EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1910-AIR-E **TCEQ ID:** RN100210301 **CASE NO.:** 31623

RESPONDENT NAME: Arkema Inc.

ORDER TYPE:

X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__AMENDED ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__SHUTDOWN ORDER	__FINDINGS DEFAULT ORDER	__EMERGENCY ORDER	

CASE TYPE:

__AGRICULTURE	X AIR	__INDUSTRIAL AND HAZARDOUS WASTE	__MUNICIPAL SOLID WASTE
__OCCUPATIONAL CERTIFICATION	__PETROLEUM STORAGE TANKS	__PUBLIC WATER SUPPLY	__RADIOACTIVE WASTE
__MULTI-MEDIA (check all that apply)	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL	__USED OIL
__USED OIL FILTER	__WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: Arkema Crosby Plant, 18000 Crosby Eastgate Road, Crosby, Harris County

TYPE OF OPERATION: Organic peroxide manufacturing

SMALL BUSINESS: ___ Yes __X__ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on March 19, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Audra L. Ruble, Enforcement Division, Enforcement Section III, MC R-14, (361) 825-3126; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

Respondent: Ms. Denise Hubbard, Regional Director of Manufacturing, Arkema Inc., 18000 Crosby Eastgate Road, Crosby, Texas 77532

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint __X_ Routine __ Enforcement Follow-up __ Records Review **Date of Complaint Relating to this Case:** None **Date of Investigation Relating to this Case:** August 30, 2006 **Date of NOE Relating to this Case:** October 10, 2006 (NOE) **Background Facts:** This was a routine investigation. One violation was documented. **AIR** Failed to prevent unauthorized emissions during a fire that occurred on June 20, 2006 and lasted for two hours. Specifically, a pallet of organic peroxide was stored inappropriately resulting in a warehouse fire. Emission estimates indicate that approximately 3200 pounds ("lbs") of volatile organic compounds, 46 lbs of particulate matter, 55 lbs of carbon monoxide, and 24 lbs of nitrogen oxide were released, with an opacity of 90%. These emissions are not authorized by the permit and the opacity limit from miscellaneous buildings is 30%. Since the emissions event was avoidable it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b)(1-11) [30 TEX. ADMIN. CODE §§ 111.111(a)(7)(A) and 116.115(c), Permit No. 6271, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed:** $3,950 **Total Deferred:** $790 _X_Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $3,160 **Site Compliance History Classification:** __High _X_Avg. __Poor **Person Compliance History Classification:** __High _X_Avg. __Poor **Major Source:** _X_ Yes ___ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that following the event, Arkema has implemented an improved labeling system, supervisor checks, and frequent audits of product storage locations to prevent future recurrences of this type of incident. Corrective action documentation was provided during the investigation on August 30, 2006.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision April 25, 2006*

DATES					
Assigned	16-Oct-2006				
PCW	05-Dec-2006	Screening	01-Nov-2006	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Arkema Inc.		
Reg. Ent. Ref. No.	RN100210301		
Facility/Site Region	12-Houston	Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	31623	No. of Violations	1
Docket No.	2006-1910-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Audra L. Ruble
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $5,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 4% Enhancement *Subtotals 2, 3, & 7* $200

Notes: The Respondent has received two previous NOVs for non-similar violations in the past five years.

Culpability No 0% Enhancement *Subtotal 4* $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 25% Reduction *Subtotal 5* -$1,250

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

Notes: The Respondent submitted compliance documentation on August 30, 2006.

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$10
Approx. Cost of Compliance	$1,000

SUM OF SUBTOTALS 1-7 Final Subtotal $3,950

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount $3,950

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $3,950

DEFERRAL 20% Reduction Adjustment -$790

Reduces the Final Assessed Penalty by the indicted percentage. *(Enter number only; e.g. 20 for 20% reduction.)*

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $3,160

Screening Date 01-Nov-2006 **Docket No.** 2006-1910-AIR-E **PCW**
Respondent Arkema Inc. *Policy Revision 2 (September 2002)*
Case ID No. 31623 *PCW Revision April 25, 2006*
Reg. Ent. Reference No. RN100210301
Media [Statute] Air Quality
Enf. Coordinator Audra L. Ruble

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action *(number of NOVs meeting criteria)*	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements or consent decrees meeting criteria)*	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government *(number of counts)*	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which violations were disclosed)*	0	0%
		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) **4%**

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

No

Adjustment Percentage (Subtotal 3) **0%**

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

Average Performer

Adjustment Percentage (Subtotal 7) **0%**

>> **Compliance History Summary**

Compliance History Notes The Respondent has received two previous NOVs for non-similar violations in the past five years.

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

Screening Date 01-Nov-2006 **Docket No.** 2006-1910-AIR-E **PCW**

Respondent Arkema Inc. *Policy Revision 2 (September 2002)*

Case ID No. 31623 *PCW Revision April 25, 2006*

Reg. Ent. Reference No. RN100210301

Media [Statute] Air Quality

Enf. Coordinator Audra L. Ruble

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 111.111(a)(7)(A) and 116.115(c); Permit No. 6271, Special Condition 1

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to prevent unauthorized emissions during a fire that occurred on June 20, 2006 and lasted for two hours, as documented during an investigation on August 30, 2006. Specifically, a pallet of organic peroxide was stored inappropriately resulting in a warehouse fire. Emission estimates indicate that approximately 3200 lbs of VOCs, 46 lbs of PM, 55 lbs of CO, and 24 lbs of NOx were released, with an opacity of 90%. These emissions are not authorized by the permit and the opacity limit from miscellaneous buildings is 30%. Since the emissions event was avoidable it does not meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222(b)(1-11).

Base Penalty $10,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

OR

Percent 50%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health and/or the environment have been exposed to a significant amount of pollutants which do not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment -$5,000

Base Penalty Subtotal $5,000

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $10

Statutory Limit Test

Violation Final Penalty Total $3,950

This violation Final Assessed Penalty (adjusted for limits) $3,950

Economic Benefit Worksheet

Respondent Arkema Inc.
Case ID No. 31623
Reg. Ent. Reference No. RN100210301
Media [Statute] Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling	$1,000	20-Jun-2006	30-Aug-2006	0.2	$10	n/a	$10
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: Estimated cost to implement procedures and train personnel on proper storage of chemicals. Date required is the date of the emission event and final date is when compliance was achieved.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $1,000

TOTAL: $10

Compliance History

Customer/Respondent/Owner-Operator:	CN600124044	Arkema Inc.	Classification: AVERAGE	Rating: 1.91
Regulated Entity:	RN100210301	ARKEMA CROSBY PLANT	Classification: AVERAGE	Site Rating: 0.29

ID Number(s):

AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0461W
AIR OPERATING PERMITS	PERMIT	1554
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD043750512
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30458
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011931
VOLUNTARY CLEANUP PROGRAM	ID NUMBER	644
UNDERGROUND INJECTION CONTROL	PERMIT	WDW230
UNDERGROUND INJECTION CONTROL	PERMIT	WDW122
PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	58385
AIR NEW SOURCE PERMITS	PERMIT	4286
AIR NEW SOURCE PERMITS	PERMIT	4302
AIR NEW SOURCE PERMITS	PERMIT	6271
AIR NEW SOURCE PERMITS	PERMIT	16080
AIR NEW SOURCE PERMITS	PERMIT	33865
AIR NEW SOURCE PERMITS	PERMIT	40971
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0461W
AIR NEW SOURCE PERMITS	AFS NUM	0110
AIR NEW SOURCE PERMITS	REGISTRATION	78893
STORMWATER	PERMIT	TXR05K079
WATER LICENSING	LICENSE	1011931

Location: 18000 CROSBY EASTGATE RD, CROSBY, TX, 77532 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: November 01, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 01, 2001 to November 01, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Audra Ruble Phone: 361-825-3126

Site Compliance History Components

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 of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. if Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

N/A
1 05/14/2002 (129029)
2 05/14/2002 (129028)
3 01/07/2002 (129027)
4 01/07/2002 (124013)
5 05/14/2002 (124014)

6 12/20/2002 (20094)
7 05/14/2002 (124015)
8 12/09/2002 (17987)
9 12/20/2005 (439506)
10 06/13/2005 (376366)
11 10/21/2005 (419082)
12 03/22/2005 (372644)
13 08/29/2003 (142969)
14 02/20/2003 (25470)
15 10/10/2006 (510487)
16 02/20/2003 (25465)
17 08/18/2005 (398888)
18 11/12/2003 (250256)
19 04/04/2006 (459166)
20 11/12/2003 (250264)
21 06/13/2005 (376369)
22 03/04/2004 (263319)
23 05/23/2005 (378623)
24 12/20/2002 (20078)
25 11/08/2005 (434413)
26 01/21/2003 (19996)
27 05/23/2005 (378626)
28 05/14/2002 (137439)
29 05/14/2002 (137438)
30 01/07/2002 (137437)
31 06/27/2003 (60807)
32 08/21/2003 (151294)
33 03/04/2004 (263300)
34 04/04/2006 (459173)
35 10/13/2004 (336707)
36 12/09/2002 (17953)
37 09/24/2004 (335320)
38 10/06/2006 (513235)
39 05/14/2002 (122154)
40 05/14/2002 (122153)
41 12/06/2004 (342142)
42 01/07/2002 (122152)
43 08/30/2002 (8482)
44 01/27/2003 (21881)
45 10/21/2005 (419088)
46 01/07/2002 (103608)
47 05/14/2002 (103609)
48 12/20/2005 (439504)
49 05/14/2002 (103610)
50 11/19/2004 (340729)
51 07/16/2003 (142964)
52 10/06/2006 (513222)

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

N/A

Date: 01/21/2003 (19996)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.63(d)

Rqmt Prov: OP IA

Description: Failure to maintain differential pressure at or above 100 psig in well WDW-230.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 331, SubChapter D 331.64(c)(2)

Rqmt Prov: OP IA

Description: Failure to have an audible alarm tied to annulus pressure for well WDW-122.

Self Report? NO Classification: Moderate

Rqmt Prov: OP IA

Description: Failure to document weekly inspections of the pond dike, and report and repair a breach.

Date: 05/23/2005 (378626)

Self Report? NO Classification: Minor

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

Description: Failure to update the Notice of Registration (NOR)

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
ARKEMA INC.	§	
RN100210301	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2006-1910-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Arkema Inc. ("Arkema") 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 Arkema appear before the Commission and together stipulate that:

1. Arkema owns and operates an organic peroxide manufacturing facility located at 18000 Crosby Eastgate Road in Crosby, Harris County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. The Commission and Arkema agree that the Commission has jurisdiction to enter this Agreed Order, and that Arkema is subject to the Commission's jurisdiction.

4. Arkema received notice of the violations alleged in Section II ("Allegations") on or about October 15, 2006.

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

6. An administrative penalty in the amount of Three Thousand Nine Hundred Fifty Dollars ($3,950) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Arkema has paid Three Thousand One Hundred Sixty Dollars ($3,160) of the administrative penalty and Seven Hundred Ninety Dollars ($790) is deferred contingent upon Arkema's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Arkema fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Arkema to pay all or part of the deferred penalty.

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

8. The Executive Director of the TCEQ and Arkema have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director recognizes that following the event, Arkema has implemented an improved labeling system, supervisor checks, and frequent audits of product storage locations to prevent future recurrences of this type of incident. Corrective action documentation was provided during the investigation on August 30, 2006.

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

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

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

II. ALLEGATIONS

As owner and operator of the Plant, Arkema is alleged to have failed to prevent unauthorized emissions during a fire that occurred on June 20, 2006 and lasted for two hours, in violation of 30 TEX. ADMIN. CODE §§ 111.111(a)(7)(A) and 116.115(c), Permit No. 6271, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 30, 2006. Specifically, a pallet of organic peroxide was stored inappropriately resulting in a warehouse fire. Emission estimates indicate that approximately 3200 pounds ("lbs") of volatile organic compounds, 46 lbs of particulate matter, 55 lbs of carbon monoxide, and 24 lbs of nitrogen oxide were released, with an opacity of 90%. These emissions are not authorized by the permit and the opacity limit from miscellaneous buildings is 30%. Since the emissions event was avoidable it does not meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222(b)(1-11).

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Arkema pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Arkema's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Arkema Inc., Docket No. 2006-1910-AIR-E" to:

   Financial Administration Division, Revenues Section
   Attention: Cashier's Office, MC 214
   Texas Commission on Environmental Quality
   P.O. Box 13088
   Austin, Texas 78711-3088

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

3. This Agreed Order, issued by the Commission, shall not be admissible against Arkema in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Arkema, or three days after the date on which the Commission mails notice of the Order to Arkema, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

Date 5/1/2007

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

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

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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

Signature

Date 4/27/07

Denise L. Hubbard

Name (Printed or typed)
Authorized Representative of
Arkema Inc.

Americas Director of Manufacturing

Title

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