

**Executive Summary – Enforcement Matter – Case No. 52019
Honeywell International Inc.
RN100217405
Docket No. 2016-0390-AIR-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Honeywell International Orange Plant, 3927 Farm-to-Market Road 1006, Orange,
Orange County

Type of Operation:

Chemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 12, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$42,805

Amount Deferred for Expedited Settlement: \$8,561

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$17,122

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$17,122

Name of SEP: Southeast Texas Regional Planning Commission (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - High

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

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RN100217405
Docket No. 2016-0390-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 10, 2015 through December 22, 2015

Date(s) of NOE(s): March 4, 2016

Violation Information

1. Failed to calibrate monitoring devices in accordance with manufacturer recommendations or at least annually, whichever is more frequent. Specifically, annual calibrations for the Caustic Scrubber flow monitoring device and the Absorber flow monitoring device were not conducted [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O1533, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 10, and New Source Review ("NSR") Permit No. 1829, Special Conditions ("SC") Nos. 17B and 18D(2)].

2. Failed to conduct monthly volatile organic compound ("VOC") monitoring on the Cooling Tower, Emission Point Number ("EPN") CTWR, in accordance with the requirements of the TCEQ Sampling Procedures Manual, Appendix P, or another approved air stripping method. Specifically, monthly VOC monitoring was not conducted in accordance with the requirements of the TCEQ Sampling Procedures Manual, Appendix P, from November 21, 2013 to February 29, 2016 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O1533, GTC and STC No. 9, and NSR Permit No. 1829, SC No. 19].

3. Failed to report all instances of deviations. Specifically, the deviation reports for the October 2, 2014 through April 1, 2015 and April 2, 2015 through October 1, 2015 reporting periods did not include deviations for failing to conduct monthly VOC monitoring on the Cooling Tower, EPN CTWR, with an approved air stripping method [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O1533, GTC].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

a. On March 11, 2016, completed the calibrations for the Caustic Scrubber flow monitoring device and the Absorber flow monitoring device;

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- b. On March 17, 2016, began conducting monthly VOC monitoring for the Cooling Tower, EPN CTWR, in accordance with the TCEQ Sampling Procedures Manual, Appendix P; and
- c. On April 29, 2016, reported the deviation for failing to conduct monthly VOC monitoring for the Cooling Tower, EPN CTWR, with an approved air stripping method in the deviation report for the October 2, 2015 through April 1, 2016 reporting period.

Technical Requirements:

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

Litigation Information

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

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Shelby Orme, Enforcement Division, Enforcement Team 5, MC 149, (512) 239-4575; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: Shakil Kodvawala, Plant Manager, Honeywell International Inc., P.O. Box 640, Orange, Texas 77631
Respondent's Attorney: N/A

Attachment A
Docket Number: 2016-0390-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Honeywell International Inc.
Payable Penalty Amount:	\$34,244
SEP Offset Amount:	\$17,122
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	Meteorological and Air Monitoring Network
Location of SEP:	Jefferson 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 **Southeast Texas Regional Planning Commission** for the *Meteorological and Air Monitoring Network* 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 operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network that includes nine compliance assurance monitoring (“CAM”) stations currently at the following locations:

- Beaumont CAM#2
- Cove School CAM #C695
- Mauriceville CAM#642
- Port Arthur (Motiva) Industrial Site CAM #C628
- Port Arthur Memorial High School campus CAM #C689
- Port Neches CAM #136
- Sabine Pass CAM #C640
- Southeast Texas Regional Airport CAM #C643
- West Orange CAM #C9

Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency guidelines. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Particulate matter, sulfides, oxides of nitrogen, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

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 **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Honeywell International Inc.
Agreed Order - Attachment A

Southeast Texas Regional Planning Commission
Attention: Bob Dickinson, Director
2210 Eastex Freeway
Beaumont, Texas 77703-4929

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:

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.

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	7-Mar-2016	Screening	11-Mar-2016	EPA Due	
	PCW	24-Jun-2016				

RESPONDENT/FACILITY INFORMATION			
Respondent	Honeywell International Inc.		
Reg. Ent. Ref. No.	RN100217405		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	52019	No. of Violations	3
Docket No.	2016-0390-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Amancio R. Gutierrez
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$41,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **4.0%** Adjustment **Subtotals 2, 3, & 7** **\$1,660**

Notes

Enhancement for four NOV's with dissimilar violations. Reduction for two notices of intent to conduct an audit and one disclosure of violations.

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

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **-\$4,150**

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

Total EB Amounts	\$3,901
Estimated Cost of Compliance	\$5,800

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$39,010**

OTHER FACTORS AS JUSTICE MAY REQUIRE **9.7%** Adjustment **\$3,795**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Enhancement to capture the avoided costs of compliance associated with Violation Nos. 1 and 2.

Final Penalty Amount **\$42,805**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$42,805**

DEFERRAL **20.0%** Reduction Adjustment **-\$8,561**

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 **\$34,244**

Screening Date 11-Mar-2016

Docket No. 2016-0390-AIR-E

PCW

Respondent Honeywell International Inc.

Policy Revision 4 (April 2014)

Case ID No. 52019

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100217405

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Compliance History Worksheet

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

Component	Number of...	Number	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	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	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%
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) 4%

>> **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 four NOVs with dissimilar violations. Reduction for two notices of intent to conduct an audit and one disclosure of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 4%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 4%

Screening Date 11-Mar-2016

Docket No. 2016-0390-AIR-E

PCW

Respondent Honeywell International Inc.

Policy Revision 4 (April 2014)

Case ID No. 52019

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100217405

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. O1533, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 10, and New Source Review ("NSR") Permit No. 1829, Special Conditions ("SC") Nos. 17B and 18D(2)

Violation Description

Failed to calibrate monitoring devices in accordance with manufacturer recommendations or at least annually, whichever is more frequent. Specifically, annual calibrations for the Caustic Scrubber flow monitoring device and the Absorber flow monitoring device were not conducted.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 7.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,250

\$1,750

Violation Events

Number of Violation Events 2

92 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$3,500

Two single events are recommended (one for each monitor) for the annual calibrations that were not performed.

Good Faith Efforts to Comply

10.0%

Reduction \$350

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		X
N/A		

Notes

The Respondent completed corrective measures on March 11, 2016, after the March 4, 2016 Notice of Enforcement ("NOE").

Violation Subtotal \$3,150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$554

Violation Final Penalty Total \$3,610

This violation Final Assessed Penalty (adjusted for limits) \$3,610

Economic Benefit Worksheet

Respondent Honeywell International Inc.
Case ID No. 52019
Reg. Ent. Reference No. RN100217405
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
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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)	\$500	10-Dec-2015	11-Mar-2016	0.25	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to complete the calibrations for the Caustic Scrubber flow monitoring device and the Absorber flow monitoring device. The Date Required is the date of the investigation and the Final Date is the date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$500	10-Dec-2014	10-Dec-2015	1.92	\$48	\$500	\$548
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to conduct the annual calibrations (\$250 per monitor). The Date Required is the first date that the calibrations could have been conducted and the Final Date is the last date that calibrations could have been conducted.

Approx. Cost of Compliance

\$1,000

TOTAL

\$554

Screening Date 11-Mar-2016

Docket No. 2016-0390-AIR-E

PCW

Respondent Honeywell International Inc.

Policy Revision 4 (April 2014)

Case ID No. 52019

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100217405

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), FOP No. O1533, GTC and STC No. 9, and NSR Permit No. 1829, SC No. 19

Violation Description

Failed to conduct monthly volatile organic compounds ("VOC") monitoring on the Cooling Tower, Emission Point Number ("EPN") CTWR, in accordance with the requirements of the TCEQ Sampling Procedures Manual, Appendix P, or another approved air stripping method. Specifically, monthly VOC monitoring was not conducted in accordance with the requirements of the TCEQ Sampling Procedures Manual, Appendix P, from November 21, 2013 to February 29, 2016.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 10

830 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$37,500

Ten quarterly events are recommended for the period from the November 21, 2013 start-up date to February 29, 2016 (the last day monthly monitoring could have been done).

Good Faith Efforts to Comply

10.0%

Reduction \$3,750

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		

Notes The Respondent completed corrective measures on March 17, 2016, after the March 4, 2016 NOE.

Violation Subtotal \$33,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,247

Violation Final Penalty Total \$38,679

This violation Final Assessed Penalty (adjusted for limits) \$38,679

Economic Benefit Worksheet

Respondent Honeywell International Inc.
Case ID No. 52019
Reg. Ent. Reference No. RN100217405
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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]	\$2,800	21-Nov-2013	29-Feb-2016	3.19	\$447	\$2,800	\$3,247
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Avoided cost of conducting VOC monitoring properly (\$100 per month x 28 months missed). The Date Required is the first date the November 2013 monitoring could have been conducted and the Final Date is the last date the February 2016 monitoring could have been conducted.

Approx. Cost of Compliance

\$2,800

TOTAL

\$3,247

Screening Date 11-Mar-2016

Docket No. 2016-0390-AIR-E

PCW

Respondent Honeywell International Inc.

Policy Revision 4 (April 2014)

Case ID No. 52019

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100217405

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(A), Tex. Health & Safety Code § 382.085(b), and FOP No. O1533, GTC

Violation Description

Failed to report all instances of deviations. Specifically, the deviation reports for the October 2, 2014 through April 1, 2015 and April 2, 2015 through October 1, 2015 reporting periods did not include deviations for failing to conduct monthly VOC monitoring on the Cooling Tower, EPN CTWR, with an approved air stripping method.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			x	1.0%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 2 315 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

Two single events are recommended for the incomplete reports.

Good Faith Efforts to Comply

10.0%

Reduction \$50

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

Extraordinary		
Ordinary		x
N/A		

Notes

The Respondent completed corrective measures on April 29, 2016, after the March 4, 2016 NOE.

Violation Subtotal \$450

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$100

Violation Final Penalty Total \$516

This violation Final Assessed Penalty (adjusted for limits) \$516

Economic Benefit Worksheet

Respondent Honeywell International Inc.
Case ID No. 52019
Reg. Ent. Reference No. RN100217405
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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)	\$2,000	1-May-2015	29-Apr-2016	1.00	\$100	n/a	\$100

Notes for DELAYED costs

Estimated cost to report the deviation for failing to conduct monthly VOC monitoring for the Cooling Tower, EPN CTWR, with an approved air stripping method in the deviation report for the October 2, 2015 through April 1, 2016 reporting period. The Date Required is the date the first deviation report was due and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$2,000	TOTAL	\$100
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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 CN600129159, RN100217405, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN600129159, Honeywell International, Inc. **Classification:** SATISFACTORY **Rating:** 0.39

Regulated Entity: RN100217405, HONEYWELL INTERNATIONAL ORANGE PLANT **Classification:** HIGH **Rating:** 0.00

Complexity Points: 18 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 3927 FM 1006 ORANGE, TX 77630, ORANGE COUNTY

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER OC0001V
POLLUTION PREVENTION PLANNING ID NUMBER P00017

AIR OPERATING PERMITS PERMIT 1533
WASTEWATER PERMIT WQ0000670000

WASTEWATER EPA ID TX0007897
AIR NEW SOURCE PERMITS REGISTRATION 1477
AIR NEW SOURCE PERMITS PERMIT 1736
AIR NEW SOURCE PERMITS ACCOUNT NUMBER OC0001V
AIR NEW SOURCE PERMITS REGISTRATION 76825
AIR NEW SOURCE PERMITS REGISTRATION 91748
AIR NEW SOURCE PERMITS REGISTRATION 112126
AIR NEW SOURCE PERMITS REGISTRATION 112125
AIR NEW SOURCE PERMITS REGISTRATION 131390
AIR NEW SOURCE PERMITS REGISTRATION 132055

AIR NEW SOURCE PERMITS PERMIT 1829
AIR NEW SOURCE PERMITS PERMIT 1727
AIR NEW SOURCE PERMITS PERMIT 6090
AIR NEW SOURCE PERMITS AFS NUM 4836100017
AIR NEW SOURCE PERMITS REGISTRATION 85840
AIR NEW SOURCE PERMITS REGISTRATION 98311
AIR NEW SOURCE PERMITS REGISTRATION 138665
AIR NEW SOURCE PERMITS REGISTRATION 123936
AIR NEW SOURCE PERMITS REGISTRATION 120331

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30009

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008080004

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

Date Compliance History Report Prepared: May 12, 2016

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 12, 2011 to May 12, 2016

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

Name: Amancio R. Gutierrez

Phone: (512) 239-3921

Site and Owner/Operator History:

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

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

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

N/A

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 19, 2011	(938078)
Item 2	June 19, 2011	(945450)
Item 3	July 18, 2011	(952674)
Item 4	August 16, 2011	(959361)
Item 5	September 19, 2011	(965392)
Item 6	October 13, 2011	(971433)
Item 7	November 18, 2011	(977589)
Item 8	November 28, 2011	(969734)
Item 9	December 08, 2011	(984358)
Item 10	January 18, 2012	(990655)

Item 11	February 06, 2012	(998020)
Item 12	March 16, 2012	(1003545)
Item 13	May 18, 2012	(1016501)
Item 14	June 20, 2012	(1024224)
Item 15	August 14, 2012	(1037993)
Item 16	September 20, 2012	(1046730)
Item 17	October 12, 2012	(1061050)
Item 18	November 13, 2012	(1061051)
Item 19	December 20, 2012	(1061052)
Item 20	January 18, 2013	(1079073)
Item 21	February 20, 2013	(1058735)
Item 22	March 19, 2013	(1089360)
Item 23	April 19, 2013	(1095753)
Item 24	May 20, 2013	(1106678)
Item 25	June 17, 2013	(1110352)
Item 26	July 15, 2013	(1117237)
Item 27	August 19, 2013	(1124995)
Item 28	September 19, 2013	(1129592)
Item 29	October 16, 2013	(1135324)
Item 30	October 31, 2013	(1127910)
Item 31	November 19, 2013	(1140722)
Item 32	December 20, 2013	(1147181)
Item 33	January 17, 2014	(1153250)
Item 34	February 12, 2014	(1160585)
Item 35	March 20, 2014	(1167230)
Item 36	April 15, 2014	(1174363)
Item 37	May 20, 2014	(1180551)
Item 38	June 13, 2014	(1187449)
Item 39	July 18, 2014	(1198647)
Item 40	August 20, 2014	(1198648)
Item 41	September 19, 2014	(1205854)
Item 42	October 14, 2014	(1212266)
Item 43	November 19, 2014	(1218518)
Item 44	December 12, 2014	(1224297)
Item 45	January 19, 2015	(1230884)
Item 46	February 19, 2015	(1242335)
Item 47	March 19, 2015	(1248664)
Item 48	April 20, 2015	(1255564)
Item 49	May 19, 2015	(1262274)
Item 50	July 19, 2015	(1276987)
Item 51	August 19, 2015	(1283166)
Item 52	October 13, 2015	(1282956)
Item 53	November 16, 2015	(1296508)
Item 54	December 15, 2015	(1308889)
Item 55	February 17, 2016	(1325065)
Item 56	April 05, 2016	(1314498)

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: 05/31/2015 (1269443) CN600129159
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 08/31/2015 (1290305) CN600129159
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 3 Date: 12/31/2015 (1315673) CN600129159
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 4 Date: 03/04/2016 (1307178) CN600129159
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 OP

Special Condition 10 OP
Special Condition 14A PERMIT
Description: Failure to comply with an opacity limit.

F. Environmental audits:

Notice of Intent Date: 07/29/2011 (965044)

Disclosure Date: 12/19/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.116(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)
30 TAC Chapter 122, SubChapter B 122.146(5)

Rqmt Prov: PERMIT FOP No. O1553, STC 9
PERMIT NSR Permit No. 1829, SC 1

Description: Failure to comply with permit condition for tank fill rates for EPN's U-5A, U-58, U-6A, U-68, U-15*, U-8A, U-88, U-2, U-3, U-14A, U-148, U-14C, U-31, and U-32.

Failure to meet maximum allowable short term emission rates for EPN's U-5A, U-58, U-15", U-13, U-2, U-31, U-32, U-14A, U-148, U-140, and U-3.

Failure to obtain authorization for the replacement of tank U-15 (EPN U-15).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.116(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)
30 TAC Chapter 122, SubChapter B 122.146(5)

Rqmt Prov: PERMIT FOP No. O1533, STC 9
PERMIT NSR Permit No. 1829, SC 1

Description: Failure to properly represent emission control units for emissions exiting EPN's EP-35 and EP-36.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
30 TAC Chapter 116, SubChapter B 116.110
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)
30 TAC Chapter 122, SubChapter B 122.146(5)

Rqmt Prov: PERMIT FOP No. O1533, GTC, STC 9
PERMIT NSR Permit No. 1829, SC 1

Description: Failure to Identify tanks U-19A through F in the permit.
Failure to Identify tank U-201 in the permit.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.116(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)
30 TAC Chapter 122, SubChapter B 122.146(5)

Rqmt Prov: PERMIT FOP No. O1533, GTC

Description: Failure to maintain supporting emission calculation information sufficient to demonstrate compliance with the permit and TCEQ rules.

Failure to maintain proper documentation regarding leaks of ozone depleting gases as required under 30 TAC 122.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)
30 TAC Chapter 122, SubChapter B 122.146(5)

Rqmt Prov: PERMIT FOP No. O1533, STC 9
PERMIT NSR Permit No. 1829, SC 23C

Description: Failure to meet LEL meter calibration requirements under NSR 1829, Special Condition 23G.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter K 106.261
30 TAC Chapter 106, SubChapter K 106.262
30 TAC Chapter 116, SubChapter B 116.116(a)
30 TAC Chapter 116, SubChapter B 116.116(d)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)
30 TAC Chapter 122, SubChapter B 122.146(5)

Rqmt Prov: PERMIT FOP No. O1533 STC 9

Description: Failure to meet representation made in permit by rule (PBR) registration for submerged loading of Impurity Drum and Flare Knockout Drum (EPN EP-11).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110

30 TAC Chapter 116, SubChapter B 116.116(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)
30 TAC Chapter 122, SubChapter B 122.146(5)

Rqmt Prov: PERMIT FOP No. O1533, STC 9
PERMIT NSR Permit No. 1829 SC 1 & 21

Description: Failure to Include MSS emissions associated with the repair/replacement of valves, the purging of the crankcases on the Ethylene Feed Compressors and the purging of lines that last contained liquid on EPN MSS.

Failure to represent the presence of trace amounts of Vinyl Acetate (VA) In the recovered IPA tanks U-13, U-14A, U-148, and U-14C (EPN EP-41) and U-3 (EPN U3).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110
30 TAC Chapter 116, SubChapter B 116.110(a)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)
30 TAC Chapter 122, SubChapter B 122.146(5)

Rqmt Prov: PERMIT FOP No. O1533, GTC, STC 9
PERMIT NSR Permit No. 1829 SC 1

Description: Failure to identify emissions from Wax Slowdown activities.

Failure to represent particulate matter emissions at the prillers (EPNs EP-22 and EP-24).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)
30 TAC Chapter 122, SubChapter B 122.146(5)

Rqmt Prov: PERMIT FOP No. O1533 GTC, STC 3 & 9

Description: Failure to perform Dally Visible Emission Observation for the Warehouse Packaging Baghouse (EPN EP-42).

It is a requirement of Federal Operating Permit No. 0-1533 that Visible Emission Observations be conducted once during each calendar quarter on all emission units subject to 30 TAC §§111.111(a)(1)(A) and (B) and capable of producing visible emissions. These observations have not been conducted as required.

Viol. Classification: Major

Citation: 30 TAC Chapter 335, SubChapter Q 335.476

Description: Failure to submit Annual Progress Report for P2 Plan for RY2010.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.1(138)
30 TAC Chapter 335, SubChapter A 335.2
30 TAC Chapter 335, SubChapter R 335.501
30 TAC Chapter 335, SubChapter R 335.513
30 TAC Chapter 335, SubChapter A 335.6

Rqmt Prov: PERMIT TPDES Permit WQ0000670000

Description: Failure to submit a Notice of Registration for impounded Industrial process wastewater and a Notice of Operation of a solid waste management unit (i.e., the Industrial Process Wastewater Treatment Ponds).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69

Description: Failure to develop and Implement a Contingency Plan and Preparedness Program as required by 40 CFR Parts 262 and 265, Subparts B, C, D and I for Large Quantity Generators.

Notice of Intent Date: 03/24/2016 (1323611)

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
HONEYWELL INTERNATIONAL
INC.
RN100217405

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2016-0390-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 Honeywell International Inc. (the "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 plant located at 3927 Farm-to-Market Road 1006 in Orange, Orange County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$42,805 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$17,122 of the penalty and \$8,561 of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$17,122 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment

A", incorporated herein by reference). The 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 the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. 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). 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.
6. 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 Order.
7. 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.
8. 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.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. On March 11, 2016, completed the calibrations for the Caustic Scrubber flow monitoring device and the Absorber flow monitoring device;
 - b. On March 17, 2016, began conducting monthly volatile organic compound ("VOC") monitoring for the Cooling Tower, Emission Point Number ("EPN") CTWR, in accordance with the TCEQ Sampling Procedures Manual, Appendix P; and
 - c. On April 29, 2016, reported the deviation for failing to conduct monthly VOC monitoring for the Cooling Tower, EPN CTWR, with an approved air stripping method in the deviation report for the October 2, 2015 through April 1, 2016 reporting period.

II. ALLEGATIONS

During an investigation conducted from December 10, 2015 through December 22, 2015, an investigator documented that the Respondent:

1. Failed to calibrate monitoring devices in accordance with manufacturer recommendations or at least annually, whichever is more frequent, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O1533, General Terms and

Conditions ("GTC") and Special Terms and Conditions ("STC") No. 10, and New Source Review ("NSR") Permit No. 1829, Special Conditions ("SC") Nos. 17B and 18D(2). Specifically, annual calibrations for the Caustic Scrubber flow monitoring device and the Absorber flow monitoring device were not conducted.

2. Failed to conduct monthly VOC monitoring on the Cooling Tower, EPN CTWR, in accordance with the requirements of the TCEQ Sampling Procedures Manual, Appendix P, or another approved air stripping method, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 01533, GTC and STC No. 9, and NSR Permit No. 1829, SC No. 19. Specifically, monthly VOC monitoring was not conducted in accordance with the requirements of the TCEQ Sampling Procedures Manual, Appendix P, from November 21, 2013 to February 29, 2016.
3. Failed to report all instances of deviations, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 01533, GTC. Specifically, the deviation reports for the October 2, 2014 through April 1, 2015 and April 2, 2015 through October 1, 2015 reporting periods did not include deviations for failing to conduct monthly VOC monitoring on the Cooling Tower, EPN CTWR, with an approved air stripping method.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this 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. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Honeywell International Inc., Docket No. 2016-0390-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 an SEP as set forth in Section I, Paragraph 4. The amount of \$17,122 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of 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.

- 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 the Respondent. The 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. If the 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, the Respondent's failure to comply is not a violation of this 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 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 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 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 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 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.
 9. 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

10/3/16

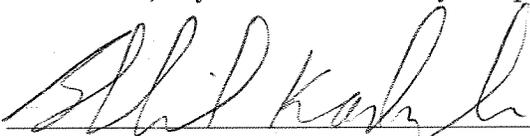
Date

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, 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.



Signature

7/5/16

Date

Shakil Kodrawala

Name (Printed or typed)
Authorized Representative of
Honeywell International Inc.

Plant manager.

Title

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

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

Attachment A
Docket Number: 2016-0390-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Honeywell International Inc.
Payable Penalty Amount:	\$34,244
SEP Offset Amount:	\$17,122
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	Meteorological and Air Monitoring Network
Location of SEP:	Jefferson 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 **Southeast Texas Regional Planning Commission** for the *Meteorological and Air Monitoring Network* 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 operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network that includes nine compliance assurance monitoring (“CAM”) stations currently at the following locations:

- Beaumont CAM#2
- Cove School CAM #C695
- Mauriceville CAM#642
- Port Arthur (Motiva) Industrial Site CAM #C628
- Port Arthur Memorial High School campus CAM #C689
- Port Neches CAM #136
- Sabine Pass CAM #C640
- Southeast Texas Regional Airport CAM #C643
- West Orange CAM #C9

Honeywell International Inc.
Agreed Order - Attachment A

Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency guidelines. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Particulate matter, sulfides, oxides of nitrogen, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

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 **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Honeywell International Inc.
Agreed Order - Attachment A

Southeast Texas Regional Planning Commission
Attention: Bob Dickinson, Director
2210 Eastex Freeway
Beaumont, Texas 77703-4929

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:

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.

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.