissions event when a sudden overpressurization of the reactor activated an emergency atmospheric valve (Category B14).
- 30 Date: 01/16/2015 (1211964) CN600356976
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 NSR 20432, SC 1 PERMIT
 Description: Dow failed to prevent unauthorized emissions during an emissions event when a leak in a pyrolysis furnace convection coil caused increased CO and NOx in the furnace stack (Category B14).
- 31 Date: 01/23/2015 (1212008) CN600356976
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 NSR 834, SC 1 PERMIT
 Description: Dow failed to prevent unauthorized emissions when a runaway reaction in the R-201 Reactor Train resulted in a dump of ethylene to the atmosphere (Category B14).
- 32 Date: 02/11/2015 (1211377) CN600356976
 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 15 PERMIT
 Special Term and Condition 22 OP
 Description: Failure to maintain the 6 minute average temperature. (EPNs: OC3so1 and OC3COU1) (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 63, SubChapter C, PT 63, SubPT H 63.162(b)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 6E PERMIT
 Special Term and Condition 1A OP
 Special Term and Condition 22 OP
 Description: Failure to equip open ended lines (OELs). (EPN: OC3FU1) (Category C4)

F. Environmental audits:

Notice of Intent Date: 11/18/2008 (722258)

Disclosure Date: 04/26/2010

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.133
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.134
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.135
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.136
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.137
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.138
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144(b)

Description: Notification of Compliance Status for MON (NESHAP:Miscellaneous Organic Chemical Manufacturing) submitted in October 2008 for the Market Development: Converted Epoxy Resins (B3800) Plant did not include the presence of a small amount of benzene in a batch process vent and process wastewater stream.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(a)

Description: Previous annual reports for National Emission Standards for Benzene Waste Operations for the process unit "TXO B3806 Market Development Brom Resins/Epoxy" did not include five exempt sources of benzene.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.165
 30 TAC Chapter 115, SubChapter B 115.165(1)
 30 TAC Chapter 115, SubChapter B 115.165(2)
 30 TAC Chapter 115, SubChapter B 115.166(1)
 30 TAC Chapter 115, SubChapter B 115.166(1)(A)(iii)
 30 TAC Chapter 115, SubChapter B 115.166(3)
 30 TAC Chapter 115, SubChapter B 115.166(3)(C)

Description: Failure to demonstrate performance testing using methods specified in 115.165 for water scrubbers T-101 (EPN: B3809SV101) and T-304 (EPN: B3809SV304) and record monitoring parameters required to be measured during the performance tests.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.166
30 TAC Chapter 115, SubChapter B 115.166(1)
30 TAC Chapter 115, SubChapter B 115.166(1)(A)(iii)

Description: Failure to retain temperature monitoring data for scrubbing liquid temperature for T-101 and T-304 for a 5 year period as required by 115.166.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.166(2)(B)

Description: Failure to maintain a record of the average flow rate and documentation verifying this value.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.131
30 TAC Chapter 122, SubChapter B 122.132

Description: Failure to contain specific terms and conditions for the Market Development Plant (Epoxy Products) regarding the applicability of Chapter 115 batch Processes as required by 40 CFR 70.5 (c) and 30 TAC 122.132 (e) in the Title V permit.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT GGG 63.1257(d)(2)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132(a)(1)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.133
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.134
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.135
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.136
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.137
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.138
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.139
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.140
40 CFR Part 63, Subpart G 63.141
40 CFR Part 63, Subpart G 63.142
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.143
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.145
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.147
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.148

Description: Failure to include the presence of a small amount of epichlorohydrin in a batch process vent, a Group 1 Stream, and a process wastewater stream, a Group 2 stream.

Viol. Classification: Major

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.115(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.133
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.134
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.135
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.136
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.137
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.138
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.139
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.140
40 CFR Part 63, Subpart G 63.141
40 CFR Part 63, Subpart G 63.142
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.143
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.145
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.147
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.148
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2455(b)

Description: Failure to include the presence of a small amount of chloromethane and bromomethane found in process vent and process wastewater streams in the Notification of Compliance Status for MON (40 CFR Part 63 Subpart FFFF: National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing).

Viol. Classification: Major

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.115(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT GGG 63.1257(d)(2)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132(a)(1)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.133
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.134

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.135
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.136
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.137
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.138
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.139
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.140
40 CFR Part 63, Subpart G 63.141
40 CFR Part 63, Subpart G 63.142
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.143
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.145
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.147
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.148
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2455(b)

Description: Failure to include the maximum amount of benzene found in process vent and process wastewater streams in the Notification of Compliance Status for MON (40 CFR Part 63 Subpart FFFF: National Emission Standard for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing) submitted in August 2009.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter T 106.454
30 TAC Chapter 106, SubChapter T 106.454(3)(D)

Description: Failure to keep an internal clean-parts drainage rack for enclosed draining under a cover for the B3806SC01 Solvent Cleaning Station as required by TAC 106.545 (3)(D).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.131
30 TAC Chapter 122, SubChapter B 122.132(e)
40 CFR Chapter 70, SubChapter C, PT 70 70.5(c)
40 CFR Chapter 70, SubChapter C, PT 70 70.5(c)(4)

Description: Failure to submit a Title V permit revision to include Benzene Waste Operations (BWON) applicability for applicable streams within "TXO B3806 Market Development Brom Resins/ Epoxy".

Notice of Intent Date: 03/17/2009 (742452)

Disclosure Date: 03/22/2010

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
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 266, SubChapter I, PT 266, SubPT H 266.102(e)(8)(i)(B)
30 TAC Chapter 335, SubChapter H 335.221(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(a)(6)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(c)

Description: Failure to extract required one-minute average (OMA) and hourly rolling average (HRA) operating data, including constituent feed rates.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.102(e)(6)
30 TAC Chapter 305, SubChapter F 305.127(2)
30 TAC Chapter 335, SubChapter H 335.221(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)(B)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)(C)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(a)(6)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b)(5)(ii)

Description: Failure to maintain programming: did not properly trigger automatic waste feed cut off (AWFCO), did not convert OMA readings from carbon monoxide CEMS system to 10,000 ppmv when 3,000 PPMV is exceeded, did not properly calculate of the hourly rolling averages when instrument failure is detected, and did not initiate an AWFCO when the span of a continuous monitoring system (CMS) (except CEMS) was exceeded and when there is a CMS malfunction.

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)(iv)
30 TAC Chapter 305, SubChapter F 305.127
30 TAC Chapter 305, SubChapter F 305.127(2)
30 TAC Chapter 335, SubChapter H 335.221(a)

Description: Failure to document compliance with the RCRA permit requirement for annual feed rate limits, and weekly AWFCO alarm testing.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620
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 266, SubChapter I, PT 266, SubPT H 266.102(e)(8)(i)(B)
30 TAC Chapter 335, SubChapter H 335.221
30 TAC Chapter 335, SubChapter H 335.221(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(a)(6)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b)(5)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(c)
Description: Failure to change HRA values for operating parameters for extended periods to show accurate data.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.620
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(2)(iii)

Description: Failure to identify an oxygen correction in the Startup, Shutdown, and Malfunction (SSM) Plan for the HWC MACT.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.620
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(c)

Description: Failure to determine and document the maximum amount of constituents that could enter the Thermal Oxidizer via the various non-waste sources and programmed this information so that this contribution is accounted for in the feed rate determinations.
Viol. Classification: Moderate
Citation: 4F TWC Chapter 63, SubChapter A 63.109

Description: Failure to use One Minute Averages (OMAs) instead of Minute Rolling Averages (MRAs) to determine Hourly Rolling Averages (HRAs) for at least the following parameters- HCl Production, Ejector Venturi Feed Pressure, Demister pH, and D-30 Blowdown.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.620
40 CFR Chapter 264, SubChapter I, PT 264, SubPT O 264.347(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b)(5)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(c)

Description: Failure to extract OMA and HRA operating data for the After Burner Chamber (ABC) temperature and Scrubber Tower pump amperage.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.620
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b)(5)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(c)

Description: Failure to update HRA values for various operating parameters for extended periods of time.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.620
40 CFR Chapter 264, SubChapter I, PT 264, SubPT O 264.345(e)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(c)

Description: Failure to monitor the flow meter's performance.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.620
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1203(a)(3)

Description: Failure to properly convert OMA readings from the carbon monoxide CEMS system to 10000 ppmv when the 3000 ppmv span is exceeded.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT O 264.347(d)
30 TAC Chapter 305, SubChapter F 305.127(2)

Description: Failure to verify compliance with RCRA permits requirements for annual feed rate limits.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 270, SubChapter I, PT 270, SubPT C 270.30(l)(1)

Description: Failure to modify the RCRA permit to correct the discrepancies concerning the arrangement and size of the vent spargers in the Afterburner Chamber.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.620
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(c)

Description: Failure to include feed rates of constituents in the process vents, tank vents and supplemental fuels identified in Table V.I.3 of the permit and HWC MACT Table 2 Documentation of Compliance for this unit.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.116

Description: Failure to include quantities of solid waste from the pack-line in the Total Hazardous Waste calculations.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.620
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)

Description: Failure to review and update the Operation and Maintenance Plan in 2007.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.620
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)

Description: Failure to disclose summary information associated with 10 malfunction events in 60 days in the January 2009 HWC MACT periodic report.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.620
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(c)

Description: Failure to calibrate flow meter.

Notice of Intent Date: 05/04/2009 (746990)

Disclosure Date: 05/04/2010

Viol. Classification: Moderate

Rqmt Prov: PERMIT Title V Permit No. O-01388
PERMIT Title V Permit No. O-02204
PERMIT Title V Permit No. O-02207
PERMIT Title V Permit No. O-02208
PERMIT Title V Permit No. O-02211
PERMIT Title V Permit No. O-02212
PERMIT Title V Permit No. O-02213
PERMIT Title V Permit No. O-02215
PERMIT Title V Permit No. O-02216
PERMIT Title V Permit No. O-02217
PERMIT Title V Permit No. O-02218

Description: Failure to identify RMP Chemicals in the Risk Management Plan.

Viol. Classification: Moderate

Rqmt Prov: PERMIT Title V Permit No. O-02207
PERMIT Title V Permit No. O-02209
PERMIT Title V Permit No. O-02211
PERMIT Title V Permit No. O-02213

Description: Failure to update RMP to document new Toxic Alternative case modeling scenario (Release Scenario) and new Flammable Worst Case modeling scenario when RMP chemicals were modeled.

Viol. Classification: Moderate

Rqmt Prov: PERMIT Title V Permit No. O-02208
PERMIT Title V Permit No. O-02210
PERMIT Title V Permit No. O-02216
PERMIT Title V Permit No. O-02217
PERMIT Title V Permit No. O-02219

Description: Failure to identify process containing RMP chemicals.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.116

Rqmt Prov: PERMIT Title V Permit No. O-02215
PERMIT Title V Permit No. O-02221

Description: Failure to identify RMP release events in the five year history.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.116

Rqmt Prov: PERMIT Title V Permit No. O-02213

Description: Failure to audit cover process, LHC Distribution, every 3 years.

Notice of Intent Date: 07/13/2009 (763446)

Disclosure Date: 07/13/2010

Viol. Classification: Moderate

Rqmt Prov: PERMIT Special Conditions 2F and 2M

Description: There were 2 valves and 12 connectors within the B-5200 truck loading rack in acetone service that have not been monitored as required under the air permit for 28MID and 28CNTQ.

Notice of Intent Date: 07/23/2009 (764096)

Disclosure Date: 07/26/2010

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)

Description: Failure to label and/or dispose of containers and drums.

Notice of Intent Date: 07/22/2009 (764098)

Disclosure Date: 09/16/2010

Viol. Classification: Moderate

Rqmt Prov: PERMIT Condition 7(h)

Description: Failure to continuously record all monitoring data. Specifically, a loss of recorded data was observed in the F-210, FTB-603, and the B-901/902/903 operating records.

Notice of Intent Date: 07/28/2009 (764976)

Disclosure Date: 08/02/2010

Viol. Classification: Moderate

Citation: 40 CFR Chapter 136, SubChapter D, PT 136 136.1

Rqmt Prov: PERMIT TPDES Permit No. WQ0000007000

Description: Failure to reflect the current analytical personnel that could perform regulated analyses to support the site Texas Pollutant Discharge Elimination System Permit.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)(1)

Rqmt Prov: PERMIT HW 50161-001 Permit

Description: Failure to keep correct and required information for waste manifests.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT E 264.72(d)(1)

Rqmt Prov: PERMIT HW 50161-001 Permit
Description: Failure to locate manifest to determine the disposition of four rejected waste drums.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34
Rqmt Prov: PERMIT HW 50161-001 Permit
Description: Failure to dispose waste containers that were past the permitted accumulation date.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.67
Rqmt Prov: PERMIT HW 50161-001 Permit
Description: Failure to adequately label containers.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter T 106.452
Description: Failure to document how emissions from a grit blaster located in the landfill maintenance area are authorized.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.175
Description: Failure to store a pallet of 4 drums of closed, labeled ferric sulfate residue wastes in proper location.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
Rqmt Prov: PERMIT HW 50161-001Permit
Description: Failure to properly label and store a drum of methylene chloride.
Viol. Classification: Moderate
Rqmt Prov: PERMIT HW 50161-001 Permit
Description: Failure to label a partially full drum of clean sawdust located within a satellite container storage area.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT D 264.54(d)
Description: Failure to update personnel list in the Waste Water Treatment Plant RCRA Contingency Plan.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT C 265.35
Description: Failure to store hazardous waste containers with the required storage space between containers to facilitate required inspections.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.173
40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.175
Rqmt Prov: PERMIT HW 50161-001 Permit
Description: Failure to store four drums of hazardous waste in designated storage area. One of four hazardous drums was uncovered.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)
Rqmt Prov: PERMIT HW 50161-001 Permit
Description: Failure to label waste trailer in the <90 day container storage area with accumulation start date.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
Rqmt Prov: PERMIT HW 50161-001 Permit
Description: Failure to list container storage areas in the facility's notice of registration.
Viol. Classification: Moderate
Rqmt Prov: PERMIT HW 50601-001 Permit
Description: Failure to properly store waste containers in satellite accumulation area.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.15(d)
Description: Failure to communicate expectation of legible signature on all compliance documents to all Environmental Operations personnel.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-1(a)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(a)(1)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(a)
40 CFR Part 63, Subpart H 63.163
40 CFR Part 63, Subpart H 63.164
40 CFR Part 63, Subpart H 63.165
40 CFR Part 63, Subpart H 63.166
40 CFR Part 63, Subpart H 63.167
40 CFR Part 63, Subpart H 63.168
40 CFR Part 63, Subpart H 63.169
40 CFR Part 63, Subpart H 63.170
40 CFR Part 63, Subpart H 63.171
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172
40 CFR Part 63, Subpart H 63.173
40 CFR Part 63, Subpart H 63.174
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2346(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DD 63.691(b)
Rqmt Prov: PERMIT HW #50161-001 X.B.2.g.
PERMIT NSR permit #46428 SC#6
Description: Failure to meet leak detection requirements for 181 valves, 910 connectors, 5 pumps, 15 pressure relief

devices and 7 agitators throughout the B33, B34, B35 process areas.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.26

Rqmt Prov: PERMIT TPDES Permit No. WQ000007000

Description: Failure to conduct 10 of 13 weekly visual inspections on the correct day as required by the Storm Water Pollution Prevention Plan for Chlorine 7 project.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.26

Rqmt Prov: PERMIT TPDES permit No. WQ000007000

Description: Failure to update the erosion controls drawing in the Storm Water Pollution Prevention Plan for the Chlorine 7 project and the revision sheet with amended Drainage Ditch Plan.

Notice of Intent Date: 07/30/2009 (765501)

Disclosure Date: 08/25/2010

Viol. Classification: Moderate

Citation: 40 CFR Part 63, Subpart OO 63.904

Description: Water scrubbers S-1000 and S-1 are not able to maintain the minimum pH as established during a performance test.

Notice of Intent Date: 08/26/2009 (776290)

Disclosure Date: 08/26/2010

Viol. Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173
30 TAC Chapter 335, SubChapter A 335.4

Description: Failure to properly close and label waste containers.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: Failure to ensure non-hazardous waste containers are not stored in the plant area. Specifically, no waste management units exist in the Site's Notice of Registration for any of the power facilities (3, 4, 6, and 9).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6

Description: Failure to update the Facility's Notice of Registration to include the Power facilities wastewater and neutralization systems.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter O 106.352

Description: Failure to develop a quality assurance plan for continuous monitoring equipment used to comply with NSPS KKKK.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 70, SubChapter C, PT 70 70.5(c)

Description: The Title V permits for Hydrocarbon and Energy 3 (O-02214) does not contain applicability information for NSPS Db for Power 9's fired boilers FB91, FB92, FB93, and FB 94.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 70, SubChapter C, PT 70 70.5(c)(4)

Description: Title V permits for Power 9 (O-2697) and Hydrocarbon and Energy 3 (O-02214) do not contain the citation and description of all applicable requirements related to air pollution control.

Notice of Intent Date: 09/14/2009 (777729)

Disclosure Date: 05/12/2010

Viol. Classification: Moderate

Rqmt Prov: PERMIT Special Condition No. 3

Description: Failure to perform or document visible emission observations of the following stationary sources: A12SIGE12; B1SIGE13; B12SIGE12; B2SIGE280; OC7SIGE704.

Notice of Intent Date: 10/02/2009 (779123)

Disclosure Date: 10/26/2010

Viol. Classification: Moderate

Citation: 40 CFR Chapter 401, SubChapter N, PT 401 401.11(q)

Description: Dow discharges wastewater that has come into contact with product pellets from polyethylene plants on the Freeport site to a monitored, non-process outfall (TPDES Permit No. 00007).

Notice of Intent Date: 10/07/2009 (782760)

Disclosure Date: 10/11/2010

Viol. Classification: Moderate

Rqmt Prov: OP O-02202

OP O-02207

OP O-02211

OP O-02215

OP O-02216

OP O-02217

OP O-02220

Description: Failure to perform and/or document visible emission observations within various units at the Polyethylene 3, Polyethylene 4, Unit 2, Versene, Environmental Operations, Phenol/Acetone/Diphenyl Oxide, Marine/Terminal, and Voranol Plants.

Notice of Intent Date: 11/13/2009 (794815)

Disclosure Date: 11/03/2010

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34

Description: Failure to properly manage and dispose of hazardous waste containers.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 273, SubChapter I, PT 273, SubPT A 273.1

Description: Failure to properly label and store universal waste. Specifically, waste fluorescent light bulbs were found in the Maintenance buildings. The bulbs were not in closed containment or labeled appropriately with the universal waste label.

Notice of Intent Date: 11/20/2009 (794361)

Disclosure Date: 11/19/2010

Viol. Classification: Moderate

Citation: 40 CFR Chapter 68, SubChapter C, PT 68, SubPT D 68.73

Description: Failure to properly maintain mechanical integrity of instruments.

Notice of Intent Date: 11/24/2009 (794384)

Disclosure Date: 11/22/2010

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT Special Condition 1

Description: Failure to obtain the proper authorizations for site emissions. Specifically, emissions from the M-3 finishing column to the seal leg are not authorized by TCEQ NSR Air Permit No. 5339.

Notice of Intent Date: 01/14/2010 (794380)

Disclosure Date: 09/13/2010

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.243-2(b)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)

Description: Failure to identify 130 valves and 347 connectors that were not monitored under a prescribed Lead Detection and Repair Program.

Notice of Intent Date: 02/16/2010 (797641)

No DOV Associated

Notice of Intent Date: 02/18/2010 (797644)

No DOV Associated

Notice of Intent Date: 02/19/2010 (797657)

No DOV Associated

Notice of Intent Date: 02/19/2010 (797662)

No DOV Associated

Notice of Intent Date: 03/01/2010 (798594)

No DOV Associated

Notice of Intent Date: 03/12/2010 (798597)

Disclosure Date: 07/09/2010

Viol. Classification: Major

Citation: 30 TAC Chapter 335, SubChapter F 335.151

Rqmt Prov: PERMIT Section IV Part B Subsection 3(f)

Description: Failure to properly dispose of medical waste according to Hazardous Waste Permit 50161.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.16(c)

Description: Failure for all employees to complete training.

Viol. Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: Failure to remove all items that should be removed from the NOR.

Viol. Classification: Minor

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.174

Description: Failure to have all weekly inspections of less than 90 day container storage areas.

Viol. Classification: Minor

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.195(c)

Description: Failure to provide all daily inspections of hazardous waste storage tanks.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter F 335.151

Rqmt Prov: PERMIT Section V.A.B. Container Storage areas

Description: Failure to remove stored hazardous waste from a permitted storage area after 1 year.

Viol. Classification: Minor

Citation: 40 CFR Chapter 271, SubChapter I, PT 271, SubPT A 271.16(e)

Description: Failure to keep training records for all employees for the life of the facility plus 5 years.

Notice of Intent Date: 03/09/2010 (798600)
No DOV Associated

Notice of Intent Date: 03/08/2010 (798627)
No DOV Associated

Notice of Intent Date: 03/12/2010 (798632)
No DOV Associated

Notice of Intent Date: 03/15/2010 (798500)
Disclosure Date: 02/21/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter D 106.124

Description: Failed to operate plant scrubber D-27 with less than permitted efficiency when treating a vent from an activity authorized by permit by rule. One of the vent pipelines from this activity was incorrectly attached to the scrubber such that vent gas from this pipeline did not fully contact the scrubbing medium as intended by the design.

Notice of Intent Date: 03/26/2010 (800833)
No DOV Associated

Notice of Intent Date: 03/25/2010 (944780)
Disclosure Date: 03/29/2011

Viol. Classification: Minor

Rqmt Prov: PERMIT Special Condition 8E and 8G

Description: Failure to consistently record the date and time of the audio/visual/olfactory inspections for components in heavy liquid VOC service.

Viol. Classification: Minor

Rqmt Prov: PERMIT Special Condition 8G

Description: Failure to include the monthly summary record for Tank D-108 within the monthly emission record for all storage tanks and loading operations.

Notice of Intent Date: 03/31/2010 (800749)
No DOV Associated

Notice of Intent Date: 04/05/2010 (800702)
No DOV Associated

Notice of Intent Date: 04/16/2010 (800774)
Disclosure Date: 04/12/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)

30 TAC Chapter 115, SubChapter H 115.781(b)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(a)

Rqmt Prov: PERMIT Special Condition 5

Description: Failure to conduct monitoring under a prescribed leak detection and repair program for 57 valves and 211 connectors.

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.146(1)

Description: Failure to submit Annual Certification of Federal Operating Permit O-02212 for the time period beginning July 7, 2009 and ending August 4, 2009.

Notice of Intent Date: 04/15/2010 (800792)
No DOV Associated

Notice of Intent Date: 04/19/2010 (800794)
Disclosure Date: 04/25/2011

Viol. Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT S.C. 13

OP S.C. 20

Description: Failure to maintain appropriate control devices to prevent unauthorized emissions from control valves.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT S.C. 17

Description: Failure to document stack sampling and other testing required to demonstrate compliance with NOx emission limits.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.116

Description: Failure to provide a complete VOC speciation in the permit application for the thermal heat recovery

oxidizer (EPN A16S1).

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter D 115.354(2)(D)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 63, Subpart H 63.168
40 CFR Part 63, Subpart H 63.174

Rqmt Prov: PERMIT S.C 12
PERMIT S.C. 13

Description: Failure to include 36 valves, 156 connectors and 3 relief valves to the fugitive monitoring program as part of a prescribed Leak Detection and Repair Program and failure to monitor these components.

Viol. Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: Failure to maintain the Notice of Registration (NOR), specifically, not all items that should be removed from the NOR have been removed.

Notice of Intent Date: 04/26/2010 (826936)

Disclosure Date: 03/21/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT NSR Permit No. 19041, SC 16B

Description: Failed to maintain records of the continuous fire box temperatures defined as 6 minute data for the thermal oxidizers.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT NSR Permit No. 19041, SC 16C3

Description: Failed to keep records of continuous vent flow rates and analyzer excess oxygen levels, as defined as 6 minute data, for the thermal oxidizers.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(4)
30 TAC Chapter 115, SubChapter H 115.725(c)(3)(D)

Description: Failed to locate the monitoring plan for Pressure Safety Valves in HRVOC service. No evidence of performance of the quarterly inspections for Pressure Safety Valves in HRVOC service was available.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)(1)

Description: Failed to produce documentation authorizing four diesel engines and four associated diesel tanks. Engine FINS: OC5U5GE500, OC1U1GE12, OC1U1GE500, A70ECGE503. Associated Diesel Tank FINS: OC5U5ST500, OC1U1ST12, OC1I1ST500, A70ECST503.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2343(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2396(e)(2)

Description: Failed to identify one unloading operation in the original Notice of Compliance Status for the Organic Liquids Distribution (OLD) MACT. The EDC/VCM Unit 1 facility was not identified in the OLD MACT.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT NSR Permit No. 19041, SC 20
PERMIT NSR Permit No. 941, SC 5

Description: Failed to monitor a total of nine fugitive components: OC5FU1 (one component), OC5FU2 (4 components), OC5FU7 (1 component), OC5FU4 (3 components).

Notice of Intent Date: 04/26/2010 (826940)

No DOV Associated

Notice of Intent Date: 05/03/2010 (826921)

No DOV Associated

Notice of Intent Date: 05/07/2010 (826930)

No DOV Associated

Notice of Intent Date: 05/04/2010 (826948)

Disclosure Date: 10/25/2010

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)(i)

Description: Failure to conduct annual Method 21 monitoring of two connectors in Light Liquid service due to incorrect classification as Difficult to Monitor.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.104(b)(1)

Description: Failure to ensure the carbon monoxide hourly rolling average (CO HRA) does not exceed the 100 parts per million (ppm) limit while hazardous waste is in the combustion chamber.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)(iii)

Description: Failure to ensure hazardous waste is not introduced into the combustion chamber while the CO HRA is above the 100 ppm limit.

Notice of Intent Date: 05/13/2010 (826950)

Disclosure Date: 11/12/2010

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)

Description: The manual disinfectant residual analyzers have not been checked with standard solutions and calibration records for manual disinfectant residual analyzer, continuous residual analyzer, and well meter calibration records have not been maintained. Plant A, Plant B, and Stratton Ridge (Salt Domes 3,4,7,8,9).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)

Description: The ground storage and pressure tanks have not been inspected according to all 30TAC290.46(m)(1) required items in annual storage tank inspections. Plant A, Plant B, and Oyster Creek. Note: See Investigation No. 1078415 for Oyster Creek.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(i)

Description: Flow data has not been accurately recorded for 2008-2010 to reflect the information specified in TCEQ monthly operating report form 0811. At Stratton Ridge, daily flow rates have been recorded; however, information has not been recorded in format similar to the GW-MOR, TCEQ form 0811. Plant A, Plant B, and Stratton Ridge (Salt Domes 3,4,7,8,9).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(ii)

Description: Some chemical analyses results have not been maintained for the 10 year retention period. Plant A, Plant B, Oyster Creek, and Stratton Ridge (Salt Domes 3,4,7,8,9). Note: See Investigation No. 1078415 for Oyster Creek.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(iii)

Description: Records of previous TCEQ inspections/sanitary surveys have not been maintained. Plant A, Plant B, Oyster Creek, and Stratton Ridge (Salt Domes 3,4,7,8,9). Note: See Investigation No. 1078415 for Oyster Creek.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.121

Description: The monitoring plan has not been updated to reflect conversion from surface water to purchased water/groundwater system and conversion to chloramines. The monitoring plan does not contain all information required by 30TAC290.121. Plant A, Plant B, and Oyster Creek. Note: See Investigation No. 1078415 for Oyster Creek.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)

Description: Plant A: Wells #2 and #18 sealing blocks were not constructed to extend 3 feet from casing in all directions. Well #2 was constructed in 1940 and well #18 was constructed in 1950. Plant B: Well #1 sealing block was not constructed to extend 3 feet from casing in all directions. Well #1 was constructed in 1942.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
30 TAC Chapter 290, SubChapter D 290.42(m)

Description: Security fencing not constructed as required. Plant A: Security fencing was not constructed at wells #2 and #18. Plant B: Security fencing was not constructed at well #1. Oyster Creek: Security fencing was not constructed at five water wells (#23, #24, #26, #27, and #28). Note: See Investigation No. 1078415 for Oyster Creek.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)

Description: An Operations Manual has not been maintained in accordance with 30TAC290.42(l). Plant A and B.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)

Description: Security fencing not constructed as required. (Plant A) Security fencing was not constructed at pressure tank V A-2508. (Oyster Creek) Security fencing was not constructed at two treatment/storage tank areas (TK-1909 and TK-VIA). Note: See Investigation No. 1078415 for Oyster Creek.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(p)(2)

Description: An annual list of operators has not been provided to the TCEQ. Plant A, Plant B, and Oyster Creek. Note: See Investigation No. 1078415 for Oyster Creek.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(E)
30 TAC Chapter 290, SubChapter D 290.46(u)

Description: Abandoned wells for Plant A, Plant B, and Oyster Creek. Historical documents show wells classified as unknown. Note: See Investigation No. 1078415 for Oyster Creek.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(m)(2)

Description: For Plant B only: Complete analytical records of lead/copper sampling were not maintained.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(5)

Description: For Stratton Ridge (Salt Domes 3,4,7,8,9) only: Bleach container was not completely covered at top near pump suction for system 0200531.

Notice of Intent Date: 05/26/2010 (826923)

Disclosure Date: 05/05/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
Rqmt Prov: PERMIT Special Condition 1
Description: Failure to meet the hourly rate and yearly emission limits for additive vessels V411 and V412 as listed in the Maximum Allowable Emission Rates Table.

Notice of Intent Date: 06/01/2010 (826916)
No DOV Associated

Notice of Intent Date: 06/03/2010 (846000)
Disclosure Date: 06/08/2011
Viol. Classification: Minor
Rqmt Prov: PERMIT NSR Permit Special condition I-13
Description: Failure to complete MSS recordkeeping for EPN B52MSS1 EPN B39MSS1.
Viol. Classification: Moderate
Rqmt Prov: PERMIT NSR General Condition 2 and 40 CFR 63
Description: Failure to monitor 26 components, which is approximately 0.05% of total components subject to fugitive monitoring.

Notice of Intent Date: 06/10/2010 (827965)
No DOV Associated

Notice of Intent Date: 06/24/2010 (841010)
No DOV Associated

Notice of Intent Date: 07/12/2010 (841127)
No DOV Associated

Notice of Intent Date: 07/23/2010 (843903)
Disclosure Date: 06/22/2011
Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.342(f)(2)
Description: Failure to include appropriate off-site notification during 2006-2010 for containers subject to 40 CFR 61 Subpart FF (NESHAP FF) that were sent off-site.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter A 115.10
Description: Failure to include appropriate off-site notification during 2006-2010 for containers subject to 40 CFR 63 Subpart XX (as referenced by 40 CFR 63 YY (Ethylene MACT)) that were sent off-site.
Viol. Classification: Major
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1100
Description: Failure to submit a certification letter to TCEQ stating that the Texas Operations Kiln will receive and treat waste subject to 40 CFR 63 Subpart XX [as referenced by 40 CFR 63 Subpart YY(Ethylene MACT)] in accordance with the applicable requirements.

Notice of Intent Date: 07/28/2010 (848864)
No DOV Associated

Notice of Intent Date: 07/29/2010 (848881)
Disclosure Date: 02/24/2011
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT Special Condition 14
Description: Failure to ensure adequate monitoring of carbon canisters. Specifically, 16 of 20 monthly carbon canister analyses performed to determine breakthrough of the initial carbon canister showed elevated levels of VOC. This is being reported as an exceedance of the MAERT limit for the EPN B15CBM3.

Viol. Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter A 115.10
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162
Rqmt Prov: PERMIT Special Conditions 8&9
Description: Failure to monitor all valves and connectors under a prescribed Leak Detection and Repair Program.

Notice of Intent Date: 08/04/2010 (849288)
No DOV Associated

Notice of Intent Date: 08/04/2010 (849315)
Disclosure Date: 08/03/2011
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT Special Condition 17
PERMIT Special Condition I-12
Description: Failure to prevent emissions from EPG Process Tank D-753.

Notice of Intent Date: 08/12/2010 (860736)
Disclosure Date: 07/15/2011

Viol. Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.6
Description: Failure to include Sumps containing waste water in the RCRA Notice of Registration.

Notice of Intent Date: 08/13/2010 (860742)

Disclosure Date: 10/22/2010

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)(i)

Rqmt Prov: PERMIT HW-050161-001

PERMIT Permit O--2208

Description: Process control code allowed AWFCO logic to be disabled when waste feeds were manually ramped off.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)(iii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(a)(6)(iii)(A)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(a)(6)(iii)(B)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b)(5)(iii)(A)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b)(5)(iii)(B)

Rqmt Prov: PERMIT HW-50161-001

PERMIT Title V Permit

Description: Failure to properly update the process control code which resulted in MRA and HRA calculations to be zeroed when hazardous waste feeds were off the boiler. This also resulted in HRA calculations that were incorrect for the first 59 minutes after hazardous waste was introduced back into the combustion unit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.620

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)(iii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(a)(6)(iii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(a)(6)(iii)(A)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(a)(6)(iii)(B)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b)(5)(iii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b)(5)(iii)(A)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b)(5)(iii)(B)

Description: Failure to properly update the process control code which resulted in MRA and HRA calculations to be set equal to the instantaneous instrument reading when hazardous waste feeds were off the boiler. This also resulted in HRA calculations that were incorrect for the first 59 minutes after hazardous waste was introduced back into the combustion unit.

Notice of Intent Date: 08/13/2010 (860747)

Disclosure Date: 10/26/2010

Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-10

40 CFR Part 60, Subpart VV 60.482-2

40 CFR Part 60, Subpart VV 60.482-4

Rqmt Prov: PERMIT Special Condition 11

PERMIT Special Condition 3 and 4A

Description: Failure to properly maintain records. Specifically, records were not maintained for inspection of the pressure relief valves and monitoring systems; records for the AVO inspection of pumps, agitator seals and connectors; and records for the visual inspection of the closed vent system hammer blind and car seal.

Notice of Intent Date: 08/10/2010 (860754)

Disclosure Date: 10/05/2010

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(2)

30 TAC Chapter 115, SubChapter B 115.126(1)(A)(i)

30 TAC Chapter 115, SubChapter H 115.781(e)

Description: Failed to adequately keep records: 1. Recordable emission event records were incomplete. 2. Continuous monitoring records were not being maintained for the B4010 S910 TOX during 2007 and 2008. 3. Records of weekly pump, compressor, and agitator seal inspections were not being maintained.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(2)

Description: Failed to apply extraordinary repair requirements for valves in HRVOC service prior to placing HRVOC valves in Delay of Repair.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)

Description: Failed to place one connector on Delay of Repair without documenting a first attempt to repair.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)

Description: Failed to maintain documentation. Documentation of HRVOC vent gas compliance demonstration for the B4010

S910 TOX was not maintained.

Viol. Classification: Major

Citation: 30 TAC Chapter 106, SubChapter A 106.4

30 TAC Chapter 106, SubChapter A 106.8(c)(1)

Description: Documentation of permit by rule claim was missing for vessel D-611.

Notice of Intent Date: 08/10/2010 (863643)
No DOV Associated

Notice of Intent Date: 08/23/2010 (860731)
Disclosure Date: 09/13/2010

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.705(l)

Description: Failed to submit NSPS RRR semiannual reports after the October 2005 report. Dow relied on 40 CFR 63 Subpart YY to supercede NSPS RRR. Ethylene MACT does not supercede NSPS RRR for vent gas streams routed to a fuel gas system.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.700(c)(5)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.705(r)

Description: Failed to submit a process design description for vent gas streams, as part of the initial report, as required by 40 CFR 60.700(c)(5) and 60.705(r). The vent gas streams from affected facilities are routed to distillation unit(s) that are subject to NSPS NNN and have no other releases to air except for pressure relief valves.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.660(b)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(l)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(1)

Description: Failed to submit NSPS NNN initial notifications or semiannual reports for any of the distillation units at LHC-8.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)(3)

40 CFR Chapter 70, SubChapter C, PT 70 70.5(c)

40 CFR Chapter 70, SubChapter C, PT 70 70.5(c)(4)

Description: Failed to supply accurate information with the Title V application for determination of the NSPS NNN applicable requirements for these units: distillation units, LHC-8 furnaces and flares FS-1, FS-1018 and FX-1000.

Viol. Classification: Minor

Citation: 40 CFR Part 60, Subpart NNN 60.662

40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.662(b)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.702

40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.702(b)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(a)

Description: Failed to run performance tests within the specified timeframe and/or run performance tests under maximum production rates

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.705(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.705(b)(2)(i)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.705(l)

Description: Failed to implement NSPS RRR. This includes, but is not limited to the following requirements: 1. No notification was submitted for the date construction commenced or for initial startup. 2. No notification was submitted in accordance with 40 CFR 60.705(a) indicating which of the specific provisions of 40 CFR 60.702 (a), (b), or (c) were being followed. 3. No report was initially submitted in accordance with 40 CFR 60.705(b)(2)(i) describing the location at which the vent stream is...

Notice of Intent Date: 08/23/2010 (863510)
No DOV Associated

Notice of Intent Date: 08/30/2010 (870180)
Disclosure Date: 10/26/2010

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT Special Condition 1

PERMIT Special Conditon 11

Description: Failure to maintain compliance with the annual throughput of solvent mixture loaded in the tank trucks.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT Sepcial Condition 1

PERMIT Special Condition 11

Description: Failure to maintain compliance with the annual throughput of solvent tanks T-16A.

Notice of Intent Date: 08/30/2010 (870184)
No DOV Associated

Notice of Intent Date: 09/10/2010 (870173)
Disclosure Date: 04/21/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(D)
40 CFR Part 63, Subpart H 63.165
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2346(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480
40 CFR Chapter 63, SubChapter C, PT 63, SubPT DD 63.691(b)(2)
Rqmt Prov: PERMIT HW50161, Section X
PERMIT NSR Permit No. 20909
PERMIT NSR Permit No. 313
PERMIT NSR Permit No. 46428
PERMIT Title V Permit No. O2211

Description: Failed to include some pressure relief devices in the fugitive monitoring program: 1 at the B-35 Wastewater Treatment Plant, 6 at the B-3400 SOHO/FTO, 2 at the B-8 Thermal Oxidizer, and 6 at the B-33 Kiln.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Title V Permit No. O2211

Description: Failed to provide records of inspections on pressure relief devices for the B-34 SOHO and B-33 Kiln areas.

Notice of Intent Date: 09/17/2010 (870168)
No DOV Associated

Notice of Intent Date: 09/14/2010 (870178)
Disclosure Date: 04/24/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 115, SubChapter D 115.354(11)
30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter D 115.354(2)(D)
30 TAC Chapter 115, SubChapter D 115.354(3)
30 TAC Chapter 115, SubChapter H 115.781(b)(3)
30 TAC Chapter 115, SubChapter H 115.781(b)(8)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-4(a)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)
40 CFR Part 63, Subpart H 63.174
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)(iv)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)(v)

Rqmt Prov: PERMIT Special Condition 2, 28 MID F&I
PERMIT Special Condition 2, 28 MID(G)
PERMIT Special Condition 2, 28 MID(H)

Description: Failure to monitor or/and report 668 Connectors, 3 Pumps, 210 Valves and 2 Relief Devices or include the emission calculations beginning January 9, 1998.

Notice of Intent Date: 09/29/2010 (870187)
Disclosure Date: 09/21/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(A)
30 TAC Chapter 115, SubChapter E 115.412(1)(B)
30 TAC Chapter 115, SubChapter E 115.412(1)(C)
30 TAC Chapter 115, SubChapter E 115.412(1)(D)
30 TAC Chapter 115, SubChapter E 115.412(1)(E)
30 TAC Chapter 115, SubChapter E 115.412(1)(F)

Description: Failure to complete or document the visual monthly inspections of the solvent degreaser (FIN: B1RRSC127) located at B-127.

Notice of Intent Date: 10/04/2010 (873276)
Disclosure Date: 02/07/2011

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(b)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(b)(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(c)(2)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(c)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(c)(4)

Description: Failed to keep general and specific equipment identification records for fugitives, as required.

Viol. Classification: Moderate

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

Description: Failed to submit engineering calculations, for process vent emissions occurring from R-505 during startup, shutdown, and malfunction that are controlled by the FS-1 Flare, to substantiate that the flare meets the applicable heat content or flow rates during worst case conditions (e.g. - maximum operating conditions). The other option, to submit data from a compliance assessment that the flare is in compliance under worst case conditions, was also not submitted.

Viol. Classification: Minor

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

Description: Failed to designate specific components in > 5% HCN service (for more than 300 hours per year) as never being safe to monitor with the Notification of Compliance Status, and is not currently monitoring such equipment. Did not certify that monitoring such equipment at any time the CCMPU is operating is never safe.

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 YY 63.1110(f)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.999(b)

Description: Failed to submit the Notification of Compliance Status for 40 CFR 63 Subpart YY by the earlier of 240 days after the compliance date or 60 days after completion of the initial performance test or initial compliance assessment.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1039(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(e)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(f)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.999(c)

Description: Failed to submit Periodic Reports for 40 CFR 63 Subpart YY (and the referenced subparts SS/UU). The first Periodic Report was due November 30, 2006 for the period March 9, 2006 - September 30, 2006.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1111(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.998(d)(3)(i)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.998(d)(3)(ii)

Description: Relative to the R-505 diversion to FS-1 during Startup, Shutdown and Maintenance (SSM) scenarios, failed to produce the SSM Plan and corresponding SSM records for Cyanide MACT purposes prior to the MON compliance date (e.g. between July 12, 2005 - May 10, 2008).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1109(d)

Description: Failed to maintain records containing information developed and used to assess control applicability under 40 CFR 63.1103 (e.g. combined total annual emissions of regulated organic HAP).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(g)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1106(b)

Description: Maintenance wastewater plan was unavailable prior to MON compliance date. The current maintenance wastewater plan for MON is possibly insufficient to cover all maintenance wastewater activates associated with the Cyanide MACT process.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)

40 CFR Chapter 70, SubChapter C, PT 70 70.5(c)

Description: Failed to include 40 CFR 63 Subpart YY as an applicable regulation in the Title V Permit No. O-02220. The permit shield indicates that the process unit is not a cyanide chemical manufacturing source per 40 CFR 63.1103(g)(2).

Notice of Intent Date: 10/07/2010 (873323)

Disclosure Date: 01/24/2011

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(a)

Description: Failed to conduct performance testing on two flares at the time the Polypropylene 1 Plant was first started up, as required by 40 CFR § 60.8(a).

Notice of Intent Date: 10/15/2010 (873268)

Disclosure Date: 10/25/2010

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.340(j)

Rqmt Prov: OP S.C. 1 Applicable Requirements Summary

Description: Failure to comply with a general condition of the Facility's Title V permit.

Notice of Intent Date: 10/22/2010 (873272)

No DOV Associated

Notice of Intent Date: 10/22/2010 (873274)

Disclosure Date: 04/12/2011

Viol. Classification: Minor

Citation: 4F TWC Chapter 63, SubChapter A 63.181

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2346(c)
Description: Failure to keep records of the weekly inspections for 11 pumps subject to the OLD MACT, 40 CFR 63 Subpart EEEE.
Viol. Classification: Minor
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)
Description: Failure to perform quarterly visual inspections and the documentation for the 4th quarter of 2007, 2nd quarter of 2007, and 2nd quarter of 2008.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to update corrective actions for the applicable leak detection and repair rules that are used to manage fugitive monitoring at the site.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.310
30 TAC Chapter 117, SubChapter B 117.345
Description: Failure to keep records of start and end times during testing and maintenance for the fire pumps A-4006 and A2210 along with total hours of operation each month.
Viol. Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.110
Description: Failure to obtain NSR authorization for the A-28 Drumming facility (FIN A28PDL4, EPN A28DL4).
Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.10
Description: Failure to include all required emission points in the air emission inventory report.
Viol. Classification: Major
Citation: 30 TAC Chapter 122, SubChapter B 122.134
Description: Failure to include several facilities into the application for the Title V permit O-02217.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.354
Description: Failure to complete the final NOx Control Plan submitted March 31, 2005, not all facilities within the scope of Title V Permit O-02217 were included.
Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter F 335.152
Description: Failure to document or maintain records of weekly RCRA area safety equipment inspections for two years.
Disclosure Date: 04/13/2011
Viol. Classification: Minor
Citation: 4F TWC Chapter 63, SubChapter A 63.181
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2346(c)
Description: Failure to keep records of the weekly inspections for 11 pumps subject to the OLD MACT, 40 CFR 63 Subpart EEEE.
Viol. Classification: Minor
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)
Description: Failure to perform quarterly visual inspections and the documentation for the 4th quarter of 2007, 2nd quarter of 2007, and 2nd quarter of 2008.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: Failure to update corrective actions for the applicable leak detection and repair rules that are used to manage fugitive monitoring at the site.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.310
30 TAC Chapter 117, SubChapter B 117.345
Description: Failure to keep records of start and end times during testing and maintenance for the fire pumps A-4006 and A2210 along with total hours of operation each month.
Viol. Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.110
Description: Failure to obtain NSR authorization for the A-28 Drumming facility (FIN A28PDL4, EPN A28DL4).
Viol. Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.10
Description: Failure to include all required emission points in the air emission inventory report.
Viol. Classification: Major
Citation: 30 TAC Chapter 122, SubChapter B 122.134
Description: Failure to include several facilities into the application for the Title V permit O-02217.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.354
Description: Failure to complete the final NOx Control Plan submitted March 31, 2005, not all facilities within the scope of Title V Permit O-02217 were included.
Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter F 335.152
Description: Failure to document or maintain records of weekly RCRA area safety equipment inspections for two years.
Disclosure Date: 10/25/2011
Viol. Classification: Minor

Citation: 4F TWC Chapter 63, SubChapter A 63.181
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2346(c)
Description: Failure to keep records of the weekly inspections for 11 pumps subject to the OLD MACT, 40 CFR 63 Subpart EEEE.

Viol. Classification: Minor

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.345(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)

Description: Failure to perform quarterly visual inspections and the documentation for the 4th quarter of 2007, 2nd quarter of 2007, and 2nd quarter of 2008.

Viol. Classification: Moderate

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

Description: Failure to update corrective actions for the applicable leak detection and repair rules that are used to manage fugitive monitoring at the site.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310
30 TAC Chapter 117, SubChapter B 117.345

Description: Failure to keep records of start and end times during testing and maintenance for the fire pumps A-4006 and A2210 along with total hours of operation each month.

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110

Description: Failure to obtain NSR authorization for the A-28 Drumming facility (FIN A28PDL4, EPN A28DL4).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10

Description: Failure to include all required emission points in the air emission inventory report.

Viol. Classification: Major

Citation: 30 TAC Chapter 122, SubChapter B 122.134

Description: Failure to include several facilities into the application for the Title V permit O-02217.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.354

Description: Failure to complete the final NOx Control Plan submitted March 31, 2005, not all facilities within the scope of Title V Permit O-02217 were included.

Viol. Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter F 335.152

Description: Failure to document or maintain records of weekly RCRA area safety equipment inspections for two years.

Notice of Intent Date: 10/27/2010 (870231)
No DOV Associated

Notice of Intent Date: 11/05/2010 (878610)
Disclosure Date: 11/07/2011

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.355(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1063
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.485(b)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.245(b)(3)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(h)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023(b)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)(3)

Rqmt Prov: PERMIT Special Conditions No. 13F
OP Special Terms and Conditions No. 6

Description: Failed to conduct daily calibrations. Specifically, fugitive components authorized by multiple NSR permits did not meet the requirements of Method 21 since daily calibrations were not conducted on 36 occasions between January 3, 2008 and December 10, 2010.

Notice of Intent Date: 12/03/2010 (899188)
Disclosure Date: 12/12/2011

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.32
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173

Description: Failure to properly label and store hazardous waste containers in designated hazardous waste storage areas.

Notice of Intent Date: 12/13/2010 (899196)
Disclosure Date: 05/19/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP Special Condition 17
PERMIT Special Condition 18

Description: Failure to maintain records. Specifically, records of pressure test results of tank trucks used to load methylene chloride were not being kept. Without records to verify compliance, it is assumed that some if not all of the tests were not done.

Viol. Classification: Major

Citation: 30 TAC Chapter 122, SubChapter C 122.217(a)(2)

Rqmt Prov: OP Signature Page

Description: Failure to submit a permit revision application. A grit blaster was authorized under PBR 106.452 in August 2010 but a revision to the Title V permit to include it (Off-Permit Notifications or Minor Revision) was not submitted to TCEQ.

Notice of Intent Date: 01/04/2011 (892639)

No DOV Associated

Notice of Intent Date: 01/07/2011 (899198)

Disclosure Date: 10/24/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)

Rqmt Prov: OP Special Condition 11

PERMIT Special Condition 8

Description: Failure to include one connector and inaccurately identify six connectors in the monitoring program as required by the NSR permit and 30 TAC 115.781.

Notice of Intent Date: 01/12/2011 (899983)

Disclosure Date: 11/07/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)

Rqmt Prov: OP Periodic Monitoring

Description: Failure to maintain complete records for inspection of cold solvent cleaner B1MSC105A for the period of November 2009 to July 2010.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(3)(D)

Description: Failure to maintain quarterly inspections on HRVOC monitoring system.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.726(e)(3)(A)

Description: Failure to meet recordkeeping requirement for the HRVOC vent gas stream.

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter T 106.452

Description: Failure to maintain seven enclosed dry abrasive blasters according to the requirements of the permit by rule.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.340(j)

30 TAC Chapter 117, SubChapter H 117.9020(2)(A)

Description: Failure to maintain records for runtime meter compliance for 2005-2008 for five (5) Emergency Engines.

Notice of Intent Date: 01/14/2011 (899984)

No DOV Associated

Notice of Intent Date: 01/21/2011 (899992)

No DOV Associated

Notice of Intent Date: 01/24/2011 (899996)

Disclosure Date: 04/21/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(e)(3)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(2)(v)(A)(3)

Rqmt Prov: PERMIT Title V Permit No. O2211

Description: Discrepancies were discovered in the excess emissions report for sets of 10 exceedances of an emission standard or operating requirement while hazardous waste remained in the combustion chamber during a 60-day block period due to the time periods being reviewed for these events. 40 CFR 63.1206(c)(2)(v)(A)(3)(ii) requires for each set of 10 exceedances of an emission standard or operating requirement while hazardous waste remains in the combustion chamber during a 60-day block period, to include

Notice of Intent Date: 01/24/2011 (900001)

Disclosure Date: 04/21/2011

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter F 116.615

Rqmt Prov: PERMIT Title V Permit No O2211

Description: Failed to have the person responsible sign computerized summaries of monitoring and inspection data (per X.B.I.2.i.3 of RCRA Permit HW -5016 as required by Title V permit O2211).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615

Rqmt Prov: PERMIT Title V Permit No. O2211

Description: Failed to take out of service or repair leaking equipment by the end of the next daylight shift, as required

by X.B.I.2.h of RCRA Permit HW-50161 and by Title V permit 02211.

Notice of Intent Date: 02/03/2011 (900175)
No DOV Associated

Notice of Intent Date: 02/07/2011 (900178)
No DOV Associated

Notice of Intent Date: 02/10/2011 (900180)
No DOV Associated

Notice of Intent Date: 02/22/2011 (905410)
No DOV Associated

Notice of Intent Date: 02/21/2011 (905414)
Disclosure Date: 02/17/2012

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(E)
30 TAC Chapter 290, SubChapter D 290.46(u)
Title 16 TAC Chapter 76 76.1000(e)

Description: Failed to plug water wells within six months of abandonment (not used for six consecutive months). The following wells were included in the violation: 318 Slaughter Road/Well No 40; 122 Slaughter Road/Well No 41; 3434 Austin Lane/Well No 39; 3504 Austin Lane/Well No 38; 3226 CR217/Well No 44; Tract 2-3/Well No 45; Tract 7Q/Well No 42; Lot 2A/Well No 28; and CR 217--SLRO/Well No 43.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(E)
30 TAC Chapter 290, SubChapter D 290.46(u)
Title 16 TAC Chapter 76 76.1000(e)

Description: Failed to plug water wells within six months of abandonment (not used for six consecutive months). The following wells were included in the violation: Hagerman Road Area: 801 Hagerman/Well No. 31; 719 Hagerman/Well No. 22-2; 735 HagermanI Well No. 21; 210 Hagerman/Well No. 18; 630 Hagerman/Well No. 32; 418 Hagerman/Well No.33; and 214 Hagerman/ Well No. 35.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(E)
30 TAC Chapter 290, SubChapter D 290.46(u)
Title 16 TAC Chapter 76 76.1000(e)

Description: Failed to plug water wells within six months of abandonment (not used for six consecutive months). The following wells were included in the violation: Hanley Road Area: 606 Exline/Well No. 37; Tract D/Well No. 36; Tract I1(CR 338)/Well No. 16; Tract 1D/Well No. 11; Tract I2/ Well No. 15; 4230 Hanley/Well No. 17-3; 435 Hanley/Well No. 3; 435 Hanley/Well No. 4; Hanley-Lot 3A/Well No. 15; and Hanley-523 Smith (#47).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(E)
30 TAC Chapter 290, SubChapter D 290.46(u)
Title 16 TAC Chapter 76 76.1000(e)

Description: Failed to plug water wells within six months of abandonment (not used for six consecutive months). The following wells were included in the violation: Property A-49, BIC Divisions 14, Lots 3,4,5 Block B of the Crescent Heights Subdivision (2103 Frontage Road in Clute, Teas 77541): 2103 Frontage Road/ Well No. FR1; 1903 Crescent Heights Drive/Well No. FR2; and 1903 Crescent Heights Drive/Well No. FR3.

Notice of Intent Date: 02/25/2011 (905418)
Disclosure Date: 07/26/2012

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(6)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.246(c)(6)

Description: Failure to locate or keep record of the signature of the owner/operator (or designate) whose decision it was that repair of a leaking component could not be affected without a process unit shutdown. According to DOV letter dated 07/26/2012, there were 348 occasions in which no record can be located of the signature of the owner/operator (or designate) whose decision it was that repair of a leaking component could not be affected without a process unit shutdown.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.356(1)(D)
30 TAC Chapter 115, SubChapter H 115.786(d)

Description: Failure to retain records for the expected VOC emissions if the associated process unit is shutdown for repair of components or other equipment including the total emissions, the calculations used, and the engineering assumptions applied. This happend on 2368 occasions.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)(C)(ii)
30 TAC Chapter 115, SubChapter H 115.782(b)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(g)(4)(v)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(d)(5)

Rqmt Prov: PERMIT SC 1.I
PERMIT SC 11.I
PERMIT SC 17.I

PERMIT SC 19.I
PERMIT SC 3.I
PERMIT SC 5.H
PERMIT SC 6.H
PERMIT SC 8.H
PERMIT SC 9.I

Description: Failure to repair 229 leaking components within the 15 days required by regulation. These components had been improperly placed on delay of repair.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.786(d)(2)

Rqmt Prov: PERMIT SC 10.I
PERMIT SC 11.H
PERMIT SC 11.I
PERMIT SC 13.I
PERMIT SC 16.H
PERMIT SC 19.I
PERMIT SC 26.1
PERMIT SC 9.I

Description: Failure to update calculations of the daily emissions for components on delay of repair within ten days for compliance with the associated facility New Source Review permit conditions or within 5 business days for compliance with the HRVOC regulation after a leaking component was determined to require a process unit shutdown to repair. This happened on 1,411 occasions.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(1)(B)(i)(I)

Rqmt Prov: PERMIT SC 10.I
PERMIT SC 11.I
PERMIT SC 19.I
PERMIT SC 9.I

Description: Failure to maintain cumulative daily emissions from all components on delay of repair lower than total estimated emissions for shutdown of the associated process unit. No notification was made to the TCEQ Regional Manager or any local programs. This occurred on 65 occasions.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
30 TAC Chapter 115, SubChapter H 115.782(b)(2)

Description: Failure to repair HRVOC component leaking >10,000 ppm within 7 days required by regulation on 10 occasions. These components had been improperly placed on delay of repair late.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.356(2)(E)(vii)

Description: Failure to retain records regarding the date that a leaking component was taken out of service. This happened on 7 occasions.

Notice of Intent Date: 03/01/2011 (905421)
No DOV Associated

Notice of Intent Date: 03/01/2011 (905577)
Disclosure Date: 07/07/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT NSR Permit No. 1472, SC 18

Description: Failed to comply with bottom and/or submerged loading of applicable tank-truck loading and railcar loading as required by NSR Permit No. 1472, Special Condition No. 18.

Notice of Intent Date: 03/08/2011 (906673)
Disclosure Date: 04/24/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter D 115.354(2)(D)
30 TAC Chapter 115, SubChapter H 115.781(b)(3)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-4(d)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-8(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)

Rqmt Prov: PERMIT NSR Permit No. 20432, Special Conditions
PERMIT O2208

Description: Failed to monitor 585 Valves, 19 relief devices, 1307 connectors and 16 pumps. These valves, relief devices, connectors and pumps were not monitored and/or not reported or included in the emission calculations beginning January 9, 1998.

Notice of Intent Date: 03/14/2011 (914160)

Disclosure Date: 04/26/2011

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2520(d)(2)(i)

Description: Failure to complete evaluation and comply with MON requirements if applicable. Specifically, The batch process vent off the heat exchanger system, Bank A-E143/E101A and Bank B-E143/E101B, were not evaluated against the batch vent provisions of the Miscellaneous Organic National Emissions Standard for Hazardous Air Pollutants (MON) rule.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2520(d)(2)(i)

Description: Failure to maintain documentation to support a claim that vessel D-133 is exempt from MON requirements and failure to comply with MON requirements if applicable.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(3)(D)

Description: Failure to conduct quarterly inspections of pressure relief valves and their associated monitors that are subject to the highly Reactive Volatile Organic Compound (HRVOC) rule.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)

Description: Failure to complete repair of 3 leaking fugitive components within the regulatory timeline. Component 424268 was found leaking on 3/10/09; Component EAI146773 was found leaking on 6/8/09; Component EAI147113 was found leaking on 3/12/09. In each case, the repair was not completed within the time required by HRVOC rules.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)

Rqmt Prov: PERMIT Special Conditions 11F and 12

Description: Failure to monitor sixteen fugitive connectors, tags 411851 through 411866. These connectors were erroneously marked as exempt from monitoring in the monitoring recordkeeping system. These components had not been monitored since their installation in September 2010.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT special condition 18

Description: Failure to comply with permit requirements. Specifically, the requirement of permit 8567 special condition 13 to either conduct an audio, visual, olfactory (AVO) inspection monthly or conduct annual method 21 fugitive monitoring of the flare capture system were not met. Most of the components in the system were monitored using method 21 but components were found that should have been included but were not.

Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart A 60.18

Description: The vapor pressure calculations to determine applicability of requirements under the "Standards of Performance for Volatile Organic Liquid Storage Vessels" (40 CFR 60, Subpart Kb) were not done at the temperature specified in the definition of "maximum true vapor pressure" as required. Tanks T-1, T-5, T-8, T-10 and T-11 had been evaluated at lower ambient temperatures. This violation is for not having a correct record showing applicability to Subpart Kb.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(3)(E)

Description: The HRVOC Monitoring Plan for this plant did not include all the pressure relief valves that discharge to the air or to a control device other than the plant flare as required by 30 TAC 115.725(c)(3)(e).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1052(a)(1)

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1057(a)

Description: One fugitive component (pump tagged EAI149368), currently monitored on a quarterly frequency should have been monitored monthly to meet requirements of Resource Conservation and Recovery Act (RCRA) Subpart BB. The recordkeeping system did not indicate any components subject to RCRA Subpart BB. A more detailed review determined that an additional 110 components had not been monitored for RCRA Subpart BB.

Notice of Intent Date: 03/24/2011 (914157)

Disclosure Date: 04/18/2011

Viol. Classification: Minor

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

Rqmt Prov: PERMIT Special Conditions No. 4

Description: Failed to perform calculations converting conductivity measurement data into hourly and annual particulate emissions as specified by the NSR permit at the required frequency.

Notice of Intent Date: 03/21/2011 (914196)

No DOV Associated

Notice of Intent Date: 03/24/2011 (950301)

Disclosure Date: 04/20/2011

Viol. Classification: Moderate

Citation: 40 CFR Chapter 267, SubChapter I, PT 267, SubPT B 267.16(e)

Description: Failure to keep training records for the life of the facility.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 267, SubChapter I, PT 267, SubPT B 267.16(b)

40 CFR Chapter 267, SubChapter I, PT 267, SubPT B 267.16(c)

Description: Failure to complete training by all personnel as required by 40CFR 167.16(1)(c).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34

Description: Failure to remove waste stored for more than 90 days from the A-36 plant, on August 14, 2010 and September 25, 2010.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.174

Description: Failure to possess railroad area inspection paperwork from November 2007 to middle August 2009.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT H 266.100

Rqmt Prov: PERMIT 40 CFR 266 Appendix IX

Description: Failure to have daily CEMS inspections for B-901, B-902, and B-903 for June 19, 2010 and October 30, 2010 for B-902.

Notice of Intent Date: 04/05/2011 (914179)

Disclosure Date: 11/07/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.132(a)

Description: Failed to list PBR 106.473 on a New Source Review Permit.

Notice of Intent Date: 04/04/2011 (914183)

No DOV Associated

Notice of Intent Date: 04/04/2011 (914192)

Disclosure Date: 04/10/2012

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.126(3)(B)

30 TAC Chapter 115, SubChapter B 115.126(3)(C)

Description: Failed to have available documentation of exempted vents to demonstrate compliance with Chapter 115 Vent Gas requirements.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.134(b)(2)

Description: Failed to include 30 TAC § 115 Vent Gas requirements in the Title V Permit 0-02202.

Notice of Intent Date: 04/18/2011 (922638)

No DOV Associated

Notice of Intent Date: 04/26/2011 (922618)

Disclosure Date: 09/28/2011

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT SC 13 D (2) and 14

Description: Failure to comply with a Special Condition of the facility's NSR Permit. Specifically, the Respondent failed to measure the VOC vapor concentration after clearing equipment to control for maintenance, in violation of NSR Permit No. 20776, Special Condition 13(D)(2).

Notice of Intent Date: 04/28/2011 (922795)

No DOV Associated

Notice of Intent Date: 04/27/2011 (923389)

Disclosure Date: 07/14/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Rqmt Prov: PERMIT NSR Permit No. 1472, SC 15

Description: Failed to capture particulate emissions and route them to the designated control device (A26SV615) through the dust collection system. The particulate emissions are not escaping to the environment as the system is enclosed in a building.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.983(b)(1)(i)(A)

Description: Failed to conduct initial Method 21 monitoring when the regulation was implemented for 21 valves, 100 connectors, and 2 relief devices that were incorrectly identified as Difficult to Monitor (DTMs).

Notice of Intent Date: 04/24/2011 (923396)

Disclosure Date: 10/24/2011

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Condition 6

Description: Failure to conduct an intensive directed maintenance program as required by the 28 MID fugitive monitoring program for leaking components in the EO distribution (B-5400) area.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2346(c)

Description: Failure to monitor on a quarterly basis all of the valves in gas/vapor or light liquid service in the B-54 area.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(1)

30 TAC Chapter 115, SubChapter H 115.725(c)(3)

30 TAC Chapter 115, SubChapter H 115.726(c)

Description: Failure to have records of the quarterly inspections of the HRVOC pressure relief valves and their associated monitors.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(4)

Description: Failure to to change the method of compliance from annual monitoring to semiannual monitoring for the valves in gas/vapor and light liquid service. In addition, the percent leak rate for valves is not being reported correctly and is difficult to reproduce.

Notice of Intent Date: 04/27/2011 (923418)

No DOV Associated

Notice of Intent Date: 05/05/2011 (922777)

Disclosure Date: 10/26/2011

Viol. Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.500

30 TAC Chapter 113, SubChapter C 113.890

40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2450(k)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.996(c)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.996(c)(3)

Description: Failure to establish a correct minimum water flow rate for flowmeter on T-600 water inlet.

Notice of Intent Date: 05/11/2011 (923424)

No DOV Associated

Notice of Intent Date: 05/17/2011 (922812)

Disclosure Date: 10/26/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.890

40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2460

Description: Failure to reduce by 98%, the collective uncontrolled organic HAP emissions from the sum of all batch process vents within the Solid Epoxy Resin (SER) process unit as per MON compliance requirements.

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

Rqmt Prov: OP S.C. 1 (Applicable Requirements Summary

PERMIT S.C. 8

Description: Failure to operate the Solid Epoxy Resin (SER) process within permit limits and failure to accurately represent process. Specifically, SER reactors exceeded emissions representations in permit application for uncontrolled emissions to the atmosphere. Also, SER process permit application did not include representation for emissions from the hot resin at the belt flaker. Results from industrial hygiene sampling started in June 2011 showed some amount of VOC present at the point where resin is d

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.127(a)

Rqmt Prov: PERMIT S.C. 2E

OP Special Terms and Conditions

Description: Failure to conduct proper maintenance and operation to prevent open-ended lines. Specifically, one open ended line discovered on 8/26/11 and bullplug was replaced immediately upon discovery.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(b)

Rqmt Prov: PERMIT Chapter 1

Description: Failure to keep the MSS HRVOC emissions under the required amount by the permit MSS HRVOC tons per rolling 12 month emission cap in NSR flexible permit #20432 Chapter 1.

Notice of Intent Date: 05/17/2011 (923407)

Disclosure Date: 08/29/2011

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: PERMIT NSR Permit No. 35022 SC 7E & 10

PERMIT Title V Permit No. O-2207, SC 8

Description: Failed to correct open ended lines. An open ended line in light liquid was found on 06/14/2011 and immediately corrected by installing a plug.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(2)(ii)(A)(1)

Rqmt Prov: PERMIT Title V Permit No. O-2207, SC 8

Description: Failed to keep the daily average value within permitted range. Daily average flow on 02/10/11 was 298 lbs/hr which is below the daily average limit of 300 lbs/hr established during performance testing.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.169(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.169(d)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)

Rqmt Prov: PERMIT NSR Permit No. 35022, SC 10H, 10I

PERMIT Title V Permit No. O2207, SC 8

Description: Failed to repair in a timely manner a flange in light liquid service. Late first repair attempt of a flange in light liquid service, from 10-28-11 to 12-6-11. The flange was observed to be leaking by AVO method on 10-23-11. A first attempt was due on 10-28-11 but was not completed with monitoring until 12-6-11.

Viol. Classification: Moderate

Citation: 40 CFR Part 63, Subpart H 63.174

Rqmt Prov: PERMIT NSR Permit No. 35022, SC 12
PERMIT Title V Permit No. O-2207, SC 8

Description: Failed to conduct monitoring. Missed monitoring on one (1) flange in light liquid service from July 1, 2005 to December 06, 2011.

Notice of Intent Date: 05/25/2011 (932734)
No DOV Associated

Notice of Intent Date: 05/31/2011 (932725)
Disclosure Date: 10/17/2011

Viol. Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

Rqmt Prov: ORDER S.C. 3

Description: Failure to adequately conduct visible emissions observations.

Viol. Classification: Minor

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT M 61.144(b)(3)

Description: Failure to record all necessary visible emissions observation data from each potential source of asbestos emissions from any part of the manufacturing facility.

Viol. Classification: Minor

Citation: 40 CFR Chapter 273, SubChapter I, PT 273, SubPT B 273.14(e)

Description: Failure to store used fluorescent lamps/bulbs without proper labels as required.

Notice of Intent Date: 05/31/2011 (932740)
No DOV Associated

Notice of Intent Date: 06/08/2011 (933580)
Disclosure Date: 09/06/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.1

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.116(b)

Rqmt Prov: PERMIT General Condition 8

Description: Failure to complete Method 21 monitoring of fugitive components in Acetone service represented in permit application.

Notice of Intent Date: 06/14/2011 (934687)
No DOV Associated

Notice of Intent Date: 06/13/2011 (934735)
Disclosure Date: 02/13/2012

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615

Rqmt Prov: PERMIT SC 1

Description: Failure to have allowable emission rates for the VOC gas that is emitting from the seals of the Train 1 and Train 2 extruders.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.356(3)(C)

30 TAC Chapter 115, SubChapter H 115.786(e)

30 TAC Chapter 115, SubChapter H 115.786(g)

Description: Failure to keep Train 1 and Train 2 extruders are not included in the recordkeeping requirements of 115.356(3)(C) and 115.786(e) and (g).

Notice of Intent Date: 06/24/2011 (936660)
Disclosure Date: 09/21/2011

Viol. Classification: Major

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

Rqmt Prov: PERMIT Special Condition 1

OP Whole permit

Description: A VOC material was found in a nitrogen padded oil exchange vessel resulting in unauthorized emissions of 3 pounds of VOC.

Notice of Intent Date: 06/24/2011 (936671)
No DOV Associated

Notice of Intent Date: 06/22/2011 (936684)
Disclosure Date: 11/03/2011

Viol. Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter K 106.263
Description: Failure to keep records authorized and maintained for outside abrasive blast cleaning.
Viol. Classification: Major
Citation: 30 TAC Chapter 116, SubChapter A 116.10
Description: Failure to review, approve and track coating applications.

Notice of Intent Date: 06/20/2011 (936704)
No DOV Associated

Notice of Intent Date: 06/28/2011 (937071)
Disclosure Date: 06/28/2012

Viol. Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.13
30 TAC Chapter 335, SubChapter A 335.6
30 TAC Chapter 335, SubChapter C 335.61
30 TAC Chapter 335, SubChapter C 335.62
30 TAC Chapter 335, SubChapter C 335.65
30 TAC Chapter 335, SubChapter C 335.66
30 TAC Chapter 335, SubChapter C 335.67
30 TAC Chapter 335, SubChapter C 335.69
30 TAC Chapter 335, SubChapter C 335.70
30 TAC Chapter 335, SubChapter C 335.71
30 TAC Chapter 335, SubChapter A 335.9
Description: Failure to manage and abide by the RCRA hazardous waste requirements. Also failure to abide by the acceptable benzene concentration on property.

Notice of Intent Date: 06/30/2011 (941145)
Disclosure Date: 07/20/2011

Viol. Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.1230
40 CFR Chapter 63, SubChapter C, PT 63, SubPT NNNNN 63.9015(a)
Rqmt Prov: OP O-01388
OP O-0211

Description: Failure to conduct performance testing as required.
Viol. Classification: Minor
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT NNNNN 63.9020(e)
Rqmt Prov: OP O-01388
OP O-02211

Description: Failure to fully conduct a compliance performance test and to establish the necessary operating parameters as required by the HCI MACT.

Notice of Intent Date: 06/30/2011 (941160)
Disclosure Date: 06/29/2012

Viol. Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)(10)(A)
30 TAC Chapter 117, SubChapter B 117.345(f)(10)(B)
30 TAC Chapter 117, SubChapter B 117.345(f)(10)(C)
30 TAC Chapter 117, SubChapter B 117.345(f)(10)(D)
30 TAC Chapter 122, SubChapter B 122.143(4)
Description: Failure to keep complete records of stationary emergency diesel engine operation at Unit 1, Unit 5, and EDCNPA.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(1)
30 TAC Chapter 115, SubChapter H 115.725(c)(2)
30 TAC Chapter 115, SubChapter H 115.725(c)(3)
30 TAC Chapter 122, SubChapter B 122.143(4)
Description: Failure to keep a monitoring plan for Pressure Safety Valves in HRVOC service. Failure to conduct inspections of pressure safety valves in HRVOC service as required at EDCNPA.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter C 122.210(a)
Description: Failure to include four emergency diesel engines (OC5U5GE500, OC1U1GE500, OC1U1GE12, A70ECGE503) were not incorporated into the title V permit.

Notice of Intent Date: 06/30/2011 (941322)
No DOV Associated

Notice of Intent Date: 07/07/2011 (941331)
Disclosure Date: 08/04/2011

Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
Rqmt Prov: PERMIT Special Condition 26E
Description: Failure to properly seal three open ended lines (OELs) found on August 2, 2011.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(e)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(d)(2)(iii)

Description: Failure to report the monthly percent leak rate for pumps in light liquid service in the Subpart H (HON) Periodic Report submitted on may 19, 2011 for the reporting period October 1, 2010 through March 31, 2011.

Notice of Intent Date: 07/15/2011 (942399)
No DOV Associated

Notice of Intent Date: 07/11/2011 (942439)
No DOV Associated

Notice of Intent Date: 07/12/2011 (942461)
No DOV Associated

Notice of Intent Date: 07/29/2011 (948818)
Disclosure Date: 02/24/2012

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT NSR Permit No. 5340, SC 8, 9 & 10
PERMIT NSR Permit No. 5661, SC 5

Description: Failure to calibrate one flow monitoring device on T -I at the annual frequency. Failure to calibrate two pH probes on T-2 weekly. Failure to calibrate one flow monitoring device on S-20 at least annually as required.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.114(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120

Description: Failure to perform visual inspections on two internal floating roof tanks (EPN A30ST6 and A30STI 0) within the 12 months required instead of on a calendar year frequency.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT NSR Permit No. 5340, SF 16F

Description: Documentation of monthly tank throughputs were not available as required at the time of this audit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT NSR Permit No. 5340, SC 8, 9, 10, 11C
PERMIT NSR Permit No. 5661, SC 5

Description: Failure to estimate missed measurements using engineering judgment.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(1)(B)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)

Rqmt Prov: PERMIT NSR Permit No. 2606, SC 12
PERMIT NSR Permit No. 5340, SC 13

Description: Failure to properly conduct LDAR monitoring. 46 Valves, 203 connectors were identified which were not monitored via Method 21 under a prescribed Leak Detection and Repair Program.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT NSR Permit No. 2606, SC 5 & 11
PERMIT NSR Permit No. 48478, SC 2C
PERMIT NSR Permit No. 5339, SC 10B, 11C, 19
PERMIT NSR Permit No. 5661, SC 6B

Description: Failure to maintain records demonstrating compliance with the representations for maintenance activities as listed on confidential page C-10 dated April 28, 2004. Failure to maintain monthly emission records of VOC from loading operations. Failure to consistently maintain records of all repairs and replacements made as a result of leaks identified by Audible, Visual or Olfactory detection. Failure to maintain consistent records of maintenance, startup and shutdown activities using water scrub

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT NSR Permit No. 48479, SC 3

Description: Failure to maintain filling rate of tank, T-61J within 48,000 gallons per hour.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT NSR Permit No. 5339, SC 13C

Description: Failure to reduce monitoring data to hourly average concentrations at least once every hour and then reducing to units of the permit allowable emissions rate in pounds per hour at least once every hour.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115
Rqmt Prov: PERMIT NSR Permit No. 5339, SC 19

Description: Failure to record maintenance activity emissions for authorization under PBR 106.263 when the activity was not authorized in NSR 5339.

Notice of Intent Date: 08/01/2011 (949052)

Disclosure Date: 08/01/2012

Viol. Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT CC 265.1084(d)

Description: Failure to have records of required Method 21 fugitive emission monitoring available.

Notice of Intent Date: 08/08/2011 (949165)

Disclosure Date: 09/21/2011

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a)

Rqmt Prov: PERMIT Special Condition 17

Description: Failure to develop and implement a complete written QC program.

Notice of Intent Date: 08/08/2011 (949239)

No DOV Associated

Notice of Intent Date: 08/26/2011 (964109)

No DOV Associated

Notice of Intent Date: 08/31/2011 (964105)

Disclosure Date: 04/24/2012

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354

40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1360

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2334

40 CFR Chapter 63, SubChapter C, PT 63, SubPT DD 63.683

Rqmt Prov: PERMIT Special Condition 17

Description: Failure to implement Method 21 monitoring on 68 fugitive components.

Notice of Intent Date: 09/12/2011 (968262)

No DOV Associated

Notice of Intent Date: 09/19/2011 (964505)

Disclosure Date: 09/18/2012

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(E)

30 TAC Chapter 290, SubChapter D 290.46(u)

Description: Abandoned wells. See Description for details. Total of 16 wells.

Notice of Intent Date: 10/03/2011 (964111)

Disclosure Date: 09/20/2012

Viol. Classification: Minor

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)(1)

Description: Failed to consider three satellite areas near the point of generation.

Notice of Intent Date: 10/03/2011 (964641)

Disclosure Date: 05/14/2012

Viol. Classification: Moderate

Citation: 40 CFR Chapter 81, SubChapter C, PT 81, SubPT D 82.13

Rqmt Prov: PERMIT SC21C

PERMIT SC27D

Description: Failed to include all in-house destruction of carbon tetrachloride (a Class I ozone depleting substance) in quarterly Ozone Depleting Substance Production Reports submitted to EPA. The reporting failure did not result in any unauthorized net production of carbon tetrachloride or any unreported depletion of corporate carbon tetrachloride production allowances.

Notice of Intent Date: 10/12/2011 (968435)

Disclosure Date: 10/11/2012

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2382(d)(2)

Description: Failed to submit an accurate design evaluation in the notice of compliance status (NOCS) for the organic liquid distribution MACT. The minimum water flow in the scrubber should have been set higher than the 20 gpm indicated in the NOCS

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2346

Description: Failed to have the scrubber operate at efficient levels when the minimum water flow was set at 40 gpm

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT NSR Permit 18561

Description: Failed to prevent emission rate limits from exceeding when the minimum water flow was set at 40 gpm.

Notice of Intent Date: 10/12/2011 (968439)

Disclosure Date: 05/21/2012

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1368(f)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1368(f)(3)

Description: Failure to identify the T-790 scrubber in the Pesticide Active Ingredient Production (PAIP MACT) Notification of Compliance Status (NOCS) report as a control device.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1365(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1365(a)(6)

Description: Failure to complete a performance test for the T-790 scrubber as a control device in series with the TOX and/or THROX and therefore, monitoring parameters were not established for this scrubber.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1366(b)(1)(ii)

Description: Failure to monitor, and record instrument calibration requirements for the T-790 scrubber.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(e)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1368(g)(2)(ii)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1368(g)(2)(ii)(B)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1368(g)(2)(ii)(C)

Description: Failure to meet periodic reporting requirements for the T-790 scrubber.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1367(a)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)

Description: Failure to include the T-790 or continuous monitoring systems in the Startup, Shutdown, and Malfunction (SSM) Plan.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1368(f)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1368(f)(3)

Description: Failure to correctly identify the operating parameters specified in the NOCS and did not reflect the parameter limits established in the pre-compliance report.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1366(h)(2)(i)(A)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1367(f)

Description: Failure to conduct an initial Method 21 inspection of a portion of the closed vent system going from the T-790 scrubber to DF-501 knock-out pot was not conducted during implementation of the PAIP MACT.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1361
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1368(f)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1368(f)(2)

Description: Failure to include required information in the NOCS about storage tank D-106D.

Notice of Intent Date: 10/17/2011 (968437)

Disclosure Date: 04/26/2012

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1103(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.982(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.983

Description: The Closed vent system requirements for the closed vent system associate with the T-20 phosgene scrubber were not met. There are no bypasses on the closed vent system; therefore, the bypass provisions do not apply. The CVS is not operated under negative pressure; therefore, the exemption in 40 CFR 63.983 (a) does not apply.

Notice of Intent Date: 10/25/2011 (968444)

No DOV Associated

Notice of Intent Date: 10/26/2011 (968461)

Disclosure Date: 01/19/2012

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.215(2)

Description: Failed to properly test a series of control devices in accordance with applicable test methods. A reduction efficiency of 30% was claimed on scrubbers used to control emissions from a tank loading operation in the Reg 5 Loading Control Plan for the site. However, the series of control devices have not been tested in accordance with the test methods specified in Chapter 115 (Reg 5) Loading I Unloading to demonstrate compliance with the vapor control system efficiency claim.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter C 122.222(k)(2)
40 CFR Chapter 70, SubChapter C, PT 70 70.5(c)

Description: Failed to include the new applicable requirements in the off-permit notification for Title V permit 02219 for the TMG process.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1564(c)(1)

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

Description: Documentation for the initial pressure testing of the facility was incomplete.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.126(3)

Description: Reg 5 process vent exemption documentation is not available for three process vent streams.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2382(d)(2)(v)

Description: Failed to update the OLD MACT Notification of Compliance Status to identify the toluene isotainer unloading operation and overlapping subpart.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2460(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2520(d)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2520(d)(2)

Description: Failed to consider all organic HAP emissions that may be present in the batch process vent emission calculations for the TMG facility.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2520(d)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2520(d)(2)

Description: Not all batch process vents were identified in the NOCS.

Viol. Classification: Minor

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

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

Description: Required recordkeeping for batch vents was not kept.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2455(b)

Description: Failed to identify continuous vents as such in the NOCS. TRE calculations and analysis data were not included in the NOCS. Required recordkeeping for continuous vents were not kept.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter D 106.124(5)

Description: Failure to comply with 106.124 emission limits.

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter A 106.8

Description: Failure to maintain records adequate to demonstrate compliance with permit by rule limits.

Notice of Intent Date: 11/02/2011 (974752)

No DOV Associated

Notice of Intent Date: 11/02/2011 (974756)

No DOV Associated

Notice of Intent Date: 01/13/2012 (989602)

Disclosure Date: 02/13/2012

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.726(e)(3)(A)

30 TAC Chapter 115, SubChapter H 115.727

Description: Failure to complete HRVOC exemption criteria documentation for the lab hoods at B-1814 and B-1811.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(4)

30 TAC Chapter 115, SubChapter H 115.725(c)(3)(D)

Description: Failure to do quarterly inspections of the continuous monitoring systems for the B-3814 and B-3831 batch reactors, continuous monitoring of the operational parameters not completed, and the plant did not operate within the specific limits of the operational parameter.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.174

Description: Failure to either perform or document required inspection of the waste container storage area during the following weeks: 3/22/09, 3/28/09, 5/3/09, 5/9/09, 5/10/09, 5/16/09, 10/11/09, 10/17/09, 10/18/09, 10/24/09, 10/25/09, 10/31/09, 12/20/09, 12/26/09, 12/27/09, 1/2/10, 2/14/10, 2/20/10.

Viol. Classification: Minor

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT B 264.16(a)(4)

Description: Failure to perform annual RCRA training for four individuals.

Viol. Classification: Major

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

30 TAC Chapter 106, SubChapter A 106.8

Description: Failure to document compliance with federal new source review applicability.

Notice of Intent Date: 01/12/2012 (994614)

Disclosure Date: 04/12/2012

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.126(3)(B)

30 TAC Chapter 115, SubChapter B 115.126(3)(C)

Description: Failed to provide documentation of exempted vents to demonstrate compliance with Chapter 115 Vent Gas Requirements.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.134(b)(2)

Description: Failed to include 30 TAC § 115 Vent Gas requirements in the Title V Permit O-02202.

Viol. Classification: Minor

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.174

Description: Failure to either perform or document required inspection of the waste container storage area during the following weeks: 12-26-10, 1--11-11, 8-8-10, 8-14-10, 6-20-10, 6-26-10.

Notice of Intent Date: 01/13/2012 (994618)

Disclosure Date: 02/13/2012

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(C)

Description: Failure to have a permanent label summarizing the operating requirements for a solvent cleaning unit in the B-3827 area.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter D 106.124

30 TAC Chapter 116, SubChapter B 116.110(a)(4)

Description: Failure to have permit by rule authorization for the electric burn out oven located in B-3827.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(4)

Description: Failure to have permit by rule authorization for the dry abrasive blasting station located in B-1470 Lab 10.

Notice of Intent Date: 01/17/2012 (994620)

Disclosure Date: 04/27/2012

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(1)

30 TAC Chapter 115, SubChapter H 115.727(c)(2)

Description: Failure to have an accurate quarterly visual monitoring plan for process safety valves. Failure to keep records of quarterly visual inspections. Failure to maintain HRVOC exemption records.

Notice of Intent Date: 01/24/2012 (989674)

No DOV Associated

Notice of Intent Date: 01/30/2012 (995362)

Disclosure Date: 06/15/2012

Viol. Classification: Moderate

Citation: 40 CFR Chapter 267, SubChapter I, PT 267, SubPT B 267.16(e)

Description: Failure to keep the training records for the life of the facility.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 267, SubChapter I, PT 267, SubPT B 267.16(a)

40 CFR Chapter 267, SubChapter I, PT 267, SubPT B 267.16(c)

Description: Failure to complete required training by all required personnel.

Viol. Classification: Minor

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.174

Description: Failure to complete some weekly inspections of waste storage areas as required by 264.174.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: Failure to close without proper notification waste storage tanks and areas that are listed on the NOR.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT XX 60.503(b)

Description: Failure to monitor one bull plug using Method 21.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1057

Description: Failure to monitor some valves as required.

Notice of Intent Date: 02/07/2012 (994823)

Disclosure Date: 05/15/2012

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(5)

30 TAC Chapter 115, SubChapter H 115.782(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023(e)(1)

Rqmt Prov: PERMIT General Conditions 1.H and 1.I

Description: Failed to ensure the following items were in compliance when reviewing LHC-7 leaking Fugitive Emission components. 1) Six components were missing leaker tags. 2) One component had a leaker tag present without the most recent re-monitor date and reading written on the tag. 3) One Delay of Repair did not have the shutdown box marked on the tag.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715

Rqmt Prov: PERMIT Special Condition III-13

Description: Failed to conduct a required quarterly monitoring of all accessible uninsulated connectors.

Viol. Classification: Minor

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(g)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022(c)(4)

Description: Failed to have a written plan for DTM (difficult-to-monitor) and unsafe-to-monitor components.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(2)

Description: Failed to have several records for recordable emissions events contain the Regulated Entity Number as required by the TCEQ General Air Rules.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(2)(A)(i)

Description: Failure of the HRVOC flare gas analyzer calibration gases to meet the criteria in Performance Specification 9 for the low and mid level concentrations compared to actual flare gas concentrations.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: PERMIT General Condition 1.E.

Description: Failed to plug or cap 17 open ended lines.

Notice of Intent Date: 02/14/2012 (994603)

Disclosure Date: 05/15/2012

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.114(a)(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.114(a)(4)(ii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.114(a)(4)(ii)(A)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.114(a)(4)(ii)(B)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.114(a)(4)(ii)(C)

Description: Failed to establish the required Liquid to Gas ratio (L/G) operating parameter for the Acid Absorbers T-401 and T-402, and failed to perform the monitoring and recordkeeping for these Acid Absorbers.

Viol. Classification: Minor

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

Rqmt Prov: OP Special Condition 15

PERMIT Special Condition 22D

Description: Failed to include equipment repair information for two HCI component leaks as required.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(d)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(e)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

Rqmt Prov: OP Special Condition 15

PERMIT Special Condition 20E

Description: Failed to close one open ended line.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT F 61.62(a)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT F 61.62(b)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT F 61.63(a)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT F 61.64(a)(1)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT F 61.64(b)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT F 61.64(c)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT F 61.64(d)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT F 61.68(a)

Rqmt Prov: OP Special Condition 15

PERMIT Special Condition 6

Description: Failed to use a vinyl chloride monitoring system to ensure compliance with the 10 ppm concentration used to monitor on a continuous basis the fugitive emission sources required to be ducted to a control device.

Viol. Classification: Moderate

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

Rqmt Prov: OP Special Condition 15

PERMIT Special Condition 16C

Description: Failed to account for all excess oxygen measurements. Analyzing malfunctions on the Flameless Thermal Oxidizers caused valid excess oxygen measurements in excess of 5% of operating time during the rolling 12 month period to be missed. Plant process data indicated excess oxygen remained within required ranges during this period.

Viol. Classification: Moderate

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

Rqmt Prov: OP Special Condition 15

PERMIT Special Condition 4C (1) & (2)

Description: Failed to record the time of the LEL meter calibration during daily and monthly calibrations.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Condition 1

OP Special Condition 15

Description: Failure of the thermal oxidizers to perform as anticipated with respect to CO and NOx emission rates.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.310(a)

30 TAC Chapter 117, SubChapter B 117.310(a)(2)

30 TAC Chapter 117, SubChapter B 117.310(a)(2)(A)

30 TAC Chapter 117, SubChapter B 117.340

Rqmt Prov: OP Special Condition 19

Description: Failed to conduct NOx retesting within 60 days after a like for like media replacement on two thermal oxidizers (OC5S01, OC5S02).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter H 115.781
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182
Rqmt Prov: OP Special Condition 15
PERMIT Special Conidtions 7, 20, and 21
Description: Failure to account for all monitoring fugitive components.

Notice of Intent Date: 02/14/2012 (994611)

Disclosure Date: 09/24/2012

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Condition 1

OP Special Condition 15

Description: Failure to remain within the NSR 48715 Maximum Allowable Emission Rate (MAER) for VOC, NOx and CO from Emission Point Number (EPN) A70F1.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Condition 1

OP Special Condition 15

Description: Failure to include representations of barge and ship unloading into tanks V-800A and V-800B in the current NSR 48715.

Viol. Classification: Minor

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

Rqmt Prov: OP Special Condition 15

Description: Failure to monitor 15 connectors and 1 valve on a new section of replaced pipe on time.

Viol. Classification: Minor

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

Rqmt Prov: OP Special Condition 15

PERMIT Special Condition 4C (1) & (2)

Description: Failure to record the time of the LEL meter calibration during daily and monthly calibrations.

Viol. Classification: Minor

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

Rqmt Prov: OP Special Condition 15

Description: Failure to monitor all fugitive components.

Notice of Intent Date: 02/22/2012 (1021546)

No DOV Associated

Notice of Intent Date: 03/07/2012 (994629)

No DOV Associated

Notice of Intent Date: 03/15/2012 (1022054)

No DOV Associated

Notice of Intent Date: 03/20/2012 (996100)

No DOV Associated

Notice of Intent Date: 03/22/2012 (996103)

Disclosure Date: 04/02/2013

Viol. Classification: Minor

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)

Description: Failed to properly label one unlabeled hazardous drum that was found in the B-23 loading area.

Notice of Intent Date: 05/03/2012 (1020664)

No DOV Associated

Notice of Intent Date: 04/30/2012 (1022109)

No DOV Associated

Notice of Intent Date: 05/07/2012 (1020608)

Disclosure Date: 01/11/2013

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Conditions 6 - 9

Description: Failed to monitor fifteen fugitive components as required by the permit.

Notice of Intent Date: 05/07/2012 (1022296)

No DOV Associated

Notice of Intent Date: 05/10/2012 (1022460)

Disclosure Date: 07/13/2012

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.340(j)

30 TAC Chapter 117, SubChapter B 117.345(f)(10)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP FOP No. O2211

Description: Failed to properly maintain the records of runtime of the Kiln Auxiliary Diesel Drive Engine B33INGEAUX. Specifically, a portion of these records did not consistently contain the engine start/stop times and/or the runtime meter reading.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.144(1)

Rqmt Prov: OP FOP No. O2211, GTC

Description: Failed to maintain records of inspections of the B33EISC329 solvent degreaser for the last five years.

Disclosure Date: 07/16/2012

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.340(j)

30 TAC Chapter 117, SubChapter B 117.345(f)(10)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP FOP No. O2211

Description: Failed to properly maintain the records of runtime of the Kiln Auxiliary Diesel Drive Engine B33INGEAUX. Specifically, a portion of these records did not consistently contain the engine start/stop times and/or the runtime meter reading.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP FOP No. O2211

Description: Failed to comply with the operating restriction that states that no person shall start or operate any stationary diesel or dual-fuel engine for testing or maintenance between the hours of 6:00 a.m. and noon. Specifically, one of the records of runtime of the Kiln Auxiliary Diesel Drive Engine B33INGEAUX indicate that the engine was run prior to noon on March 3, 2012.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.144(1)

Rqmt Prov: OP FOP No. O2211, GTC

Description: Failed to maintain records of inspections of the B33EISC329 solvent degreaser for the last five years.

Disclosure Date: 10/24/2012

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.340(j)

30 TAC Chapter 117, SubChapter B 117.345(f)(10)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP FOP No. O2211

Description: Failed to properly maintain the records of runtime of the Kiln Auxiliary Diesel Drive Engine B33INGEAUX. Specifically, a portion of these records did not consistently contain the engine start/stop times and/or the runtime meter reading.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP FOP No. O2211

Description: Failed to comply with the operating restriction that states that no person shall start or operate any stationary diesel or dual-fuel engine for testing or maintenance between the hours of 6:00 a.m. and noon. Specifically, one of the records of runtime of the Kiln Auxiliary Diesel Drive Engine B33INGEAUX indicate that the engine was run prior to noon on March 3, 2012.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.144(1)

Rqmt Prov: OP FOP No. O2211, GTC

Description: Failed to maintain records of inspections of the B33EISC329 solvent degreaser for the last five years.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(C)(v)

Rqmt Prov: OP FOP No. O2211

Description: Failed to maintain the Startup/Shutdown/Maintenance plan at the site and failed to maintain each previous (superseded) Startup/Shutdown/Maintenance plan on site for at least five years when a revision was made. Specifically, several procedures referenced in a Startup/Shutdown/Maintenance plan were not available, or were revised without maintaining the superseded version for five years. This violation occurred at the B-3300 facility.

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.116b(e)(1)

Rqmt Prov: OP FOP No. O2211

Description: Failed to perform vapor pressure calculations at the highest calendar month average temperature for tanks V-8000, V-8010, D-410, D-420, D-430, D-440, D-450, and D-460.

Viol. Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT Permit No. WQ0000007000, Cond. 7(I)(i)

Description: Failed to perform weekly visual inspections on the designated day as required by the Stormwater Pollution Prevention Plan for a construction project in the B-7300 block. Specifically, the weekly visual inspections

are to be performed on Thursdays, however, on two occasions the inspection was performed on different days of the week. Additionally, the SW3P does not contain a current list of Erosion Control inspectors.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)

Description: Failed to comply with the 90-day storage limit for hazardous waste accumulated on-site without a permit or without having interim status. Specifically, there was one container in the B-3300 northeast 90-day storage area stored in this location for longer than 90 days.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(2)

Description: Failed to maintain a complete final record of each non-reportable emissions event. Specifically, two records of emissions events that involved the B-3500 Wastewater Treatment Plant do not contain a complete record of all of the required elements for emissions event recordkeeping.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(f)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.114(d)(2)

Rqmt Prov: OP FOP No. O2211

Description: Failed to conduct monthly inspections of the closed vent system at the B-8 block and its bypasses.

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT JJJJ 60.4245(a)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6590(c)(6)

Rqmt Prov: OP FOP No. O2211

Description: Failed to maintain certification documentation that two engines subject to the NESHAPs for Stationary Reciprocating Internal Combustion Engines are certified to meet the emission standard.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.121(b)(1)(A)

Description: Failed to maintain a complete Safe Drinking Water monitoring plan. Specifically, the Respondent failed to include a complete plant schematic in the plan.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2346(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)

Rqmt Prov: PERMIT NSR No. 46428, SC No. 6

Description: Failed to monitor 55 fugitive components (valves) at the B-34 fugitive area and 100 fugitive components at the B-35 fugitive area. Specifically, these components were not included in the Method 21 monitoring programs for these areas.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)(2)

Description: Failed to evaluate wastewater streams at the appropriate point of determination. This violation is for the B-800 Thermal Oxidizer facility.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b)

Rqmt Prov: OP FOP No. O2211, STC No. 1G
PERMIT HW Permit No. 50161, Condition V.H.2.b

Description: Failed to accurately calculate the Maximum Total and Pumpable Low Volative Metal ("LVM") feed rate for all potential feed streams, which is used for compliance with emissions limitations and, therefore, resulted in excess emissions. Specifically, the calculations did not include the LVM contribution from solid waste being fed in packs. This violation occurred in the B-3300 block.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP ST&C 20

Description: The pressure gauge between the rupture disk and relief valve of a storage tank is not being monitored and documented at an appropriate inspection frequency. There were no relief valve discharges during this period. The TCEQ will give immunity for the Title V citation but not the 40 CFR 68.56(d) citation.

Disclosure Date: 04/24/2013

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.340(j)
30 TAC Chapter 117, SubChapter B 117.345(f)(10)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP FOP No. O2211

Description: Failed to properly maintain the records of runtime of the Kiln Auxiliary Diesel Drive Engine B33INGEAUX. Specifically, a portion of these records did not consistently contain the engine start/stop times and/or the runtime meter reading.

Viol. Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP FOP No. O2211

Description: Failed to comply with the operating restriction that states that no person shall start or operate any stationary diesel or dual-fuel engine for testing or maintenance between the hours of 6:00 a.m. and noon. Specifically, one of the records of runtime of the Kiln Auxiliary Diesel Drive Engine B33INGEAUX indicate that the engine was run prior to noon on March 3, 2012.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.144(1)
Rqmt Prov: OP FOP No. O2211, GTC
Description: Failed to maintain records of inspections of the B33EISC329 solvent degreaser for the last five years.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(C)(v)
Rqmt Prov: OP FOP No. O2211
Description: Failed to maintain the Startup/Shutdown/Maintenance plan at the site and failed to maintain each previous (superseded) Startup/Shutdown/Maintenance plan on site for at least five years when a revision was made. Specifically, several procedures referenced in a Startup/Shutdown/Maintenance plan were not available, or were revised without maintaining the superseded version for five years. This violation occurred at the B-3300 facility.

Viol. Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.116b(e)(1)
Rqmt Prov: OP FOP No. O2211
Description: Failed to perform vapor pressure calculations at the highest calendar month average temperature for tanks V-8000, V-8010, D-410, D-420, D-430, D-440, D-450, and D-460.

Viol. Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT Permit No. WQ000007000, Cond. 7(I)(i)
Description: Failed to perform weekly visual inspections on the designated day as required by the Stormwater Pollution Prevention Plan for a construction project in the B-7300 block. Specifically, the weekly visual inspections are to be performed on Thursdays, however, on two occasions the inspection was performed on different days of the week. Additionally, the SW3P does not contain a current list of Erosion Control inspectors.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)
Description: Failed to comply with the 90-day storage limit for hazardous waste accumulated on-site without a permit or without having interim status. Specifically, there was one container in the B-3300 northeast 90-day storage area stored in this location for longer than 90 days.

Viol. Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(2)
Description: Failed to maintain a complete final record of each non-reportable emissions event. Specifically, two records of emissions events that involved the B-3500 Wastewater Treatment Plant do not contain a complete record of all of the required elements for emissions event recordkeeping.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(f)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.114(d)(2)
Rqmt Prov: OP FOP No. O2211
Description: Failed to conduct monthly inspections of the closed vent system at the B-8 block and its bypasses.

Viol. Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT JJJJ 60.4245(a)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6590(c)(6)
Rqmt Prov: OP FOP No. O2211
Description: Failed to maintain certification documentation that two engines subject to the NESHAPs for Stationary Reciprocating Internal Combustion Engines are certified to meet the emission standard.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.121(b)(1)(A)
Description: Failed to maintain a complete Safe Drinking Water monitoring plan. Specifically, the Respondent failed to include a complete plant schematic in the plan.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2346(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480(a)
Rqmt Prov: PERMIT NSR No. 46428, SC No. 6
Description: Failed to monitor 55 fugitive components (valves) at the B-34 fugitive area and 100 fugitive components at the B-35 fugitive area. Specifically, these components were not included in the Method 21 monitoring programs for these areas.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)(2)
Description: Failed to evaluate wastewater streams at the appropriate point of determination. This violation is for the B-800 Thermal Oxidizer facility.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(b)
Rqmt Prov: OP FOP No. O2211, STC No. 1G
PERMIT HW Permit No. 50161, Condition V.H.2.b
Description: Failed to accurately calculate the Maximum Total and Pumpable Low Volative Metal ("LVM") feed rate for all potential feed streams, which is used for compliance with emissions limitations and, therefore, resulted in

excess emissions. Specifically, the calculations did not include the LVM contribution from solid waste being fed in packs. This violation occurred in the B-3300 block.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP ST&C 20

Description: The pressure gauge between the rupture disk and relief valve of a storage tank is not being monitored and documented at an appropriate inspection frequency. There were no relief valve discharges during this period. The TCEQ will give immunity for the Title V citation but not the 40 CFR 68.56(d) citation.

Notice of Intent Date: 05/10/2012 (1023051)

Disclosure Date: 10/24/2012

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)

30 TAC Chapter 115, SubChapter D 115.354(3)

30 TAC Chapter 115, SubChapter H 115.781(b)

30 TAC Chapter 115, SubChapter H 115.781(b)(3)

30 TAC Chapter 116, SubChapter F 116.615

40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1057(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-5(b)(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1025

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1027

40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363

40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1363(e)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)

Rqmt Prov: PERMIT SC 19F

PERMIT SC 5E

Description: Failed to monitor 409 fugitive components with Method 21 monitoring.

Notice of Intent Date: 05/14/2012 (1020620)

Disclosure Date: 10/26/2012

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1110(d)

Description: Failed to establish the liquid to gas ratio (L/G) for scrubber D-733 in the performance test.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1111(a)

Description: Failed to complete and follow properly the Startup, Shutdown, and Malfunction Plan (SSMP) for the plant THROX and its associated scrubbers.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(2)(iii)

Description: Failure to document a list of surge control vessels.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1109(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(3)(i)

Description: Failure to maintain an accurate list of pressure relief valves.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT YY 63.1109(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(3)(ii)

Description: Failure to maintain an accurate list of pressure relief devices equipped with a rupture disk.

Notice of Intent Date: 05/14/2012 (1022433)

No DOV Associated

Notice of Intent Date: 06/15/2012 (1013979)

No DOV Associated

Notice of Intent Date: 06/15/2012 (1014689)

No DOV Associated

Notice of Intent Date: 06/18/2012 (1014008)

Disclosure Date: 09/25/2012

Viol. Classification: Minor

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

Rqmt Prov: PERMIT NSR Permit No. 46306, SC 23J

Description: Failed to properly maintain records. Records of Audio, Visual, Olfactory (AVO) inspections from the time period of 10-10-12 - 5-10-13 include incomplete or missing records.

Notice of Intent Date: 06/19/2012 (1014982)

No DOV Associated

Notice of Intent Date: 06/18/2012 (1016233)
No DOV Associated

Notice of Intent Date: 06/18/2012 (1019680)
No DOV Associated

Notice of Intent Date: 06/27/2012 (1016063)
Disclosure Date: 07/24/2012

Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1209(j)(2)(ii)
Description: Failure to comply with the destruction and removal efficiency standard and failure to comply with this limit on a hourly rolling average basis. See description for more details.
Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)(vii)
Description: Failure to conduct operability testing at least monthly. Specifically, At the B-23 Epoxy Intermediates facility, there was incomplete documentation of the 7-day AWFCO testing for F-210. The testing was completed as required, but the documentation had an incomplete list of the AWFCOs that are required to be tested each week. In August, 2012, it was discovered that the forms had not been updated to include the HWC MACT AWFCOs that went into effect on December 14, 2008.

Notice of Intent Date: 06/26/2012 (1016208)
Disclosure Date: 01/11/2013

Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 27 through 33
Description: Records of MSS activities from July 26, 2011 to December 26, 2012 did not include all the information required by permit special conditions 27 through 33.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 28
Description: The concentration of the vapor being degassed from equipment was not consistently measured and recorded as required by Special Condition 28.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 28 and 29
Description: The concentration of the vapor being degassed from equipment prior to October 11, 2012 as required by Special Condition 28 was measured and recorded using a method approved in Special Condition 29 but that had not been given the daily functionality test required by that special condition.

Notice of Intent Date: 06/29/2012 (1016221)
Disclosure Date: 03/13/2013

Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.247(d)
Description: Failure to notify the Administrator that the facility had elected to comply with the requirements of Option 2, Alternative standards for valves: skip period leak detection and repair 90 days prior to implementing the alternative standard.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 115, SubChapter D 115.354(3)
30 TAC Chapter 115, SubChapter H 115.781(b)
30 TAC Chapter 115, SubChapter H 115.781(b)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)
Rqmt Prov: PERMIT S.C. 13
PERMIT S.C. 5
PERMIT S.C. 6
PERMIT S.C. 7
PERMIT S.C. 9
Description: Failure to monitor fugitive components associated with load arms in service at the Freeport Marine and Terminal.

Notice of Intent Date: 07/16/2012 (1016177)
Disclosure Date: 04/24/2013

Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2450(c)(2)(iv)
Description: Failed to maintain the total annual average concentration of Table 8 HAP's at acceptable levels. The Table 8 HAPs wre greater than 1000 ppmw with the annual average flow rate greater than 1 liter/min. A process upset in January 2012 caused the solvent stripping tower to not perform as designed.

Notice of Intent Date: 07/27/2012 (1016198)
Disclosure Date: 05/23/2013

Viol. Classification: Minor
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT GGGGG 63.7953(b)

Description: Failure to maintain records. Specifically, the paperwork from two events, 3/10/2009 and 2/17/2010 have been lost during the relocation of the library.

Notice of Intent Date: 07/26/2012 (1016217)

Disclosure Date: 10/26/2012

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Condition 7

Description: Failed to remain in the fill rate allowed by the permit.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT MAERT

Description: Failed to remain in the emission rate set by the Maximum Allowable Emission Rate Table (MAERT).

Notice of Intent Date: 07/25/2012 (1022667)

Disclosure Date: 11/11/2013

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615

30 TAC Chapter 122, SubChapter B 122.143

Rqmt Prov: OP O2217

PERMIT SC 3.D

Description: Failed to track MSS activities correctly by not including start time or duration as specified in the FRMO MSS Permit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615

30 TAC Chapter 122, SubChapter B 122.143

Rqmt Prov: OP O2217

PERMIT SC 4.D(1)

Description: Failed to have records available for 10% LEL for MSS activities identified in Attachment B of the FTMO MSS Permit.

Notice of Intent Date: 08/14/2012 (1020670)

Disclosure Date: 12/13/2012

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)

Description: Failure to have authorization for six product silos, six product hoppers, one dust remover and a packaging operation used to package product pellets produced by the Polyethylene 4 plant. They are not authorized by a permit or permit by rule.

Notice of Intent Date: 08/24/2012 (1035246)

No DOV Associated

Notice of Intent Date: 09/06/2012 (1035334)

No DOV Associated

Notice of Intent Date: 09/06/2012 (1035339)

No DOV Associated

Notice of Intent Date: 09/14/2012 (1035361)

No DOV Associated

Notice of Intent Date: 09/10/2012 (1035362)

No DOV Associated

Notice of Intent Date: 09/27/2012 (1037247)

No DOV Associated

Notice of Intent Date: 09/27/2012 (1037248)

No DOV Associated

Notice of Intent Date: 09/25/2012 (1037254)

No DOV Associated

Notice of Intent Date: 10/01/2012 (1043651)

Disclosure Date: 04/25/2013

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.107

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.114

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.115

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.116

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.117

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.149

Description: The D-3 and D-7 wash tanks in the oxidation section of the Phenol/ Acetone process were incorrectly classified during HON implementation as surge control vessels not subject to control. D-3 should have been evaluated as a Group 2 continuous process vent not subject to control under HON and reported in the HON Subpart G Notification of Compliance Status (NOCS). D-7 should have been classified as an organic/water that is exempt from HON control requirements because it is already controlled as str

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)(1)

Description: The Hazardous Organic NESHAP (HON) Subpart G Notification of Compliance Status (NOCS) report submitted on September 19, 1997 and later Supplemental NOCS reports did not include the emission point group determination for the diphenyloxide (DPO) storage tank (V-78) or the associated DPO transfer rack used to load railcars and tank trucks. Although phenol is present at very low levels in the final product, it is not considered an impurity by definition and, therefore, this tank and transfer rack sh

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.103(c)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(f)(3)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.118(f)(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.148(f)

40 CFR Part 63, Subpart G 63.148(i)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.148(j)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)

Description: In the DPO process, the flow indicator records associated with bypassing Group 1 process vents from the thermal incinerator (TOX-2) to the VS-61 stack are not being maintained for a period of 5 years to demonstrate compliance with the bypass provisions of 40 CFR 63 Subpart G (HON).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(a)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(c)(1)(ii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(c)(1)(iii)

Description: The Hazardous Organic NESHAP (HON) Subpart G Notification of Compliance Status (NOCS) report submitted on September 19, 1997 for the DPO process incorrectly classified D-64 as a process vent instead of a surge control vessel subject to HON Subpart H. The Notification of Compliance Status for HON Subpart H submitted on November 21, 1996 indicates that there are no surge control vessels.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(a)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(c)(1)(ii)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(c)(1)(iii)

Description: The HON Subpart H Notification of Compliance Status for the Phenol/Acetone process submitted July 21, 1995 incorrectly indicates that there are zero surge control vessels. There are several surge control vessels and at least one subject to control. Some of these surge control vessels were incorrectly identified in the NOCS as group 2 storage vessels.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.15(d)(5)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(1)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(3)

Description: No initial notifications for 40 CFR 60 Subpart NNN were submitted for distillation units, D-320 and T-32A.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.12(a)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.12(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144(c)

Description: The HON Subpart G NOCS incorrectly identifies the point of determination for the process wastewater stream for the Phenol/Acetone process at the BO-1 wastewater tank instead of upstream of the tank prior to mixing with other water or wastewater streams. Also the HON Subpart G NOCS incorrectly lists the stream as a Group 1 process wastewater stream controlled as a Group 2 instead of classifying the stream as a Group 2 stream.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)(8)

Description: Some of the Phenol/Acetone and DPO process units identified in the permit shield of Title V permit O-02207 have incorrect information listed for non-applicability. The equipment is exempt, but for other reasons.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 70, SubChapter C, PT 70 70.3(c)

Description: In the Applicable Requirements Summary of Title V Permit O-02207, the HON and Chapter 115 Vent Gas Control requirements for the Phenol/ Actone process air oxidation reactors should be listed on the equipment upstream of the control device.

Notice of Intent Date: 10/09/2012 (1043658)
No DOV Associated

Notice of Intent Date: 10/19/2012 (1043662)
No DOV Associated

Notice of Intent Date: 11/02/2012 (1050652)
Disclosure Date: 04/25/2013
Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)
Rqmt Prov: OP FOP No. O2215
PERMIT NSR Permit No. 6803
Description: Failed to conduct quarterly monitoring of 16,885 connectors in VOC services.

Notice of Intent Date: 10/30/2012 (1050653)
No DOV Associated

Notice of Intent Date: 11/09/2012 (1050658)
Disclosure Date: 05/08/2013
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
Rqmt Prov: PERMIT Special Condition 2.E.
Description: Restricted time for specific paints was exceeded.

Notice of Intent Date: 11/16/2012 (1050645)
Disclosure Date: 04/26/2013
Viol. Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.726(a)(1)
Description: Failed to maintain a quality assurance plan for the Epoxy Intermediates flare stack 801 (FS-801).
Disclosure Date: 05/23/2013
Viol. Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.726(a)(1)
Description: Failed to maintain a quality assurance plan for the Epoxy Intermediates flare stack 801 (FS-801).
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(2)(A)(i)
Description: Failed to comply with the performance specifications for HRVOC flare gas analyzer calibration gases. Specifically, the calibration gases did not meet the criteria for the low and mid level concentrates compared to actual flare gas concentrations for the following flares: EPNs B70F1, B70F801, B23F865, B78F1, B27F1, B45F1, A70F1, A40F4, B60F3, OC6F1, OC6F1018, OC6F1000, B3808F1, BSRFMNF, BSRF401, BSRFMW1.

Notice of Intent Date: 11/20/2012 (1050649)
No DOV Associated

Notice of Intent Date: 12/03/2012 (1073013)
Disclosure Date: 05/23/2013
Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT MMM 63.1366(b)(1)(ii)
Rqmt Prov: PERMIT S.C. 18
Description: The redundant pH meters on the TOX (T-570) were not working properly resulting in a lower than permitted pH value.

Notice of Intent Date: 12/04/2012 (1073020)
No DOV Associated

Notice of Intent Date: 12/04/2012 (1073075)
Disclosure Date: 12/18/2013
Viol. Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(E)
30 TAC Chapter 290, SubChapter D 290.46(u)
Description: Failed repair deteriorated wells. Affects the Harris Reservoir 40 AC #1 and , Lake Road at FM 2004 Lake Jackson/Lake Jackson Pump Station, Dixie Drive South of Hwy 288/Dow Chemical Gate B 39 #1, Dixie Drive South of Hwy 288/Dow Chemical Gate B 39 #2, Stratton Ridge Road at Hwy 523/Hwy 523 Church Well, and Hwy 457 Power Line Easement/Matagorda Co Hwy 457.

Notice of Intent Date: 01/02/2013 (1073026)
Disclosure Date: 07/17/2013
Viol. Classification: Minor
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1027(b)(3)(i)
Rqmt Prov: OP FOP No. O2208
OP FOP No. O2213, STC No. 1G
PERMIT NSR Permit No. 104098
PERMIT NSR Permit No. 20432, SC No. 17
Description: Failed to conduct Method 21 monitoring on four fugitive components. Specifically, one valve in Unit B68 was not monitored annually in 2012, two connectors in Unit B68 were not monitored annually in 2012, and one connector in Unit OC6 was not monitored annually from January 1, 2009 until June 30, 2013.

Notice of Intent Date: 01/02/2013 (1073027)
Disclosure Date: 04/23/2013
Viol. Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(7)(B)
Rqmt Prov: OP FOP No. O2219, STC No. 1

Description: Failed to conduct method 21 monitoring on 100 difficult-to-monitor connectors in Unit B2045 on an annual basis from January 1, 2011 through June 30, 2013.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)(3)

Rqmt Prov: OP FOP No. O2213, STC No. 1

OP FOP No. O2219, STC No. 1

PERMIT NSR Permit No. 20432, SC No. 18

Description: Failed to conduct method 21 monitoring on 481 accessible connectors on a quarterly basis from April 1, 2010 through June 30, 2013 for four connectors under FOP No. O2213 (in Unit OC6) and from July 1, 2010 through June 30, 2013 for 477 connectors under FOP No. O2219 (in Unit B2045).

Notice of Intent Date: 01/07/2013 (1073043)

Disclosure Date: 07/01/2013

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1206(c)(3)(vii)

Description: Failed to maintain complete documentation of weekly automatic waste feed cutoff (AWFCO) testing for the Thermal Treatment Unit FTB-603 Throx. The testing was completed as required, but the AWFCO test documentation did not contain complete operability test procedures and results. Specifically, the documentation had an incomplete list of the AWFCOs that are required to be tested each week.

Notice of Intent Date: 01/08/2013 (1073045)

No DOV Associated

Notice of Intent Date: 01/17/2013 (1073104)

No DOV Associated

Notice of Intent Date: 02/01/2013 (1073341)

Disclosure Date: 06/21/2013

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Condition 6.F.

Description: Records of weekly inspections of the rupture disks under pressure relief valves for two weekly periods were not found and it is assumed the inspections were not done. The missing records were for the weeks of August 12, 2012 and March 31, 2013.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Condition 6.F.

Description: Records of the PGA weekly inspection of the rupture disc under the pressure relief valve on vessel D-5 indicated that the rupture disc was leaking on three occasions but the disc was not replaced at the earliest opportunity as required by the permit. The first leak was found on May 7, 2012. The second was found on October 22, 2012 and was still leaking on October 29, 2012. The third was found on March 4, 2013 and was still leaking on March 11, 2013. Records of the repairs for the first two leaks were

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Condition 6.F. and paragraph K

Description: Instrument testing of the repairs of the PGA rupture discs found in violation 2 was not done within 5 days of the repair as required by the permit. There were no records of the repair or instrument testing following the first two leaks and it is assumed instrument testing was not done.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Conditions 6.E. and 6.J

Description: The records of the weekly audio, visual, olfactory (A YO) inspections of connectors at the Phenol Glycol Ether (PGE) Plant were not found for February 20, 2011 and January 6, 2013. It is assumed that the inspections were not done.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Condition 6.E. and 6.K.

Description: The records of the weekly AVO inspections of connectors in the methyldiethanolamine (MDEA) process area were not found for February 17, 2012 and November 25, 2012. The records of the weekly AVO inspections of connectors in the polyglycol (PGA) process area were not found for June 17, 2012 and January 6, 2013. It is assumed that the inspections were not done.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Condition 4

Description: Maintenance activities at the PGE Plant are tracked, but the system used for this purpose does not include the date, time or method used to determine the emissions and also does not include the rolling 12 month total of maintenance emissions.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

Rqmt Prov: PERMIT Special Condition 1

Description: An activity at the PGA facility that involves opening vessels to add a solid material results in unauthorized emissions to the atmosphere. This activity was first begun on January 1, 1992 and is still done today.

Actions were taken upon discovery that reduced the emissions from already very low amounts to even lower amounts but the actual emission rates have not been confirmed.

Notice of Intent Date: 02/01/2013 (1073343)

Disclosure Date: 04/25/2013

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Conditions Nos. 7 & 12A

Description: Failed to maintain records of the emissions monitoring results for activities included in Attachment B of NSR Permit No. 834 (Routine Maintenance Activities).

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP Special Terms & Conditions No. 3A(iv)(4)

Description: Failed to conduct Method 22 visible emissions observations for the filters in B-4100 at the correct time. Specifically, the observations were conducted after sunset nine times between January 25, 2013 and February 11, 2013. An additional eleven observations were completed at an incorrect time before the corrective action was completed on October 25, 2013, for a total of twenty occurrences.

Disclosure Date: 10/25/2013

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Conditions Nos. 7 & 12A

Description: Failed to maintain records of the emissions monitoring results for activities included in Attachment B of NSR Permit No. 834 (Routine Maintenance Activities).

Viol. Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP Special Terms & Conditions No. 3A(iv)(4)

Description: Failed to conduct Method 22 visible emissions observations for the filters in B-4100 at the correct time. Specifically, the observations were conducted after sunset nine times between January 25, 2013 and February 11, 2013. An additional eleven observations were completed at an incorrect time before the corrective action was completed on October 25, 2013, for a total of twenty occurrences.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354

30 TAC Chapter 115, SubChapter H 115.781

30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT NSR Permit No. 834, SC Nos. 19 & 20

Description: Failed to conduct fugitive monitoring. Specifically, quarterly monitoring was missed on one connector from April 13, 2006 to September 30, 2013, on one valve from May 8, 2006 to May 20, 2013, and on three valves and four connectors from April 26, 2006 to July 29, 2013. Annual monitoring was missed on three connectors from September 1, 2005 to June 7, 2013, two connectors in 2006 and 2013, and on one connector from 2006 through 2012.

Notice of Intent Date: 02/05/2013 (1073349)

No DOV Associated

Notice of Intent Date: 02/08/2013 (1073354)

Disclosure Date: 05/03/2013

Viol. Classification: Major

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.193(e)(1)(iii)

Description: Cracks were found in the secondary containment areas associated with the following tanks: SWMU 68 D-700 B-6800; SWMU 194 D436 B-6800; SWMU 19 V-1208A/B B-1900; SWMU 20 V-1209A/B B-1900; SWMU 518 V-1254 B-2300; SWMU 60 V 1255A B-2300.

Disclosure Date: 10/22/2013

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354

40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1052

40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1057

40 CFR Part 63, Subpart H 63.168

40 CFR Part 63, Subpart H 63.174

Rqmt Prov: PERMIT Special Condition 16 (28 MID)

Description: Failure to monitor. Missed fugitive monitoring on 132 components; this is approximately 0.23% of total components at the facility since July 1, 2006. Specifically: 38 valves were not properly identified in fugitive database to require routine fugitive monitoring; 93 connectors were not properly identified in fugitive database to require routine fugitive monitoring; and 1 pump was not properly identified in fugitive database to require routine fugitive monitoring and weekly visual inspections.

Notice of Intent Date: 02/12/2013 (1073357)

Disclosure Date: 04/25/2013

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

Rqmt Prov: PERMIT SC 1

PERMIT SC 18

Description: Failed to maintain hydrogen chloride within the permit annual MAERT limitation.

Notice of Intent Date: 02/25/2013 (1075680)
No DOV Associated

Notice of Intent Date: 02/26/2013 (1075711)
No DOV Associated

Notice of Intent Date: 02/28/2013 (1075730)
No DOV Associated

Notice of Intent Date: 02/28/2013 (1075765)
Disclosure Date: 10/25/2013

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter H 115.781(b)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)

Description: Monitoring was missed on 5 connectors that were found in the field but had not been added to the fugitive monitoring record system.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)

Description: Monitoring was missed on 5 pumps due to an incorrect rule name and frequency entered into the fugitive monitoring record system.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Contion 13

Description: Records were not kept of the annual validation of emissions from Attachment A maintenance, start-up and shutdown (MSS) activities for the years 2011 and 2012.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Condition 14.D.ii.

Description: Monitoring the vapor in equipment prior to opening for maintenance was not done for several clearing activities that were degassed to a control device. Some were Attachment B activities and all Attachment B activities do not require monitoring but some involved degassing to control so monitoring was required.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT Special Condition 13, paragraph E

Description: The records for 14 maintenance, start-up & shutdown (MSS) activities done during the period from 11/4/11 to 3/24/12 were incomplete. The records of these activities did not include the calculated emissions from the activity.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.781(a)

Description: Missed monitoring on 4 valves in ethylene service due to inaccurate identification in the fugitive monitoring recordkeeping system.

Notice of Intent Date: 03/08/2013 (1075744)
No DOV Associated

Notice of Intent Date: 03/08/2013 (1075753)
No DOV Associated

Notice of Intent Date: 03/07/2013 (1075756)
No DOV Associated

Notice of Intent Date: 03/08/2013 (1076972)
Disclosure Date: 04/24/2013

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

Description: Failed to comply with emissions limits. Specifically, fugitive emission components in sulfur dioxide service exceed the amounts represented in the air permit application and, therefore, the Phenol/Acetone process exceeded the MAERT annual permit limit for sulfur dioxide fugitive emissions.

Disclosure Date: 06/10/2013

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

Description: Failed to comply with emissions limits. Specifically, fugitive emission components in sulfur dioxide service exceed the amounts represented in the air permit application and, therefore, the Phenol/Acetone process exceeded the MAERT annual permit limit for sulfur dioxide fugitive emissions.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.15(d)(5)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(3)

Description: Failed to submit initial notifications (reconstruction and start-up) for NSPS NNN for T-51A. Specifically, reconstruction on T-51A began on March 28, 2005 and notification was due January 28, 2005 (60 days before reconstruction begins). Start up of T-51A was on April 3, 2005 and notification was due April 18, 2005 (15 days after start-up).

Disclosure Date: 10/22/2013

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
Description: Failed to comply with emissions limits. Specifically, fugitive emission components in sulfur dioxide service exceed the amounts represented in the air permit application and, therefore, the Phenol/Acetone process exceeded the MAERT annual permit limit for sulfur dioxide fugitive emissions.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.15(d)(5)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(3)

Description: Failed to submit initial notifications (reconstruction and start-up) for NSPS NNN for T-51A. Specifically, reconstruction on T-51A began on March 28, 2005 and notification was due January 28, 2005 (60 days before reconstruction begins). Start up of T-51A was on April 3, 2005 and notification was due April 18, 2005 (15 days after start-up).

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(c)(2)
Description: Failed to correctly state which emission standards the boilers will comply with in the Documentation of

Compliance. Specifically, the HWC MACT NOCS for Unit 3 incorrectly states the boilers will comply with both sets of standards when burning Light Oil waste. The Light Oil waste is < 10,000 Btu/lb and therefore is only required to comply with the Maximum Theoretical Emission Concentration limits.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.340(j)
30 TAC Chapter 117, SubChapter B 117.345(a)
30 TAC Chapter 117, SubChapter B 117.345(f)(10)

Description: Failed to maintain complete and accurate records for Engines GE-1 and C-6B. Specifically, the records contained incorrect run time meter readings and failed to document end time of engine operations. Additionally, start-up/shutdown records were not maintained for two years as required.

Viol. Classification: Minor

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.15(d)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.174
40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.195

Description: Failed to maintain complete and accurate records of required inspections of RCRA hazardous waste tank and container storage area. Specifically, initials were used when a signature or name was required, the tank inspection for March 29, 2012 was missing the time of inspection, and container storage area inspections were missing for April 25, 2011 and September 3, 2012.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(e)(4)
Description: Failed to conduct weekly AVO inspections as required. Specifically, pumps P-105A/B and P-106A/B were incorrectly identified as meeting the exemption in 40 CFR 63.163(e).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 60, Subpart VV 60.482-7
40 CFR Part 63, Subpart H 63.168
40 CFR Part 63, Subpart H 63.174

Rqmt Prov: PERMIT Special Conditions No. 6F

Description: Failed to monitor all fugitive components. Specifically, 10 valves and 11 relief devices were not monitored quarterly; 23 connectors were not monitored biennially; and 9 valves 51 connectors were not monitored annually, as required.

Viol. Classification: Minor

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(e)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(1)(i)

Description: Failed to correctly identify fugitive components, as required by fugitive regulations (HON, NSPS VV).

Notice of Intent Date: 03/11/2013 (1076978)
No DOV Associated

Notice of Intent Date: 03/12/2013 (1076986)
No DOV Associated

Notice of Intent Date: 03/22/2013 (1076982)
No DOV Associated

Notice of Intent Date: 03/19/2013 (1077956)
No DOV Associated

Notice of Intent Date: 03/26/2013 (1077951)
Disclosure Date: 10/16/2013

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(1)(i)

Description: Failed to correctly identify fugitive components as required by MON fugitive regulations.

Disclosure Date: 04/08/2014

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(1)(i)

Description: Failed to correctly identify fugitive components as required by MON fugitive regulations.

Notice of Intent Date: 04/02/2013 (1085495)

Disclosure Date: 12/18/2013

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.148

40 CFR Chapter 261, SubChapter I, PT 261, SubPT A 261.3(a)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11

Description: Failed to properly characterize waste streams from various sumps at the point of generation, as required. Waste profile constituents need further evaluation to determine if a hazardous waste classification is required.

Notice of Intent Date: 04/03/2013 (1085613)

Disclosure Date: 09/17/2013

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT ZZZZ 63.6625(f)

Description: Failed to install a non-resettable run-time meter on an emergency-use-only engine.

Viol. Classification: Minor

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

Description: Failed to maintain records of start/stop times and run-times.

Notice of Intent Date: 04/10/2013 (1085386)

Disclosure Date: 10/09/2013

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104

40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1424(a)(5)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1435

Description: Failed to maintain adequate documentation of heat exchangers that are applicable and exempted from the monitoring requirements in its existing monitoring plan. Additionally, the monitoring plan contains two defects.

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1429(d)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1430(b)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1430(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1430(g)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1432(g)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1432(j)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1432(k)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1433(a)(13)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1433(a)(17)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1434(e)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1438(a)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1438(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1438(d)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT PPP 63.1439(e)(5)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(a)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182(c)

Description: Failed to submit complete and accurate Notice of Compliance Status (NOCS) reports. Specifically, the NOCS report for 40 CFR Subpart H submitted on April 28, 2000 and the NOCS reports for Subpart PPP submitted on June 25, 2003 (as well as subsequent Subpart PPP NOCS reported submitted between June 2004 and June 2008) contained errors and/or missing information.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.111

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144(b)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.144(c)

Description: Failed to correctly identify the point of determination for one wastewater stream (D-1273). Additionally, there were examples of incorrect and/or missing process waste water points of determination.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.140

Description: Failed to evaluate or document the applicability of 30 TAC 115 Subchapter B, Division 4, Industrial Wastewater, for all the potential points of generation in the Voranol Plant.

Notice of Intent Date: 04/30/2013 (1093043)

No DOV Associated

Notice of Intent Date: 04/29/2013 (1093194)

Disclosure Date: 06/28/2013

Viol. Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

Rqmt Prov: OP Applicable Requirements Summary

Description: Failure to perform daily visible emissions observations for flare EPNB47F1 on two days. A number of records did not indicate "am" or "pm" next to the time of observation.

Notice of Intent Date: 05/07/2013 (1093036)
No DOV Associated

Notice of Intent Date: 05/23/2013 (1094861)
Disclosure Date: 08/26/2013

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(1)(A)
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter D 115.356(2)(E)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 63, Subpart H 63.166
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(4)
40 CFR Part 63, Subpart H 63.171
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(d)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(d)(3)

Rqmt Prov: OP FOP No. O1388
PERMIT NSR No. 5339, SC Nos. 8F, 8H, 8I, & 9

Description: Failed to re-monitor a leaking fugitive component and remove it from the DOR list after it had been repaired. Specifically, the component was repaired within the required timeframe, but the repair could not be considered complete because it had not been confirmed with monitoring yet.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 63, Subpart H 63.169
40 CFR Part 63, Subpart H 63.174

Rqmt Prov: OP FOP No. O1388
PERMIT NSR Permit No. 5339, SC No. 8E & 8F

Description: Failed to comply with the special conditions of NSR Permit No. 5339 and failed to conduct fugitive monitoring. Specifically, two inch piping with screwed connectors and a filter pot were put in VOC service without PBR authorization and fugitive monitoring did not occur prior to removal of the equipment from VOC service.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.9(h)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.9(j)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT NNNNN 63.9020(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT NNNNN 63.9020(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT NNNNN 63.9020(e)(3)

Description: Inaccurate information was submitted in the Supplemental NOCS dated June 7, 2012 for HCl MACT relative to the methodology used to demonstrate initial compliance on scrubbers S-60 (B15ST1) and S-2 (A18SV4).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.112(e)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(e)(3)
40 CFR Part 63, Subpart G 63.120(d)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.122(g)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146(b)(1)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)
40 CFR Chapter 70, SubChapter C, PT 70 70.5(c)
40 CFR Chapter 70, SubChapter C, PT 70 70.5(c)(4)

Description: Failed to submit accurate HON Subpart G Notification of Compliance Status reports. Specifically, the NOCS reports dated August 5, 1997 and September 15, 1999 and the Supplemental NOCS submitted on May 17, 20014 contained incorrect information.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(1)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(2)(iii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(6)(i)

Description: Failed to maintain adequate records. Specifically, for each dual mechanical seal pump subject to 40 CFR 63 Subpart H, there is no documentation of the criteria that indicate failure of the seal system, the barrier fluid system, or both. Additionally, equipment identification lists are not maintained for surge control vessels, bottoms receivers, sampling connection systems, closed vent systems, and instrumentation systems in OHAP service.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failed to maintain complete documentation of recordable, non-reportable emissions events. Specifically, the two events that occurred on March 24, 2011 and October 10, 2011 are missing discovery time and duration. The event that occurred on June 15, 2012 is missing the facility identification number.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Part 63, Subpart H 63.174

Rqmt Prov: PERMIT NSR Permit No. 5339, SC No. 9

Description: Failed to monitor 14 connectors in light liquid service from June 6, 2005 to November 5, 2013 because they were incorrectly classified as welded.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT NSR Permit No. 5339, SC No. 8F

Description: Failed to conduct quarterly monitoring from May 30, 2005 to November 5, 2013 on three insulated valves, one in gas vapor service and two in light liquid service.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT NSR Permit No. 5339, SC No. 8F

Description: Failed to conduct quarterly monitoring from May 30, 2005 to December 18, 2013 on 102 fugitive components because they were incorrectly marked as Difficult to Monitor and were therefore monitored annually, not quarterly.

Viol. Classification: Moderate

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

Description: Errors were identified on piping and instrument diagrams for the anhydrous HCl header (P&ID B1-203-6575) and Ammonia C-7 compressor (B1-599-6223).

Notice of Intent Date: 05/21/2013 (1133125)

No DOV Associated

Notice of Intent Date: 05/29/2013 (1099845)

No DOV Associated

Notice of Intent Date: 05/30/2013 (1185348)

Disclosure Date: 07/19/2013

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(e)(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(e)(6)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(6)(i)

Description: Missed weekly AVO inspections on 52 pumps equipped with a dual mechanical seal system since 3Q-2012. In addition, the weekly pump inspection sheets did not indicate the leak criteria definition for pumps.

Disclosure Date: 10/22/2013

Viol. Classification: Minor

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(3)

Description: Missed weekly AVO inspections on 4 pumps equipped with a single seal system.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(d)(4)

Description: Weekly AVO inspections have never been completed on 18 agitators equipped with a dual mechanical seal system.

Viol. Classification: Minor

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.15(d)

Description: Epoxy 2 RCRA 90 day storage area inspection sheets are missing the times of inspections for 1/2/2013 and 1/9/2013 as required.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.146(1)
30 TAC Chapter 115, SubChapter B 115.148(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.132(a)(1)
40 CFR Part 63, Subpart G 63.132(a)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.146(b)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.147(b)(8)

Description: Some wastewater streams in the Epoxy 2 Bisphenol process were not properly identified at point of determination and recordkeeping was not complete for HON and Reg 115. In addition, the submitted HON NOCS for Epoxy 2 Bisphenol process does not include all required information for Group 2 wastewater streams.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.123(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(b)(1)

Description: The Epoxy 2 BIS plant has several Group 2 storage tanks that are not listed in the Notification of Compliance Report (NOCS) as required. Also, plant records for these Group 2 storage tanks are incomplete.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(c)(2)

Description: Late final repair on five fugitive emission pumps found leaking by AVO (P-236B, P-213B, P-200C, P-205B, P-110B).

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(3)

Rqmt Prov: PERMIT Fugitive Emission Requirement 1.E.

Description: Audio Visual Olfactory (AVO) inspections were not done on the week of 6/15/2012 for the Phenol Recovery Area and the BIS Finishing area.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.354
40 CFR Part 63, Subpart H 63.168
40 CFR Part 63, Subpart H 63.174

Rqmt Prov: PERMIT SC 21.F (28 VHP) & 21.G (28 VHP)
PERMIT SC 22.A (28 CNTQ)

Description: Missed fugitive monitoring on 4457 components; this is approximately 22.9% of total components at the facility.

Notice of Intent Date: 06/03/2013 (1101047)

Disclosure Date: 11/12/2013

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP SC 3(A)(iv)(4)

Description: Failure to comply with permit requirements. The documented time of daily flare observations for visible emissions is not meeting the permit requirement to conduct the observation "no earlier than one hour after sunrise and no later than one hour before sunset."

Notice of Intent Date: 06/11/2013 (1100070)

No DOV Associated

Notice of Intent Date: 06/20/2013 (1101051)

No DOV Associated

Notice of Intent Date: 06/27/2013 (1102032)

No DOV Associated

Notice of Intent Date: 07/02/2013 (1113150)

No DOV Associated

Notice of Intent Date: 07/12/2013 (1105079)

No DOV Associated

Notice of Intent Date: 07/11/2013 (1105086)

Disclosure Date: 11/11/2013

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Condition 32

Description: Maintenance and Startup and Shutdown (MSS) tracking tool not implemented in Specialty Polyurethane Chemical (Copolymer) Plant (SPC).

Notice of Intent Date: 07/29/2013 (1113159)

No DOV Associated

Notice of Intent Date: 07/29/2013 (1113165)

No DOV Associated

Notice of Intent Date: 07/29/2013 (1113168)

No DOV Associated

Notice of Intent Date: 07/30/2013 (1113170)

No DOV Associated

Notice of Intent Date: 07/30/2013 (1113172)

Disclosure Date: 10/28/2013

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP Special Condition 3.B(iv)(1)

Description: Polymer pellet hoppers at B-3808, B-3814, B-3815 and B-3826 route particulate emissions to a stationary vent outside each of the buildings. The hopper vents are not being observed on a quarterly basis as required by Title V.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725

Description: The B-4000 Thermal Oxidizer (EPN B4010S1) is the main control device for tanks, process vents and loading for the B-3800 areas. Documentation could not be located that demonstrates the establishment of historical operating parameters for the Thermal Oxidizer to ensure compliance with 30 TAC 115 requirements.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352
30 TAC Chapter 115, SubChapter H 115.725

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)

Description: The following violations were caused by errors in the fugitive emission database and the fugitive emission tags. See description for details.

Disclosure Date: 04/29/2014

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP Special Condition 3.B(iv)(1)

Description: Polymer pellet hoppers at B-3808, B-3814, B-3815 and B-3826 route particulate emissions to a stationary vent outside each of the buildings. The hopper vents are not being observed on a quarterly basis as required by Title V.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725

Description: The B-4000 Thermal Oxidizer (EPN B4010S1) is the main control device for tanks, process vents and loading for the B-3800 areas. Documentation could not be located that demonstrates the establishment of historical operating parameters for the Thermal Oxidizer to ensure compliance with 30 TAC 115 requirements.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352

30 TAC Chapter 115, SubChapter H 115.725

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)

Description: The following violations were caused by errors in the fugitive emission database and the fugitive emission tags. See description for details.

Notice of Intent Date: 08/07/2013 (1114234)
No DOV Associated

Notice of Intent Date: 08/15/2013 (1120946)
No DOV Associated

Notice of Intent Date: 08/23/2013 (1128630)
No DOV Associated

Notice of Intent Date: 08/26/2013 (1120962)
No DOV Associated

Notice of Intent Date: 09/10/2013 (1120951)

Disclosure Date: 09/16/2013

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter D 106.124(5)(A)

30 TAC Chapter 106, SubChapter K 106.262(a)(2)

Description: Failure to comply with Permit by Rule requirements. Emissions of Trimethylamine (TMA) exceed the hourly emission limit established by Permit by Rule 124 for the production of Glycerol Quat. In the initial PBR calculations, emission were compared to the wrong chemical-specific emission limit. The operations covered by this PBR were started on 4/1/2008

Notice of Intent Date: 09/11/2013 (1121269)

Disclosure Date: 12/11/2013

Viol. Classification: Moderate

Citation: 40 CFR Chapter 121, SubChapter D, PT 121, SubPT D 122.1(b)

30 TAC Chapter 305, SubChapter A 305.1(b)

Description: Intermittent point source stormwater discharge through a non-outfall location.

Notice of Intent Date: 09/08/2013 (1122724)
No DOV Associated

Notice of Intent Date: 09/17/2013 (1122445)
No DOV Associated

Notice of Intent Date: 09/16/2013 (1124026)
No DOV Associated

Notice of Intent Date: 09/25/2013 (1123707)
No DOV Associated

Notice of Intent Date: 09/30/2013 (1123702)
No DOV Associated

Notice of Intent Date: 10/04/2013 (1123704)
No DOV Associated

Notice of Intent Date: 10/10/2013 (1132856)
No DOV Associated

Notice of Intent Date: 10/14/2013 (1128168)
No DOV Associated

Notice of Intent Date: 10/24/2013 (1132874)
No DOV Associated

Notice of Intent Date: 11/25/2013 (1139926)
No DOV Associated

Notice of Intent Date: 12/03/2013 (1139927)
No DOV Associated

Notice of Intent Date: 12/04/2013 (1139935)
No DOV Associated

Notice of Intent Date: 12/12/2013 (1139938)
No DOV Associated

Notice of Intent Date: 12/19/2013 (1145532)
No DOV Associated

Notice of Intent Date: 12/18/2013 (1145536)
No DOV Associated

Notice of Intent Date: 01/07/2014 (1145537)
No DOV Associated

Notice of Intent Date: 01/09/2014 (1145543)
No DOV Associated

Notice of Intent Date: 01/09/2014 (1145548)
No DOV Associated

Notice of Intent Date: 01/06/2014 (1145551)
No DOV Associated

Notice of Intent Date: 01/06/2014 (1145553)
Disclosure Date: 03/05/2014

Viol. Classification: Minor

Citation: 40 CFR Chapter 267, SubChapter I, PT 267, SubPT B 267.16(c)

Description: Required training was not completed on time by all personnel as required. Polycarbonate in 2012--12 people were late; Polycarbonate in 2013--6 people were late; Poly 3 in 2012--9 people were late; APP in 2013--1 person was late; Environmental Operations in 2012--5 people were late; Environmental Operations in 2013--4 people were late.

Viol. Classification: Minor

Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT I 264.174

40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174

30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)

Description: Failure to complete weekly inspections of waste storage areas as required. The following areas were not completed: SWMU 425, SWMU 291, and SWMU 316 on week on Jan. 30, 2012.

Disclosure Date: 04/02/2014

Viol. Classification: Minor

Citation: 40 CFR Chapter 266, SubChapter I, PT 266, SubPT N 266.250

Rqmt Prov: PERMIT V.H.7.c

Description: Failure to maintain records. Records for the daily CEMS system audit are missing information. See description for details.

Notice of Intent Date: 01/13/2014 (1150685)
No DOV Associated

Notice of Intent Date: 01/29/2014 (1150690)
No DOV Associated

Notice of Intent Date: 01/29/2014 (1150691)
No DOV Associated

Notice of Intent Date: 01/29/2014 (1150694)
No DOV Associated

Notice of Intent Date: 02/11/2014 (1152971)
No DOV Associated

Notice of Intent Date: 02/13/2014 (1152975)
No DOV Associated

Notice of Intent Date: 02/17/2014 (1150697)
No DOV Associated

Notice of Intent Date: 02/18/2014 (1151933)
No DOV Associated

Notice of Intent Date: 02/21/2014 (1152977)
No DOV Associated

Notice of Intent Date: 02/21/2014 (1152978)
No DOV Associated

Notice of Intent Date: 03/05/2014 (1157657)
No DOV Associated

Notice of Intent Date: 03/03/2014 (1157660)
No DOV Associated

Notice of Intent Date: 03/05/2014 (1157696)
Disclosure Date: 04/25/2014

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(3)
30 TAC Chapter 115, SubChapter H 115.725(c)(4)

Description: Failure to maintain records. The written monitoring plan for complying with 30 TAC 115.725(c)(1)-(2) was not complete. The monitoring requirements were being met but the plan itself was not complete.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Condition 13

Description: The calculated emissions of VOC from the catalyst mixing operations did not include a rolling 12 month calculated emission rate for each month.

Disclosure Date: 10/23/2014

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(c)(3)
30 TAC Chapter 115, SubChapter H 115.725(c)(4)

Description: Failure to maintain records. The written monitoring plan for complying with 30 TAC 115.725(c)(1)-(2) was not complete. The monitoring requirements were being met but the plan itself was not complete.

Viol. Classification: Moderate

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

Rqmt Prov: PERMIT Special Condition 13

Description: The calculated emissions of VOC from the catalyst mixing operations did not include a rolling 12 month calculated emission rate for each month.

Viol. Classification: Minor

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

Rqmt Prov: PERMIT Special Condition 12

Description: Failure to monitor 1617 connectors since 2011. These were connectors that were not in ethylene service but for which Dow had represented would be instrument monitored quarterly. Permit 8567 does not require monitoring these connectors. The monitoring requirements were inadvertently dropped in the fugitive monitoring system during a review against the permit conditions.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480

Rqmt Prov: PERMIT Special Condition 11

Description: Dow missed monitoring of one valve that had been misidentified as difficult to monitor. The valve was instrument monitored annually when it should have been monitored quarterly.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.781
30 TAC Chapter 115, SubChapter H 115.782
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT Special Condition 12

Description: Dow missed monitoring 15 connectors in ethylene service because the quarterly monitoring requirement was not assigned to them in the fugitive monitoring system.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter H 115.781
30 TAC Chapter 115, SubChapter H 115.782
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2480

Rqmt Prov: PERMIT Special Conditions 11 and 12

Description: Dow missed monitoring 20 valves, 206 connectors, 2 pressure relief valves and 1 pump because they were not included in the fugitive monitoring system.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter H 115.781
30 TAC Chapter 115, SubChapter H 115.782
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT Special Conditions 11 and 12

Description: Dow missed monitoring 5 valves and 13 connectors that were in service but were marked inactive in the fugitive monitoring system.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354
30 TAC Chapter 115, SubChapter H 115.781
30 TAC Chapter 115, SubChapter H 115.782
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT Special Condition 12

Description: Dow missed monitoring 9 connectors in ethylene service that were incorrectly marked as exempt (welded) in the fugitive monitoring system.

Notice of Intent Date: 03/20/2014 (1164178)

Disclosure Date: 05/22/2014

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(E)

Description: The new cold solvent cleaning facility behind the B-1350 building is not being operated with a freeboard ratio equal to or greater than 0.7, which is a requirement of TCEQ Regulation 115.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(2)

Description: Nine records of non-reportable emission were not fully documented as required general rules from November 2012 to November 2013.

Disclosure Date: 07/28/2014

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter D 115.354(2)(D)
30 TAC Chapter 115, SubChapter D 115.354(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(g)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2346(c)

Rqmt Prov: PERMIT Special Condition 6

Description: Missed periodic Method 21 monitoring on fugitive emission components including but not limited to 37 connectors, 10 normal-to-monitor valves, and 2 relief valves.

Disclosure Date: 11/12/2014

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter E 115.412(1)(E)

Description: The new cold solvent cleaning facility behind the B-1350 building is not being operated with a freeboard ratio equal to or greater than 0.7, which is a requirement of TCEQ Regulation 115.

Viol. Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(2)

Description: Nine records of non-reportable emission were not fully documented as required general rules from November 2012 to November 2013.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter D 115.354(2)(D)
30 TAC Chapter 115, SubChapter D 115.354(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.162(g)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2346(c)

Rqmt Prov: PERMIT Special Condition 6

Description: Missed periodic Method 21 monitoring on fugitive emission components including but not limited to 37 connectors, 10 normal-to-monitor valves, and 2 relief valves.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter D 115.354(3)
30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)

Rqmt Prov: PERMIT Special Conditions 15 & 16

Description: Ten (10) connectors and two (2) valves were incorrectly identified as difficult to monitor. Therefore, were not periodically monitored at the appropriate frequencies.

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter D 115.354(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)

Rqmt Prov: PERMIT Special Conditions 15 & 16

Description: Ninety-five (95) connectors, twenty-nine (29) normal-to-monitor valves, and fifteen (15) relief valves were not included in the fugitive emission database. Therefore, periodic Method 21 monitoring was not completed.

Notice of Intent Date: 03/19/2014 (1164476)

Disclosure Date: 04/24/2014

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT Special Condition 2
OP Special Terms and Conditions 20

Description: Failure to comply with permit requirements. Missed tracking of MSS activities since 04/12/2011.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 116, SubChapter B 116.116(a)(2)

Rqmt Prov: PERMIT General Terms and Conditions 1

Description: Failure to have a system in place to identify and permit (using a Permit by Rule) additional speciated chemical constituents from the waste processing facility. This violation addressed the authorization of additional chemical constituents other than those that were included in the original MSS application. Unauthorized emission of chemicals not currently represented in the permit application.

Notice of Intent Date: 03/28/2014 (1164186)

No DOV Associated

Notice of Intent Date: 04/02/2014 (1164198)

No DOV Associated

Notice of Intent Date: 04/02/2014 (1164199)

No DOV Associated

Notice of Intent Date: 04/15/2014 (1164487)

No DOV Associated

Notice of Intent Date: 04/15/2014 (1164503)

No DOV Associated

Notice of Intent Date: 04/28/2014 (1171442)

No DOV Associated

Notice of Intent Date: 05/01/2014 (1171445)

No DOV Associated

Notice of Intent Date: 05/02/2014 (1171450)

No DOV Associated

Notice of Intent Date: 05/14/2014 (1204939)

No DOV Associated

Notice of Intent Date: 05/28/2014 (1173252)

No DOV Associated

Notice of Intent Date: 05/28/2014 (1173253)

No DOV Associated

Notice of Intent Date: 06/03/2014 (1184129)

Disclosure Date: 09/19/2014

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(C)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(a)

Rqmt Prov: PERMIT Special Conditions 8.F. and 9.A.

Description: Failure to monitor fugitive components as required. Fifteen fugitive components authorized in NSR Permit 48715 were not monitored as required. These components are immediately adjacent to the Hydrocarbon Distribution fugitive components and were discovered as part of that facility's LDAR audit.

Disclosure Date: 11/12/2014

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

Rqmt Prov: PERMIT Special Condition 16.E.

Description: Nine (9) open ended lines were discovered during the audit in fugitive area B72FU1.

Notice of Intent Date: 06/06/2014 (1184137)
No DOV Associated

Notice of Intent Date: 07/07/2014 (1184149)
No DOV Associated

Notice of Intent Date: 07/15/2014 (1191394)
No DOV Associated

Notice of Intent Date: 07/17/2014 (1191418)
No DOV Associated

Notice of Intent Date: 07/23/2014 (1191424)
No DOV Associated

Notice of Intent Date: 08/06/2014 (1193152)
No DOV Associated

Notice of Intent Date: 08/08/2014 (1193156)
No DOV Associated

Notice of Intent Date: 08/15/2014 (1193158)
No DOV Associated

Notice of Intent Date: 08/11/2014 (1193163)
No DOV Associated

Notice of Intent Date: 08/13/2014 (1193170)
No DOV Associated

Notice of Intent Date: 08/20/2014 (1195708)
No DOV Associated

Notice of Intent Date: 08/21/2014 (1195715)
No DOV Associated

Notice of Intent Date: 08/25/2014 (1195767)
No DOV Associated

Notice of Intent Date: 09/09/2014 (1203090)
No DOV Associated

Notice of Intent Date: 09/22/2014 (1203055)
No DOV Associated

Notice of Intent Date: 09/22/2014 (1203061)
No DOV Associated

Notice of Intent Date: 10/01/2014 (1203091)
No DOV Associated

Notice of Intent Date: 10/10/2014 (1204820)
No DOV Associated

Notice of Intent Date: 10/16/2014 (1204824)
No DOV Associated

Notice of Intent Date: 10/15/2014 (1204856)
No DOV Associated

Notice of Intent Date: 10/30/2014 (1210427)
No DOV Associated

Notice of Intent Date: 11/05/2014 (1210431)
No DOV Associated

Notice of Intent Date: 11/05/2014 (1210439)
No DOV Associated

Notice of Intent Date: 11/07/2014 (1210447)
No DOV Associated

Notice of Intent Date: 11/13/2014 (1211533)
No DOV Associated

Notice of Intent Date: 11/20/2014 (1210459)
No DOV Associated

Notice of Intent Date: 11/20/2014 (1211544)
No DOV Associated

Notice of Intent Date: 11/25/2014 (1211536)
No DOV Associated

Notice of Intent Date: 12/01/2014 (1216299)
No DOV Associated

Notice of Intent Date: 12/11/2014 (1216301)
No DOV Associated

Notice of Intent Date: 12/18/2014 (1217781)
No DOV Associated

Notice of Intent Date: 01/07/2015 (1217816)
No DOV Associated

Notice of Intent Date: 01/12/2015 (1222651)
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

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: **DOW TEXAS OPERATIONS FREEPORT**

Reg Entity Add: CR226 STRATTON RIDGE ROAD

Reg Entity City: CLUTE

Reg Entity No: RN100225945

EPA Case No: **06-2013-3326**

Order Issue Date (yyyymmdd): 20130507

Case Result: Final Order With Penalty

Statute: CAA

Sect of Statute: 112[R][7]

Classification: Minor

Program: Risk Management Progr **Citation:**

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Penalty Order With or Without Inj

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
THE DOW CHEMICAL COMPANY
RN100225945**

§
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§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2014-1881-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 Dow Chemical Company ("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 petrochemical manufacturing plant located at 2301 North Brazosport Boulevard in Freeport, Brazoria 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 notices of the violations alleged in Section II ("Allegations") on or about December 20 and 22, 2014 and January 28, 2015.
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 One Hundred Eighty-Eight Dollars (\$15,188) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Seventy-Six Dollars (\$6,076) of the administrative penalty and Three Thousand Thirty-Seven Dollars

(\$3,037) 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 Seventy-Five Dollars (\$6,075) 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 the Respondent has implemented the following corrective measures at the Plant:
 - a. On August 21, 2014, changed the scale factor on the Distributed Control System to read all the way to zero to allow operators to know exactly what the pressure in the header is to prevent recurrence of emissions events due to the same or similar causes as Incident No. 200946;
 - b. By January 1, 2015, modified the start-up procedure to clearly address how lower coil outlet temperatures affect air emissions to prevent recurrence of emissions events due to the same or similar causes as Incident No. 201153; and
 - c. On January 9, 2015, modified the process control code to ramp the valves to 109% on the top steam control valves during the feed-in step to prevent recurrence of emissions events due to the same or similar causes as Incident No. 202836.
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:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O2213, Special Terms and Conditions ("STC") No. 21, and New Source Review ("NSR") Permit Nos. 20432 and PSDTX994M1, Special Conditions ("SC") No. 1, as documented during a record review conducted from September 16 through 30, 2014. Specifically, the Respondent experienced 100 percent opacity and released 28,192.68 pounds ("lbs") of carbon monoxide ("CO"), 3,839.64 lbs of nitrogen oxides ("NOx"), 13,449.07 lbs of ethylene, 7,860.28 lbs of propylene, 3,154.61 lbs of hazardous air pollutants ("HAPs"), and 3,168.39 lbs of other volatile organic compounds ("VOC") from the FS-1 Large Flare, Emission Point Number ("EPN") B60F3, during an avoidable emissions event (Incident No. 200946) that began on July 13, 2014 and lasted for 27 hours and 5 minutes. The event occurred when a thermocouple in the Power 9 Steam Supply Unit failed, resulting in a loss of steam to the Light Hydrocarbons ("LHC") 7 Unit. This resulted in a loss of pressure to the LHC 7 Unit compressors, which then tripped. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O2213, STC No. 21, and NSR Permit Nos. 20432 and PSDTX994M1, SC No. 1, as documented during a record review conducted from September 12 through 25, 2014. Specifically, the Respondent experienced 100 percent opacity and released 43,091.41 lbs of CO, 5,902.53 lbs of NOx, 17,750.54 lbs of ethylene, 2,765.09 lbs of propylene, 2,378.44 lbs of HAPs, and 9,740.65 lbs of other VOC from the FS-1 Large Flare, EPN B60F3, during an avoidable emissions event (Incident No. 201153) that began on July 15, 2014 and lasted for 51 hours. The event occurred due to pressure buildup in the T-51 Tower, requiring the unit to be shutdown. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O2213, STC No. 21, and NSR Permit Nos. 20432 and PSDTX994M1, SC No. 1, as documented during a record review conducted from December 9 through 23, 2014. Specifically, the Respondent released 1,674.76 lbs of CO, 234.96 lbs of NOx, 2,349.97 lbs of ethylene, and 98.99 lbs of propylene from the FS-1 Elevated Flare, EPN OC6F1, and released 76.01 lbs of ethylene and 6.83 lbs of propylene from the FS-1000 Ground Flare, EPN OC6F1000, during an avoidable emissions event (Incident No. 202836) that began on August 27, 2014 and lasted for four hours. The event occurred when a rapid temperature change created additional CO in the F9 Furnace which generated off-spec product, resulting in flaring. Since the emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting the affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

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 Dow Chemical Company, Docket No. 2014-1881-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 Seventy-Five Dollars (\$6,075) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1)

enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Romona Davis
For the Executive Director

8/14/13
Date

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

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

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

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

FR Falcon
Signature

4-30-15
Date

Fran Quinlan Falcon
Name (Printed or typed)
Authorized Representative of
The Dow Chemical Company

TXO Environmental Leveraged
Title Delivery Leader

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: 2014-1881-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	The Dow Chemical Company
Penalty Amount:	Twelve Thousand One Hundred Fifty-One Dollars (\$12,151)
SEP Offset Amount:	Six Thousand Seventy-Five Dollars (\$6,075)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO ("AERCO")
Project Name:	<i>Clean Vehicles Partnership Project</i>
<u>Location of SEP:</u> Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

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 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 the **Houston-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership Project*. 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 to replace old, higher emission buses that do not meet 2010 Environmental Protection Agency ("EPA") emissions standards ("Old Buses") with new, lower emission buses that meet the most recent EPA emissions standards ("New Buses") or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities ("SEP Administrators") that apply for replacement, retrofit, or conversion of buses.

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for

The Dow Chemical Company
Agreed Order - Attachment A

purchase of New Buses or conversion or retrofit equipment and contract labor for installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards. Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months. All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done 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 the Respondent 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 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

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 **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement 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 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:

The Dow Chemical Company
Agreed Order - Attachment A

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 and/or project, 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 Attachment A and in the attached 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.