

**Executive Summary – Enforcement Matter – Case No. 50544
The Lubrizol Corporation
RN100221589
Docket No. 2015-0765-AIR-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Lubrizol Deer Park, 41 Tidal Road, Deer Park, Harris County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 9, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$30,000

Amount Deferred for Expedited Settlement: \$6,000

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$12,000

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$12,000

Name of SEP: Barbers Hill Independent School District (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 30, 2014 through February 23, 2015

Date(s) of NOE(s): May 1, 2015

Executive Summary – Enforcement Matter – Case No. 50544
The Lubrizol Corporation
RN100221589
Docket No. 2015-0765-AIR-E

Violation Information

Failed to comply with a maximum allowable emissions rate. Specifically, the Respondent exceeded the carbon monoxide ("CO") emissions rate of 0.38 pound per hour ("lb/hr") with emissions rates ranging from 0.42 lb/hr to 7.87 lbs/hr, at the Heater, Emission Point Number ("EPN") 3-MT, from April 1, 2013 through March 31, 2014 [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. O1930, Special Terms and Conditions No. 6, and New Source Review ("NSR") Permit No. 71546, Special Conditions No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require Respondent to implement and complete a SEP. (See SEP Attachment A)
2. The Order will also require Respondent to:
 - a. By December 31, 2016, purchase and install a new process heater for EPN-3MT; and
 - b. By January 30, 2017, submit written certification demonstrating compliance with a.

Litigation Information

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

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Eduardo Heras, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-2422; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: Tanya Travis, General Manager, The Lubrizol Corporation, 41 Tidal Road, Deer Park, Texas 77536
Respondent's Attorney: N/A

Attachment A
Docket Number: 2015-0765-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	The Lubrizol Corporation
Penalty Amount:	Twenty-Four Thousand Dollars (\$24,000)
SEP Offset Amount:	Twelve Thousand Dollars (\$12,000)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Barbers Hill Independent School District
Project Name:	<i>Energy Efficiency Building Upgrade/Retrofit Project</i>
Location of SEP:	Chambers County

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 **Barbers Hill Independent School District** for the *Energy Efficiency Building Upgrade/Retrofit 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 pay a contractor to install and monitor sub-meters. The contractor's work will include installing revenue grade electric sub-meters in the line feed of certain facilities; installing revenue grade current transformers; incorporating all engineering, software, and graphics to accomplish effective monitoring of the status of this equipment; and a one-year warranty including parts and labor for the new sub-meters. In addition to sub-metering, the Third-Party Administrator shall use the SEP Offset Amount to pay its contractor to monitor, calibrate, and repair existing meters and to complete energy efficiency upgrades and/or retrofits based on needs identified in energy audits. 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 able to be spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The Lubrizol Corporation
Agreed Order - Attachment A

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

The Project will result in reduced energy consumption by school district buildings and will contribute to the overall reduction of greenhouse gases. The sub-metering is expected to reduce energy consumption up to eight percent. The Project will reduce fuel and electricity usage for heating and cooling and day-to-day operations. These reductions will reduce emission of particulate matter, volatile organic carbon compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel and generation of electricity. It will also contribute to a reduction in peak loads on the State electric power grid.

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 **Barbers Hill ISD SEP** and shall mail the contribution with a copy of the Agreed Order to:

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

3. Records and Reporting

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

The Lubrizol Corporation
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. **Failure to Fully Perform**

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

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

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

5. **Publicity**

Any public statements concerning this SEP 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.

The Lubrizol Corporation
Agreed Order - Attachment A

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)

TCEQ DATES	Assigned	4-May-2015	Screening	18-May-2015	EPA Due	
	PCW	19-May-2015				

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

CASE INFORMATION			
Enf./Case ID No.	50544	No. of Violations	1
Docket No.	2015-0765-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Eduardo Heras
		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	\$15,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	100.0% Enhancement	Subtotals 2, 3, & 7	\$15,000
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Notes

Enhancement for eight NOV's with same/similar violations, two NOV's with dissimilar violations, five agreed orders with denial of liability, and two orders without denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure 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	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$938
Estimated Cost of Compliance	\$5,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$30,000
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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	\$30,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$30,000
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DEFERRAL	20.0% Reduction	Adjustment	-\$6,000
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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	\$24,000
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Screening Date 18-May-2015

Docket No. 2015-0765-AIR-E

PCW

Respondent The Lubrizol Corporation

Policy Revision 4 (April 2014)

Case ID No. 50544

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100221589

Media [Statute] Air

Enf. Coordinator Eduardo Heras

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>)	8	40%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<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>)	1	-1%
	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>)	1	-2%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 191%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for eight NOVs with same/similar violations, two NOVs with dissimilar violations, five agreed orders with denial of liability, and two orders without denial of liability. Reduction for one notice of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 191%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 100%

Screening Date 18-May-2015
Respondent The Lubrizol Corporation
Case ID No. 50544
Reg. Ent. Reference No. RN100221589
Media [Statute] Air
Enf. Coordinator Eduardo Heras

Docket No. 2015-0765-AIR-E

PCW

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

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit No. 01930, Special Terms and Conditions No. 6, and New Source Review ("NSR") Permit No. 71546, Special Conditions No. 1

Violation Description Failed to comply with a maximum allowable emissions rate. Specifically, the Respondent exceeded the carbon monoxide ("CO") emissions rate of 0.38 pound per hour ("lb/hr") with emissions rates ranging from 0.42 lb/hr to 7.87 lbs/hr, at the Heater, Emission Point Number ("EPN") 3-MT, from April 1, 2013 through March 31, 2014.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text" value="15.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="text" value="x"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input type="text"/>	

Violation Base Penalty

Four quarterly events are recommended for the period of non-compliance from April 1, 2013 through March 31, 2014.

Good Faith Efforts to Comply

Reduction

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

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent The Lubrizol Corporation
Case ID No. 50544
Req. Ent. Reference No. RN100221589
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	1-Apr-2013	31-Dec-2016	3.75	\$938	n/a	\$938

Notes for DELAYED costs

Estimated cost to purchase and install a new process heater for EPN 3-MT. The Date Required is the first date of non-compliance and the Final Date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$938

The TCEQ is committed to accessibility.

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



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600269617, RN100221589, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN600269617, The Lubrizol Corporation **Classification:** SATISFACTORY **Rating:** 8.23

Regulated Entity: RN100221589, LUBRIZOL DEER PARK **Classification:** SATISFACTORY **Rating:** 10.97

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

CH Group: 05 - Chemical Manufacturing

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

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

- | | |
|---|--|
| AIR OPERATING PERMITS PERMIT 1931 | AIR OPERATING PERMITS PERMIT 1930 |
| AIR OPERATING PERMITS ACCOUNT NUMBER HG0459J | AIR OPERATING PERMITS PERMIT 1933 |
| AIR OPERATING PERMITS PERMIT 1935 | AIR OPERATING PERMITS PERMIT 2191 |
| AIR OPERATING PERMITS PERMIT 1581 | AIR OPERATING PERMITS PERMIT 1929 |
| AIR OPERATING PERMITS PERMIT 1932 | AIR OPERATING PERMITS PERMIT 1934 |
| WASTEWATER PERMIT WQ0000639000 | WASTEWATER EPA ID TX0007048 |
| AIR NEW SOURCE PERMITS REGISTRATION 71099 | AIR NEW SOURCE PERMITS PERMIT 669 |
| AIR NEW SOURCE PERMITS PERMIT 2757 | AIR NEW SOURCE PERMITS PERMIT 5847 |
| AIR NEW SOURCE PERMITS PERMIT 7577 | AIR NEW SOURCE PERMITS REGISTRATION 10807 |
| AIR NEW SOURCE PERMITS REGISTRATION 14714 | AIR NEW SOURCE PERMITS PERMIT 19804 |
| AIR NEW SOURCE PERMITS PERMIT 21933 | AIR NEW SOURCE PERMITS PERMIT 22045 |
| AIR NEW SOURCE PERMITS PERMIT 22046 | AIR NEW SOURCE PERMITS PERMIT 22048 |
| AIR NEW SOURCE PERMITS PERMIT 22055 | AIR NEW SOURCE PERMITS PERMIT 22056 |
| AIR NEW SOURCE PERMITS PERMIT 22059 | AIR NEW SOURCE PERMITS PERMIT 22095 |
| AIR NEW SOURCE PERMITS REGISTRATION 38145 | AIR NEW SOURCE PERMITS REGISTRATION 39308 |
| AIR NEW SOURCE PERMITS REGISTRATION 49758 | AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0459J |
| AIR NEW SOURCE PERMITS AFS NUM 4820100109 | AIR NEW SOURCE PERMITS PERMIT 71546 |
| AIR NEW SOURCE PERMITS REGISTRATION 74835 | AIR NEW SOURCE PERMITS REGISTRATION 76823 |
| AIR NEW SOURCE PERMITS REGISTRATION 47016 | AIR NEW SOURCE PERMITS REGISTRATION 83439 |
| AIR NEW SOURCE PERMITS REGISTRATION 84324 | AIR NEW SOURCE PERMITS REGISTRATION 87415 |
| AIR NEW SOURCE PERMITS REGISTRATION 93716 | AIR NEW SOURCE PERMITS REGISTRATION 95158 |
| AIR NEW SOURCE PERMITS REGISTRATION 96850 | AIR NEW SOURCE PERMITS REGISTRATION 99055 |
| AIR NEW SOURCE PERMITS REGISTRATION 100791 | AIR NEW SOURCE PERMITS REGISTRATION 98216 |
| AIR NEW SOURCE PERMITS REGISTRATION 99086 | AIR NEW SOURCE PERMITS REGISTRATION 100611 |
| AIR NEW SOURCE PERMITS REGISTRATION 100065 | AIR NEW SOURCE PERMITS REGISTRATION 100974 |
| AIR NEW SOURCE PERMITS REGISTRATION 98328 | AIR NEW SOURCE PERMITS REGISTRATION 100728 |
| AIR NEW SOURCE PERMITS REGISTRATION 98604 | AIR NEW SOURCE PERMITS REGISTRATION 102471 |
| AIR NEW SOURCE PERMITS REGISTRATION 103671 | AIR NEW SOURCE PERMITS REGISTRATION 103657 |
| AIR NEW SOURCE PERMITS REGISTRATION 103664 | AIR NEW SOURCE PERMITS REGISTRATION 101903 |
| AIR NEW SOURCE PERMITS REGISTRATION 104672 | AIR NEW SOURCE PERMITS REGISTRATION 105124 |
| AIR NEW SOURCE PERMITS REGISTRATION 103658 | AIR NEW SOURCE PERMITS REGISTRATION 103670 |
| AIR NEW SOURCE PERMITS PERMIT 102761 | AIR NEW SOURCE PERMITS REGISTRATION 103656 |
| AIR NEW SOURCE PERMITS REGISTRATION 103633 | AIR NEW SOURCE PERMITS REGISTRATION 103632 |
| AIR NEW SOURCE PERMITS REGISTRATION 103473 | AIR NEW SOURCE PERMITS REGISTRATION 103667 |
| AIR NEW SOURCE PERMITS REGISTRATION 106724 | AIR NEW SOURCE PERMITS REGISTRATION 109093 |
| AIR NEW SOURCE PERMITS REGISTRATION 109687 | AIR NEW SOURCE PERMITS REGISTRATION 109591 |
| AIR NEW SOURCE PERMITS REGISTRATION 105113 | AIR NEW SOURCE PERMITS REGISTRATION 105115 |
| AIR NEW SOURCE PERMITS REGISTRATION 117479 | AIR NEW SOURCE PERMITS REGISTRATION 107272 |
| AIR NEW SOURCE PERMITS REGISTRATION 119821 | AIR NEW SOURCE PERMITS REGISTRATION 114750 |

AIR NEW SOURCE PERMITS REGISTRATION 113086
AIR NEW SOURCE PERMITS REGISTRATION 131877

AIR NEW SOURCE PERMITS REGISTRATION 105118
AIR NEW SOURCE PERMITS REGISTRATION 129343

AIR NEW SOURCE PERMITS REGISTRATION 122494
AIR NEW SOURCE PERMITS REGISTRATION 119210
AIR NEW SOURCE PERMITS REGISTRATION 82200

AIR NEW SOURCE PERMITS REGISTRATION 117842
AIR NEW SOURCE PERMITS REGISTRATION 126117
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1011526
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0459J

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

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

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD041067638
STORMWATER PERMIT TXR150017255

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

Date Compliance History Report Prepared: May 18, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 18, 2010 to May 18, 2015

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

Name: Eduardo Heras

Phone: (512) 239-2422

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

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

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

- 1 Effective Date: 06/26/2010 ADMINORDER 2009-2073-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Description: Failure to report deviations and accurately certify the Annual Compliance Certification. Specifically, the Annual Compliance Certification report for the period of March 1, 2008 through February 28, 2009, did not include all instances of deviations and therefore was not accurately certified.
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(B)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP
Description: Failure to timely submit a semiannual deviation report. Specifically, one deviation report was submitted on March 30, 2009, to cover both the March 1, 2008 through August 31, 2008 and the September 1, 2008 through February 28, 2009 reporting periods.
- 2 Effective Date: 08/09/2010 ADMINORDER 2009-1605-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: General Terms and Conditions OP

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

Classification: Moderate

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

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Moderate

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

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

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

Classification: Minor

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

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

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

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

Classification: Moderate

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

Rqmt Prov: General Terms and Conditions OP

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

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

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: S.C. 9 E PERMIT

ST&C 5 OP

Description: Failed to submit stack test results for the Anglamol Unit Thermal Oxidizer and Scrubber, EPN FI-07, within the required 60 days. Specifically, a stack test was conducted on May 31, 2007, and the results were not received until November 16, 2007 by the Houston Regional Office.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 7, 8 and 9C PERMIT

ST&C 5 OP

Description: Failed to demonstrate initial compliance for the destruction of H2S, VOC and SO2 in the Anglamol Unit Thermal Oxidizer and Scrubber, EPN FI-07, by the required deadline. The stack test conducted on 05/31/2007 did not include SO2 and the test data provided was determined to be invalid due to numerous errors. A 60 day extension to the 05/01/07 deadline was granted by the TCEQ, making the deadline to test by 06/30/07, but the initial demonstration of compliance was not completed until 08/28/08.

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

Classification: Moderate

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

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

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

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limitations and Monitoring Req2 PERMIT

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

6 Effective Date: 04/07/2013 ADMINORDER 2012-1110-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 5A PERMIT

Special Term and Condition 7 OP

Description: Failure to maintain the required minimum firebox exit temperature of 1,400 degrees Fahrenheit for the incinerator, EPN F1-06.

7 Effective Date: 12/19/2013 ADMINORDER 2013-0375-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: ST&C No. 1.A. OP

Description: The Respondent failed to maintain a flare operation log, in violation of FOP No. O1934, ST&C No. 1.A., 30 TEX. ADMIN. CODE

§§ 111.111(a)(4)(A)(ii) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b).

Classification: Minor

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 4 PERMIT

Special Terms & Conditions 7 OP

ST&C No. 1.A. OP

Description: The Respondent failed to sample and analyze the scrubbing liquid of Caustic Scrubber S-42 at least daily to determine the NaOH content, in violation of FOP No. O1934, ST&C Nos. 1.A. and 7, New Source Review Permit ("NSRP") No. 22060, Special Conditions ("SC") No. 4, 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE § 382.085(b).

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1025(b)(3)(i)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(1)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Terms and Conditions 1A OP

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

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Terms and Conditions 7 OP

Description: The Respondent failed to conduct quarterly LDAR monitoring of all applicable components in the MMB Additive Detergent Unit, in violation of FOP No. O1934, ST&C No. 7, NSRP No. 22050, SC No. 11.F., 30 TEX. ADMIN. CODE §§116.115(c) and 122.143(4), and TEX. HEALTH & SAFETY CODE §382.085(b).

Classification: Moderate

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

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: The Respondent failed to report all instances of deviations in semi-annual deviation reports, in violation of FOP No. O1934, General Terms and Conditions, 30 TEX. ADMIN. CODE §§122.143(4) and 122.145(2)(A), and TEX. HEALTH & SAFETY CODE §382.085(b).

Classification: Minor

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

5C THSC Chapter 382 382.085(b)

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

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

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.335(a)(4)

30 TAC Chapter 117, SubChapter H 117.9020(2)(C)(i)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

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

Special Term and Condition 1A OP

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

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.486(c)(6)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Term and Condition 1A OP

Description: The Respondent failed to maintain complete delay of repair records, in violation of FOP No. O1935, ST&C No. 1.A., 40 CFR §60.486(c)(6), 30 TEX. ADMIN. CODE §§ 101.20(1) and 122.143(4), and TEX. HEALTH & SAFETY CODE §382.085(b).

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 115, SubChapter D 115.356(3)(B)

30 TAC Chapter 115, SubChapter H 115.786(d)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Term and Condition 1A OP

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

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 3 PERMIT

Special Terms and Conditions 1A & 7 OP

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

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 24, 2010	(845064)
Item 2	June 18, 2010	(846300)
Item 3	July 15, 2010	(860891)
Item 4	July 28, 2010	(842913)
Item 5	August 19, 2010	(866865)
Item 6	September 20, 2010	(825297)
Item 7	September 28, 2010	(843160)
Item 8	November 08, 2010	(843682)

Item 9	November 17, 2010	(863666)
Item 10	January 18, 2011	(902335)
Item 11	February 10, 2011	(909120)
Item 12	February 22, 2011	(828683)
Item 13	March 04, 2011	(890937)
Item 14	March 08, 2011	(858194)
Item 15	March 17, 2011	(916373)
Item 16	March 31, 2011	(907420)
Item 17	April 12, 2011	(924863)
Item 18	April 29, 2011	(914916)
Item 19	May 12, 2011	(938058)
Item 20	May 17, 2011	(895141)
Item 21	June 08, 2011	(907778)
Item 22	June 09, 2011	(945426)
Item 23	July 01, 2011	(936401)
Item 24	July 26, 2011	(922542)
Item 25	July 27, 2011	(877674)
Item 26	August 17, 2011	(948980)
Item 27	August 19, 2011	(949342)
Item 28	August 29, 2011	(922659)
Item 29	September 12, 2011	(965372)
Item 30	September 17, 2011	(952382)
Item 31	September 20, 2011	(949909)
Item 32	October 03, 2011	(957967)
Item 33	October 17, 2011	(971411)
Item 34	December 09, 2011	(957652)
Item 35	December 12, 2011	(984338)
Item 36	January 16, 2012	(990636)
Item 37	February 13, 2012	(997997)
Item 38	February 23, 2012	(988310)
Item 39	March 12, 2012	(1003524)
Item 40	April 11, 2012	(1010089)
Item 41	May 14, 2012	(1016480)
Item 42	May 25, 2012	(1006397)
Item 43	June 12, 2012	(1024202)
Item 44	July 12, 2012	(1031595)
Item 45	July 25, 2012	(1008184)
Item 46	August 01, 2012	(1008475)
Item 47	August 09, 2012	(1037972)
Item 48	September 11, 2012	(1046706)
Item 49	October 08, 2012	(1060982)
Item 50	October 26, 2012	(996347)
Item 51	November 15, 2012	(1060983)
Item 52	November 27, 2012	(1035349)
Item 53	December 17, 2012	(1060984)
Item 54	January 14, 2013	(1079030)
Item 55	February 11, 2013	(1079029)
Item 56	March 18, 2013	(1089339)
Item 57	April 15, 2013	(1095732)
Item 58	May 13, 2013	(1106657)
Item 59	May 16, 2013	(1088787)
Item 60	June 12, 2013	(1110332)
Item 61	July 02, 2013	(1094113)
Item 62	July 17, 2013	(1117217)
Item 63	August 13, 2013	(1124972)
Item 64	September 12, 2013	(1129571)
Item 65	October 14, 2013	(1135303)
Item 66	November 14, 2013	(1140701)
Item 67	December 11, 2013	(1147160)

Item 68 January 02, 2014 (1134748)
 Item 69 January 10, 2014 (1143541)
 Item 70 January 13, 2014 (1153229)
 Item 71 February 17, 2014 (1160564)
 Item 72 March 04, 2014 (1144364)
 Item 73 April 17, 2014 (1174342)
 Item 74 May 20, 2014 (1180530)
 Item 75 June 05, 2014 (1152560)

Item 76 June 19, 2014 (1187428)
 Item 77 August 14, 2014 (1198606)
 Item 78 August 19, 2014 (1178213)
 Item 79 September 17, 2014 (1205833)
 Item 80 September 30, 2014 (1196583)
 Item 81 November 19, 2014 (1218497)
 Item 82 December 15, 2014 (1224276)
 Item 83 February 16, 2015 (1242314)
 Item 84 March 24, 2015 (1248643)
 Item 85 April 23, 2015 (1245895)
 Item 86 May 11, 2015 (1229928)

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: 05/30/2014 (1152630) CN600269617
- Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026(b)(1)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A OP
 Description: Failure to perform monthly monitoring of a pump. Sub-category: C1.
- Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.767(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A OP
 Description: Failure of cooling tower heat exchange systems to maintain appropriate differential pressure. Sub-category: C4.
- Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THSC Chapter 382 382.085(b)
 Special Condition 6B PERMIT
 Description: Failure to maintain a continuous flare pilot flame. Sub-category: C4.
- Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 GT&C OP
 Description: Failure to include all instances of deviation in the deviation report dated May 23, 2013. Sub-category: C3.
- Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 12 PERMIT
 ST&C 8 OP
 Description: Failure to maintain minimum liquid flow rate to the scrubber. Sub-category: C4.
- Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter H 101.358(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
 5C THSC Chapter 382 382.085(b)
 ST&C H(v) OP
 Description: Failure to utilize the required emission quantifications for NOx. Sub-category: C3.

SC 4A PERMIT
ST&C 8 OP

Description: Failure to conduct scrubber solution sampling and to maintain the Na2S concentration above 3% at the HA-10 Scrubber. (Category C1)

Self Report? NO Classification: Minor

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

Description: Failure to report all instances of deviations (Category C3)

6 Date: 09/16/2014 (1191994) CN600269617

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
ST&C 8 OP

Description: Failure to meet the permitted CO emission limitations of the Process Heater HO-15. Sub-category: B3.

7 Date: 11/26/2014 (1193087) CN600269617

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions (GT&C) OP
Special Condition No. 7H PERMIT
Special Terms and Conditions (ST&C) 1A OP
Special Terms and Conditions (ST&C) 7 OP

Description: Failure to tag a leaking component under NSR Permit No. 22060 (EPN:FUG) [Category C1 violation]

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions (GT&C) OP
Special Condition No. 7G PERMIT
Special Terms and Conditions (ST&C) 7 OP

Description: Failure to ensure all replacement pumps are equipped with a shaft sealing system(EPN: FUG) [Category B16].

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)
General Terms and Conditions (GT&C) OP
Special Condition No. 7 PERMIT
Special Terms and Conditions (ST&C) 7 OP

Description: Failure to maintain exhaust oxygen concentration above 3% on Incinerator FI-03. [Category C4].

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions (GT&C) OP
Special Condition No. 2 PERMIT
Special Terms and Conditions (ST&C) 7 OP

Description: Failure to maintain permitted minimum solvent flow on scrubber S-42 [Category C4].

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 115, SubChapter B 115.122(a)(1)(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 A 63.11(b)(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions (GT&C) OP
Special Condition No. 2 PERMIT
Special Condition No. 8C PERMIT
Special Terms and Conditions (ST&C) 1A OP
Special Terms and Conditions (ST&C) 7 OP

Description:

Failure to prevent visible emissions from flare FL-MMB [Category C4].

- 8 Date: 02/18/2015 (1211100) CN600269617
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 382 382.016(b)
5C THSC Chapter 382 382.085(b)
ST&C 2F OP
Description: Failure to make the final record of an emissions event readily available upon request. (Category C3)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(2)(I)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.016(b)
5C THSC Chapter 382 382.085(b)
ST&C 2F OP
Description: Failure to maintain administratively complete emission event records. (Category C3)
- 9 Date: 02/19/2015 (1211396) CN600269617
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter H 101.358(a)
30 TAC Chapter 101, SubChapter H 101.359(a)(2)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1H(v) OP
FOP Special Term & Condition 1H(vi) OP
Description: Failure to use stack testing emission factors to calculate emissions for NOx Cap and Trade reporting.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.354(b)
30 TAC Chapter 117, SubChapter B 117.356
30 TAC Chapter 117, SubChapter H 117.9020(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1A OP
Description: Failure to complete and submit a final control plan.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.487(a)
5C THSC Chapter 382 382.085(b)
FOP Special Term & Condition 1A OP
Description: Failure to submit 40 CFR 60 Subpart VV semiannual report within the required time frame.
- 10 Date: 05/13/2015 (1240379) CN600269617
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
NSR SC 2 PERMIT
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)
5C THSC Chapter 382 382.085(b)
Description: Failure to report a reportable emissions event within 24 hours after discovery.

F. Environmental audits:

Notice of Intent Date: 02/04/2010 (826428)

Disclosure Date: 06/25/2010
Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 5B, GC 1
Description: Failed to conduct semi-annual cylinder gas audits on the O2 analyzers for FI-04 and FI-08.
Disclosure Date: 08/10/2010
Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 5B, GC 1
Description: Failed to conduct semi-annual cylinder gas audits on the O2 analyzers for FI-04 and FI-08.
Viol. Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
Description: Failed to report deviations of the semi-annual cylinder gas audits that were not conducted on the O2 analyzers for the FI-04 and the FI-08.
Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC5A, GC 1
Description: Failed to calibrate the FI-04 temperature monitor annually.
Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 6, GC 1
Description: Failed to maintain the minimum flow rate as represented in the permit application or as established during the last stack test for S44, S50, S45, SPB3, S39, S61, S37, SCFI04, and SCFI08.
Viol. Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
Description: Failed to report deviations regarding the minimum flow rate that was not maintained as represented in the permit application or as established during the last stack test for the following scrubbers: S44, S50, S45, SPB3, S39, S61, S37, SCFI04 and SCFI08.
Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.116
Rqmt Prov: PERMIT GC1
Description: Failed to accurately represent scrubbers S39 and S61 in the NSR permit 71546 amendment application.
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 6, 6B, 6C, 6D, and GC 1
Description: Failed to equip scrubbers S39 and S61 with a flow meter to verify and record the scrubber circulation rate or calibration requirements of the permit.
Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.994(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.994(b)(1)
Rqmt Prov: PERMIT SC5
Description: The FI04 and FI08 minimum temperature and oxygen concentrations were not maintained.
Viol. Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
Description: Failed to report deviations when the FI04 and FI08 minimum temperature and oxygen concentrations were not maintained.
Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC6, and GC1
Description: Failed to maintain the HCI concentration and fresh water addition to demonstrate compliance with HCI removal efficiency and permitted MAERT limits.
Viol. Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)
Description: Failed to report deviations of percent of HCI concentrations and fresh water make up.
Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.116

Description: Failed to conduct a reinventory of the fugitive emission program and found component counts and emission representations that needed to be revised for Title V Permits O-01581, O-01929, O-01930, O-01931, O-01932, O-01933, O-01934, O-01935, and O-02191.

Notice of Intent Date: 03/04/2013 (1074605)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
THE LUBRIZOL CORPORATION
RN100221589

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§
§
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§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2015-0765-AIR-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a chemical manufacturing plant located at 41 Tidal Road in Deer Park, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 6, 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 Thirty Thousand Dollars (\$30,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twelve Thousand Dollars (\$12,000) of the administrative penalty and Six Thousand Dollars (\$6,000) is deferred contingent upon

the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Twelve Thousand Dollars (\$12,000) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

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

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to comply with a maximum allowable emissions rate, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit No. 01930, Special Terms and Conditions No. 6, and New Source Review ("NSR") Permit No. 71546, Special Conditions No. 1, as documented during a record review conducted from December 30, 2014 through February 23, 2015. Specifically, the Respondent exceeded the carbon monoxide ("CO") emissions rate of 0.38 pound per hour ("lb/hr") with emissions rates ranging from 0.42 lb/hr to 7.87 lbs/hr, at the Heater, Emission Point Number ("EPN") 3-MT, from April 1, 2013 through March 31, 2014.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: The Lubrizol Corporation, Docket No. 2015-0765-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, Twelve Thousand Dollars (\$12,000) 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. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. By December 31, 2016, purchase and install a new process heater for EPN-3MT; and
 - b. By January 30, 2017, submit written certification demonstrating compliance with Ordering Provision No. 3.a. and include detailed supporting documentation including photographs, receipts, and/or other records. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and

may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pamela M. Morris
For the Executive Director

12/4/15
Date

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

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

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

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

Tanya M. Travis
Signature

Sept. 9, 2015
Date

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

GENERAL MANAGER
Title

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

Attachment A
Docket Number: 2015-0765-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	The Lubrizol Corporation
Penalty Amount:	Twenty-Four Thousand Dollars (\$24,000)
SEP Offset Amount:	Twelve Thousand Dollars (\$12,000)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Barbers Hill Independent School District
Project Name:	<i>Energy Efficiency Building Upgrade/Retrofit Project</i>
Location of SEP:	Chambers County

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 **Barbers Hill Independent School District** for the *Energy Efficiency Building Upgrade/Retrofit 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 pay a contractor to install and monitor sub-meters. The contractor's work will include installing revenue grade electric sub-meters in the line feed of certain facilities; installing revenue grade current transformers; incorporating all engineering, software, and graphics to accomplish effective monitoring of the status of this equipment; and a one-year warranty including parts and labor for the new sub-meters. In addition to sub-metering, the Third-Party Administrator shall use the SEP Offset Amount to pay its contractor to monitor, calibrate, and repair existing meters and to complete energy efficiency upgrades and/or retrofits based on needs identified in energy audits. 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 able to be spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The Lubrizol Corporation
Agreed Order - Attachment A

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

The Project will result in reduced energy consumption by school district buildings and will contribute to the overall reduction of greenhouse gases. The sub-metering is expected to reduce energy consumption up to eight percent. The Project will reduce fuel and electricity usage for heating and cooling and day-to-day operations. These reductions will reduce emission of particulate matter, volatile organic carbon compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel and generation of electricity. It will also contribute to a reduction in peak loads on the State electric power grid.

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 **Barbers Hill ISD SEP** and shall mail the contribution with a copy of the Agreed Order to:

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

3. Records and Reporting

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

The Lubrizol Corporation
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. **Failure to Fully Perform**

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

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

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

5. **Publicity**

Any public statements concerning this SEP 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.

The Lubrizol Corporation
Agreed Order - Attachment A

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.