

Noltex L.L.C.
RN101049518
Docket No. 2015-0097-AIR-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Unauthorized emissions which are excessive emissions events.

Media:

AIR

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

12220 Strange Road, La Porte, Harris County

Type of Operation:

chemical manufacturing plant

Other Significant Matters:

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

Texas Register Publication Date:	March 11, 2016
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Comments Received:	None
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Penalty Information

Total Penalty Assessed:	\$102,000
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Total Paid to General Revenue:	\$51,000
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Total Due to General Revenue:	\$0
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Supplemental Environmental Project ("SEP") Conditional Offset:

\$51,000

Name of SEP: Houston-/Galveston Area Council –AERCO (Clean Vehicles Partnership Project)

Compliance History Classifications:

Person/CN – Satisfactory
Site/RN – Satisfactory

Major Source:	Yes
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Statutory Limit Adjustment:	None
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Applicable Penalty Policy:	April 2014
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Noltex L.L.C.

RN101049518

Docket No. 2015-0097-AIR-E

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: August 1, 2014
Date(s) of NOV(s): N/A
Date(s) of NOE(s): January 6, 2015

Violation Information

Failed to prevent unauthorized emissions (released 195,970 pounds of ethylene from the Exhaust Vent during an emissions event (Incident No. 200892) that began on June 25, 2014, and lasted 333 hours and 24 minutes) [TEX. HEALTH & SAFETY CODE § 382.085(b), 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), and 122.143(4), Federal Operating Permit No. O1301, Special Terms and Conditions No. 11, and New Source Review Permit No. 19074, Special Conditions No. 1].

Corrective Actions/Technical Requirements**Corrective Action(s) Completed:**

Received approval of and implemented a corrective action plan as of March 20, 2015.

Technical Requirements:

None

Litigation Information

Date Petition(s) Filed: September 4, 2015
Date Answer Filed: September 21, 2015
SOAH Referral Date: October 22, 2015
Hearing Date(s):
Preliminary Hearing: January 7, 2016
Evidentiary Hearing: August 15-16, 2016 (scheduled)
Settlement Date: February 11, 2016

Contact Information

TCEQ Attorneys: David A. Terry, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Rudy Calderon, Public Interest Counsel, (512) 239-6363

TCEQ SEP Attorney: Meaghan Bailey, Litigation Division, (512) 239-3400

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

TCEQ Regional Contact: Andy Goodridge, Houston Regional Office, (713) 767-3500

Respondent Contact: Bryan Kinkopf, Noltex L.L.C., 12220 Strange Road, La Porte, Texas 77571

Respondent's Attorney: Paulina Williams, Baker Botts L.L.P., 98 San Jacinto Boulevard, Suite 1500, Austin, Texas 78701

Attachment A

Docket Number: 2015-0097-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Noltex, L.L.C.
Penalty Amount:	One Hundred Two Thousand Dollars (\$102,000)
SEP Offset Amount:	Fifty-One Thousand Dollars (\$51,000)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Houston-Galveston Area Council-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 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

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 Supplemental Environmental Project between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used 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 Recipients") 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 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 Recipient 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.

Respondent's signature affixed to this Agreed Order certifies that Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. 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

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, Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. 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, TX 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Litigation SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. Respondent shall mail a copy of the check and transmittal letter to:

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

4. Failure to Fully Perform

If 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 Respondent failed to fully implement and complete the Project, 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, 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 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

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 Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

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Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	12-Jan-2015		
	PCW	29-Jan-2016	Screening	21-Jan-2015
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	Noltex L.L.C.
Reg. Ent. Ref. No.	RN101049518
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION		No. of Violations	1
Enf./Case ID No.	49949	Order Type	Findings
Docket No.	2015-0097-AIR-E	Government/Non-Profit	No
Media Program(s)	Air	Enf. Coordinator	Rajesh Acharya
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$50,000
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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	36.0% Enhancement	Subtotals 2, 3, & 7	\$18,000
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Notes: Enhancement for two orders containing a denial of liability. Reduction for two notices 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	\$1,095
Estimated Cost of Compliance	\$10,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$68,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	50.0%	Adjustment	\$34,000
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement due to the significant amount of pollutants released during the incident in Violation No. 1.

Final Penalty Amount	\$102,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$102,000
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$102,000
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Screening Date 21-Jan-2015

Docket No. 2015-0097-AIR-E

PCW

Respondent Noltex L.L.C.

Policy Revision 4 (April 2014)

Case ID No. 49949

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101049518

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of 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>)	2	-2%
	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%
<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) 36%

>> **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 two orders containing a denial of liability. Reduction for two notices of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 36%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 36%

Screening Date 21-Jan-2015

Docket No. 2015-0097-AIR-E

PCW

Respondent Noltex L.L.C.

Policy Revision 4 (April 2014)

Case ID No. 49949

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101049518

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit No. O1301, Special Terms and Conditions No. 11, and New Source Review Permit No. 19074, Special Conditions No. 1

Violation Description Failed to prevent unauthorized emissions. Specifically, the Respondent released 195,970 pounds of ethylene from the Exhaust Vent during an emissions event (Incident No. 200892) that began on June 25, 2014 and lasted 333 hours and 24 minutes. The event occurred due to an operational error following the return of the ethylene recycle gas compressor system to service after a scheduled shutdown. During maintenance and prior to startup, the purge bypass lines are opened in order to allow for the removal of air from the system via a nitrogen purge. In purging, nitrogen gas is forced through the compressor system, and then routed directly to an atmospheric vent via a purge line that bypasses the system rupture disk and relief valve assembly. Under standard operational practice, purge bypass lines are returned to a blocked close position after the initial startup and purging, and prior to introducing ethylene into the compressor. In this incident, the closure of a purge bypass line did not occur. This event was determined to be an excessive emissions event.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (100.0%). Includes 'OR' label.

>> Programmatic Matrix

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

Matrix Notes Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 2 Number of violation days 14

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event) and a grid for marking events.

Violation Base Penalty \$50,000

Two weekly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table with columns: Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer, and rows: Extraordinary, Ordinary, N/A.

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

Violation Subtotal \$50,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,095 Violation Final Penalty Total \$102,000

This violation Final Assessed Penalty (adjusted for limits) \$102,000

Economic Benefit Worksheet

Respondent Noltex L.L.C.
Case ID No. 49949
Reg. Ent. Reference No. RN101049518
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description 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)	\$10,000	25-Jun-2014	1-Sep-2016	2.19	\$1,095	n/a	\$1,095

Notes for DELAYED costs
 Estimated cost for implementing a corrective action plan. Date Required is the date the emissions event began. 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 \$10,000 **TOTAL** \$1,095

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.



Compliance History Report

PUBLISHED Compliance History Report for CN604039271, RN101049518, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN604039271, Noltex L.L.C. **Classification:** SATISFACTORY **Rating:** 1.31
Regulated Entity: RN101049518, NOLTEX **Classification:** SATISFACTORY **Rating:** 1.31
Complexity Points: 19 **Repeat Violator:** NO
CH Group: 05 - Chemical Manufacturing
Location: 12220 STRANG RD LA PORTE, TX 77571-9740, HARRIS COUNTY
TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG7698J	AIR NEW SOURCE PERMITS AFS NUM 4820101467
AIR NEW SOURCE PERMITS REGISTRATION 96987	AIR NEW SOURCE PERMITS REGISTRATION 116249
AIR NEW SOURCE PERMITS REGISTRATION 93258	AIR NEW SOURCE PERMITS REGISTRATION 76608
AIR NEW SOURCE PERMITS REGISTRATION 93563	AIR NEW SOURCE PERMITS REGISTRATION 122213
AIR NEW SOURCE PERMITS PERMIT 19074	AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG7698J
AIR OPERATING PERMITS PERMIT 1301	AIR OPERATING PERMITS ACCOUNT NUMBER HG7698J
POLLUTION PREVENTION PLANNING ID NUMBER P05803	STORMWATER PERMIT TXR05AV93
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000011106	STORMWATER PERMIT TXR15WU59
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 84348	
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 84348	

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

Date Compliance History Report Prepared: March 19, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 19, 2010 to March 19, 2015

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

Name: Rajesh Acharya

Phone: (512) 239-0577

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:** 04/25/2010 **ADMINORDER 2009-1425-AIR-E (1660 Order-Agreed Order With Denial)**

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(i)(4)(i)(A)
5C THSC Chapter 382 382.085(b)

Description: Failed to amend Federal Operating Permit No. O-01301 to include the conditions of an extension request.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2445(b)
5C THSC Chapter 382 382.085(b)

Description: Failed to demonstrate compliance with 40 CODE OF FEDERAL REGULATIONS Part 63 Subpart FFFF before the May 10, 2008 deadline.

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: Failed to report each instance of a deviation in the semi-annual deviation reports.

2 Effective Date: 03/07/2011 ADMINORDER 2010-1386-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 117, SubChapter B 117.310(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: PERMIT ST&C 8 OP
Description: Failed to comply with the permitted emission rate for nitrogen oxides ("NOx"), carbon monoxide ("CO") and volatile organic compounds ("VOC"). Violation track nos. 406978 and 406983 were combined into this violation.

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 06, 2011	(900082)
Item 2	May 02, 2014	(1152579)
Item 3	July 31, 2014	(1170459)

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.

N/A

F. Environmental audits:

1 Notice of Intent Date: 03/01/2010 (798021)

Disclosure Date: 11/30/2010

Viol. Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter F 115.546
Description: Failed to maintain records of VOC storage vessel degassing activities.

Viol. Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter D 117.2030(c)
30 TAC Chapter 117, SubChapter D 117.2045(c)
Description: Failed to track times of operation for diesel engines to demonstrate compliance with operational restrictions.

Viol. Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter K 106.261
30 TAC Chapter 106, SubChapter U 106.473
30 TAC Chapter 106, SubChapter A 106.8
30 TAC Chapter 115, SubChapter C 115.216
Description: Failed to maintain daily loading records.

Viol. Classification: Minor
Citation: 30 TAC Chapter 106, SubChapter A 106.6(c)
Description: Failed to maintain the limit of 24 hours of truck loading operations per year in 2007, 2008, and 2010 as represented in the permit application.

Viol. Classification: Minor
Citation: 30 TAC Chapter 118 118.5
Description: Failed to develop and implement an Emission Reduction Plan.

Viol. Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter H 115.726(a)(1)
Description: Failed to update the HRVOC quality assurance plan to reflect current operating procedures for the plant.

Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Rqmt Prov: PERMIT SC 5
Description: Failed to maintain a list of safety relief valves with rupture discs.

Viol. Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)
Rqmt Prov: PERMIT SC 16H
Description: Failed to operate the tanks and vessels as the permit application represents for pump rates and annual throughput limits.

Viol. Classification: Minor
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
30 TAC Chapter 305, SubChapter C 305.44
Description: Failed to take measures to qualify for and comply with the MSGP.

Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter C 335.62
Description: Failed to complete a hazardous waste determination for solid waste that has been generated.

Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter R 335.503(a)(4)
30 TAC Chapter 335, SubChapter R 335.510
30 TAC Chapter 335, SubChapter R 335.511
30 TAC Chapter 335, SubChapter R 335.513
Description: Failed to document waste classification determinations on all industrial solid wastes.

Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)
Description: Failed to identify all waste streams generated and waste management units used at the facility in the Notice of Registration ("NOR").

Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.6(h)
Description: Failed to include a notification of recycling activity occurring at the facility in the NOR.

Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.10
30 TAC Chapter 335, SubChapter A 335.9
Description: Failed to maintain a list of off-site disposal/treatment/recycling facilities that are used.

Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(1)
Description: Failed to maintain records of all hazardous waste and industrial solid waste activities in a format which is retrievable and easy to copy.

Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(2)
30 TAC Chapter 335, SubChapter C 335.69(a)(4)
Description: Failed to provide adequate aisle space in the container storage areas where drums are stored.

Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(2)
30 TAC Chapter 335, SubChapter C 335.69(a)(4)
Description: Failed to have arrangements to familiarize local hospitals with the properties of hazardous wastes handled and the potential injuries of illnesses which could result.

Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)
30 TAC Chapter 335, SubChapter C 335.69(f)(5)
Description: Failed to have all of the required elements for the facilities RCRA preparedness and contingency plan at the facility, and failed to submit it to all state and local agencies providing emergency response service.

Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)
30 TAC Chapter 335, SubChapter C 335.69(f)(5)
Description: Failed to have a RCRA Emergency Preparedness and Contingency Plan Training program that met regulatory requirements.

Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter E 335.112(a)(8)
30 TAC Chapter 335, SubChapter C 335.69(a)(1)
Description: Failed to properly store containers and failed to inspect them weekly for leakage and deterioration.

Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)
Description: Failed to have records for overflow/spill control equipment and freeboard daily inspections for the following dates 1/12/05, 1/17/05, 2/27/05, 8/13/05, 9/11/05, 1/8/06, 1/16-18/06, 2/3-6/06, 6/18/06, 8/31/06, 4/8/07, 4/10/07, 6/7/07, 9/7/07, 10/7/07, 12/20/07, 1/22/08, 4/15/08, 5/24-25/08, 6/4/08, 7/3/08, 9/14/08, 9/20/09, 9/21/09, 10/22/09, 11/1/09; and there were also several days in 2008 and 2009 when the alarm level function was not documented on the daily inspection record.

Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)
Description: Failed to have records that document daily inspections of aboveground portions of tank systems to detect corrosion or release of waste for the following dates: 1/12/05, 1/17/05, 2/27/05, 8/13/05, 9/11/05, 1/5-8/06, 1/16-18/06, 2/3-5/06, 2/26/06, 6/18/06, 8/31/06, 4/8/07, 4/10/07, 6/7/07, 9/7/07, 10/7/07, 12/20/07, 1/22/08, 4/15/08, 5/24/08, 5/25/08, 6/4/08, 7/3/08, 9/14/08, 9/20/09, 9/21/08, 10/22/09, 11/1/09. In addition, daily visual inspections were not indicated for 3/5-6/07, 3/8/07, 3/23-25

Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)
Description: Failed to include all of the required elements on the daily tank inspection form.

Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)(1)
Description: Failed to prepare a written waste analysis plan.

Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter Q 335.474
30 TAC Chapter 335, SubChapter Q 335.479
Description: Failed to prepare a source reduction and waste minimization plan.

Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter F 335.152(a)
Description: Failed to have the hazardous waste tank and container storage area secondary containments epoxy coated.

Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter H 335.262(b)
30 TAC Chapter 335, SubChapter H 335.262(d)
Description: Failed to complete a hazardous waste determination on its universal paint waste and maintained it on site for at least three years.

Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter H 335.261
Description: The facility has accumulated universal waste including lamps, computers, and electronic equipment and paint and paint related materials for longer than one year from the date the universal waste is generated.

Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter H 335.261
Description: The facility is unable to demonstrate the length of time that the universal waste has been accumulated from the date it became a waste.

Viol. Classification: Minor
Citation: 30 TAC Chapter 335, SubChapter H 335.261
Description: The facility has not provided training to all employees who handle or have responsibility for managing universal waste regarding proper handling and emergency procedures.

2 Notice of Intent Date: 10/29/2014 (1209025)

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
NOLTEX L.L.C.;
RN101049518**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2015-0097-AIR-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Noltex L.L.C. ("Respondent") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Paulina Williams of the law firm Baker Botts LLP, presented this Order to the Commission.

Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, to request an evidentiary hearing, receive notice of an evidentiary hearing, and a right to appeal. By entering into this Order, Respondent agrees to waive all notice and procedural rights which might otherwise be authorized or required in this action.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent owns and operates a chemical manufacturing plant located at 12220 Strang Road in La Porte, Harris County, Texas (the "Plant"). The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. During an investigation conducted on August 1, 2014, an investigator documented that Respondent failed to prevent unauthorized emissions. Specifically, Respondent released 195,970 pounds of ethylene from the Exhaust Vent during an emissions event (Incident No. 200892) that began on June 25, 2014 and lasted 333 hours and 24 minutes. This event was determined to be an excessive emissions event.
3. The Executive Director recognizes that Respondent received approval of and implemented a corrective action plan as of March 20, 2015.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.

2. As evidenced by Finding of Fact No. 2, Respondent failed to prevent unauthorized emissions, in violation of TEX. HEALTH & SAFETY CODE § 382.085(b), 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F), 116.115(c), and 122.143(4), Federal Operating Permit No. O1301, Special Terms and Conditions No. 11, and New Source Review Permit No. 19074, Special Conditions No. 1. Since these emissions were determined to be excessive, Respondent is prevented from asserting any affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. Pursuant to TEX. WATER CODE § 7.051, TCEQ has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of one hundred two thousand dollars (\$102,000.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid fifty-one thousand dollars (\$51,000.00) of the penalty. Pursuant to TEX. WATER CODE § 7.067, fifty-one thousand dollars (\$51,000.00) of the penalty shall be conditionally offset by Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the SEP Agreement ("Attachment A" - incorporated herein by reference). Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes any payment schedule and the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.
2. Respondent shall implement and complete a SEP as set forth in Conclusion of Law No. 4. The amount of fifty-one thousand dollars (\$51,000.00) of the assessed administrative penalty is conditionally offset based on Respondent's implementation and completion a SEP pursuant to the terms and conditions contained in the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive

Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.

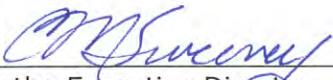
6. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas ("OAG") to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
9. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
10. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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.
11. 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

Date



For the Executive Director

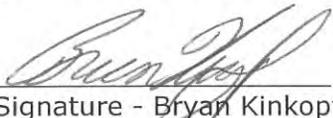
March 25, 2016
Date

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

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

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

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

 Director-operations
Signature - Bryan Kinkopf, Operations Director
Noltex L.L.C.
12220 Strang Road
La Porte, Texas 77571

2-11-16
Date

If mailing address has changed, please check this box and provide the new address below:

Attachment A

Docket Number: 2015-0097-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Noltex, L.L.C.
Penalty Amount:	One Hundred Two Thousand Dollars (\$102,000)
SEP Offset Amount:	Fifty-One Thousand Dollars (\$51,000)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Houston-Galveston Area Council-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 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

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 Supplemental Environmental Project between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used 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 Recipients") 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 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 Recipient 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.

Respondent's signature affixed to this Agreed Order certifies that Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. 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

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, Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. 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, TX 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Litigation SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. Respondent shall mail a copy of the check and transmittal letter to:

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

4. Failure to Fully Perform

If 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 Respondent failed to fully implement and complete the Project, 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, 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 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

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 Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.