

**Executive Summary – Enforcement Matter – Case No. 61106**  
**Rohm and Haas Texas Incorporated**  
**RN100223205**  
**Docket No. 2021-0980-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Rohm and Haas Texas Deer Park Plant, 1900 Tidal Road, Deer Park, Harris County

**Type of Operation:**

Chemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2021-0729-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 6, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$9,610

**Amount Deferred for Expedited Settlement:** \$1,922

**Total Paid to General Revenue:** \$3,844

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$3,844

Name of SEP: Houston Regional Monitoring Corporation (Third-Party Pre-Approved)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** June 21, 2021

**Date(s) of NOE(s):** July 19, 2021

**Executive Summary – Enforcement Matter – Case No. 61106**  
**Rohm and Haas Texas Incorporated**  
**RN100223205**  
**Docket No. 2021-0980-AIR-E**

***Violation Information***

1. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 281429 was due by April 3, 2018 at 8:30 a.m., but was not submitted until April 3, 2018 at 8:46 a.m. [30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), Federal Operating Permit ("FOP") No. O2233, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
  
2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 429 pounds of ammonia as fugitive emissions, during an emissions event (Incident No. 281429) that occurred on April 2, 2018 and lasted five hours. The emissions event occurred when the steam tracing on the ammonia piping damaged the steam tubing that caused a leak in the steam tracing on the ammonia piping, resulting in a pinhole leak in the ammonia piping and in the release to the atmosphere. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Nos. 723 and PSDTX828M1, Special Conditions No. 1, FOP No. O2233, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

- a. On April 3, 2018, submitted the initial notification for Incident No. 281429; and
- b. By July 31, 2018, removed the steam tubing and pipe insulation on the N-Area anhydrous ammonia piping circuit N5-0310-A and conducted a 100 percent inspection of the N-Area anhydrous ammonia piping circuit N5-0310-A to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 281429.

**Technical Requirements:**

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

**Executive Summary – Enforcement Matter – Case No. 61106  
Rohm and Haas Texas Incorporated  
RN100223205  
Docket No. 2021-0980-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Danielle Porras, Enforcement Division, Enforcement Team 2, MC R-12, (713) 767-3682; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

**SEP Third-Party Administrator:** Houston Regional Monitoring Corporation, Amandes PLLC, 1414 West Clay Street, Houston, Texas 77019

**Respondent:** Casey Rhodes, Responsible Care Director, Rohm and Haas Texas Incorporated, P.O. Box 1000, Deer Park, Texas 77536-1000

David Harrington, Site Manager, Rohm and Haas Texas Incorporated, P.O. Box 1000, Deer Park, Texas 77536-1000

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	26-Jul-2021		
	<b>PCW</b>	26-Feb-2022	<b>Screening</b>	27-Jul-2021
			<b>EPA Due</b>	

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Rohm and Haas Texas Incorporated
<b>Reg. Ent. Ref. No.</b>	RN100223205
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	61106	<b>No. of Violations</b>	2
<b>Docket No.</b>	2021-0980-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Danielle Porras
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$7,750
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	49.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$3,797
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Notes: Enhancement for three NOVs with same/similar violations, three NOVs with dissimilar violations, and five orders containing a denial of liability. Reduction for 48 notices of intent to conduct an audit and 12 disclosures of violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$1,937
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$163  
 Estimated Cost of Compliance \$10,250  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$9,610
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$9,610
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$9,610
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<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$1,922
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$7,688
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Screening Date 27-Jul-2021

Docket No. 2021-0980-AIR-E

PCW

Respondent Rohm and Haas Texas Incorporated

Policy Revision 5 (January 28, 2021)

Case ID No. 61106

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100223205

Media Air

Enf. Coordinator Danielle Porras

### 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> )	3	15%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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> )	48	-48%
	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> )	12	-24%
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) 49%

#### >> 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 three NOVs with same/similar violations, three NOVs with dissimilar violations, and five orders containing a denial of liability. Reduction for 48 notices of intent to conduct an audit and 12 disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 49%

#### >> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 49%

**Screening Date** 27-Jul-2021 **Docket No.** 2021-0980-AIR-E **PCW**  
**Respondent** Rohm and Haas Texas Incorporated *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61106 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100223205  
**Media** Air  
**Enf. Coordinator** Danielle Porras

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.201(a)(1)(B) and 122.143(4), Federal Operating Permit ("FOP") No. O2233, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 2.F, and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event. Specifically, the initial notification for Incident No. 281429 was due by April 3, 2018 at 8:30 a.m., but was not submitted until April 3, 2018 at 8:46 a.m.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
				x	1.0%

Matrix Notes

Less than 30% of the rule requirements were not met.

**Adjustment** \$24,750

\$250

**Violation Events**

Number of Violation Events 1 Number of violation days 1

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$250

One single event is recommended.

**Good Faith Efforts to Comply**

25.0%

Reduction \$62

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

Notes The Respondent achieved compliance on April 3, 2018, prior to the Notice of Enforcement ("NOE") dated July 19, 2021.

**Violation Subtotal** \$188

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

Estimated EB Amount \$0

Violation Final Penalty Total \$311

**This violation Final Assessed Penalty (adjusted for limits)** \$311

# Economic Benefit Worksheet

**Respondent** Rohm and Haas Texas Incorporated  
**Case ID No.** 61106  
**Reg. Ent. Reference No.** RN100223205  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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)	\$250	3-Apr-2018	3-Apr-2018	0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to submit the initial notification for Incident No. 281429. The Date Required is the date the initial notification was due and the Final Date is the compliance date.

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$250

**TOTAL**

\$0

**Screening Date** 27-Jul-2021 **Docket No.** 2021-0980-AIR-E **PCW**  
**Respondent** Rohm and Haas Texas Incorporated *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61106 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100223205  
**Media** Air  
**Enf. Coordinator** Danielle Porras

**Violation Number** 2  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Nos. 723 and PSDTX828M1, Special Conditions No. 1, FOP No. O2233, GTC and STC No. 14, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to prevent unauthorized emissions. Specifically, the Respondent released 429 pounds of ammonia as fugitive emissions, during an emissions event (Incident No. 281429) that occurred on April 2, 2018 and lasted five hours. The emissions event occurred when the steam tracing on the ammonia piping damaged the steam tubing that caused a leak in the steam tracing on the ammonia piping, resulting in a pinhole leak in the ammonia piping and in the release to the atmosphere. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

**Base Penalty** \$25,000

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual			x	<b>Percent</b> 30.0%
Potential					

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%
<b>Matrix Notes</b>	Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.				

**Adjustment** \$17,500

\$7,500

**Violation Events**

Number of Violation Events	1	1	Number of violation days
	daily		
	weekly		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		

**Violation Base Penalty** \$7,500

One monthly event is recommended.

**Good Faith Efforts to Comply** 25.0% Reduction \$1,875

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

**Notes** The Respondent completed the corrective measures by July 31, 2018, prior to the NOE dated July 19, 2021.

**Violation Subtotal** \$5,625

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> \$163	<b>Violation Final Penalty Total</b> \$9,300
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$9,300	



## Economic Benefit Worksheet

**Respondent** Rohm and Haas Texas Incorporated  
**Case ID No.** 61106  
**Reg. Ent. Reference No.** RN100223205  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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)	\$10,000	3-Apr-2018	31-Jul-2018	0.33	\$163	n/a	\$163

**Notes for DELAYED costs**

Estimated cost to remove the steam tubing and pipe insulation on the N-Area anhydrous ammonia piping circuit N5-0310-A and conduct a 100 percent inspection of the N-Area anhydrous ammonia piping circuit N5-0310-A to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 281429. The Date Required is the date the emissions event occurred and the Final Date is the date of compliance.

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$10,000

**TOTAL** \$163

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

Compliance History Report for CN600131395, RN100223205, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600131395, Rohm and Haas Texas Incorporated	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	12.87
<b>Regulated Entity:</b>	RN100223205, Rohm and Haas Texas Deer Park Plant	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	12.87
<b>Complexity Points:</b>	36	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	05 - Chemical Manufacturing				
<b>Location:</b>	1900 Tidal Road, Deer Park, Harris County, Texas				
<b>TCEQ Region:</b>	REGION 12 - HOUSTON				

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER HG0632T  
**AIR OPERATING PERMITS** PERMIT 2232  
**AIR OPERATING PERMITS** PERMIT 2234  
**AIR OPERATING PERMITS** PERMIT 2236  
**PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 1011717  
**AIR NEW SOURCE PERMITS** PERMIT 723  
**AIR NEW SOURCE PERMITS** PERMIT 1257A  
**AIR NEW SOURCE PERMITS** PERMIT 2165  
**AIR NEW SOURCE PERMITS** PERMIT 5802  
**AIR NEW SOURCE PERMITS** PERMIT 6654  
**AIR NEW SOURCE PERMITS** PERMIT 7309  
**AIR NEW SOURCE PERMITS** PERMIT 8838  
**AIR NEW SOURCE PERMITS** REGISTRATION 11779  
**AIR NEW SOURCE PERMITS** PERMIT 17392  
**AIR NEW SOURCE PERMITS** REGISTRATION 28728  
**AIR NEW SOURCE PERMITS** REGISTRATION 28913  
**AIR NEW SOURCE PERMITS** REGISTRATION 30727  
**AIR NEW SOURCE PERMITS** REGISTRATION 33817  
**AIR NEW SOURCE PERMITS** REGISTRATION 35142  
**AIR NEW SOURCE PERMITS** REGISTRATION 38913  
**AIR NEW SOURCE PERMITS** REGISTRATION 42914  
**AIR NEW SOURCE PERMITS** PERMIT 27131  
**AIR NEW SOURCE PERMITS** EPA PERMIT N61  
**AIR NEW SOURCE PERMITS** REGISTRATION 54970  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX828M1  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX987  
**AIR NEW SOURCE PERMITS** REGISTRATION 54056  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER HG0632T  
**AIR NEW SOURCE PERMITS** REGISTRATION 81342  
**AIR NEW SOURCE PERMITS** REGISTRATION 83418  
**AIR NEW SOURCE PERMITS** REGISTRATION 92062  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX987M1  
**AIR NEW SOURCE PERMITS** REGISTRATION 105302  
**AIR NEW SOURCE PERMITS** REGISTRATION 127377  
**AIR NEW SOURCE PERMITS** REGISTRATION 139799  
**AIR NEW SOURCE PERMITS** REGISTRATION 119736  
**AIR NEW SOURCE PERMITS** REGISTRATION 126178  
**AIR NEW SOURCE PERMITS** REGISTRATION 105358  
**AIR NEW SOURCE PERMITS** REGISTRATION 105289

**AIR OPERATING PERMITS** PERMIT 1583  
**AIR OPERATING PERMITS** PERMIT 2233  
**AIR OPERATING PERMITS** PERMIT 2235  
**AIR OPERATING PERMITS** PERMIT 2237  
**AIR NEW SOURCE PERMITS** AFS NUM 4820100034  
**AIR NEW SOURCE PERMITS** PERMIT 751  
**AIR NEW SOURCE PERMITS** PERMIT 1957  
**AIR NEW SOURCE PERMITS** PERMIT 5051  
**AIR NEW SOURCE PERMITS** PERMIT 6233  
**AIR NEW SOURCE PERMITS** PERMIT 6894  
**AIR NEW SOURCE PERMITS** PERMIT 7648  
**AIR NEW SOURCE PERMITS** REGISTRATION 10715  
**AIR NEW SOURCE PERMITS** REGISTRATION 13804  
**AIR NEW SOURCE PERMITS** REGISTRATION 26728  
**AIR NEW SOURCE PERMITS** PERMIT 29010  
**AIR NEW SOURCE PERMITS** REGISTRATION 29705  
**AIR NEW SOURCE PERMITS** REGISTRATION 32671  
**AIR NEW SOURCE PERMITS** REGISTRATION 34654  
**AIR NEW SOURCE PERMITS** REGISTRATION 37086  
**AIR NEW SOURCE PERMITS** REGISTRATION 42737  
**AIR NEW SOURCE PERMITS** REGISTRATION 44595  
**AIR NEW SOURCE PERMITS** REGISTRATION 47480  
**AIR NEW SOURCE PERMITS** REGISTRATION 142365  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX828  
**AIR NEW SOURCE PERMITS** REGISTRATION 50454  
**AIR NEW SOURCE PERMITS** REGISTRATION 77253  
**AIR NEW SOURCE PERMITS** REGISTRATION 77200  
**AIR NEW SOURCE PERMITS** REGISTRATION 80267  
**AIR NEW SOURCE PERMITS** REGISTRATION 83810  
**AIR NEW SOURCE PERMITS** REGISTRATION 87544  
**AIR NEW SOURCE PERMITS** REGISTRATION 93841  
**AIR NEW SOURCE PERMITS** REGISTRATION 105286  
**AIR NEW SOURCE PERMITS** REGISTRATION 111198  
**AIR NEW SOURCE PERMITS** REGISTRATION 105290  
**AIR NEW SOURCE PERMITS** REGISTRATION 109292  
**AIR NEW SOURCE PERMITS** REGISTRATION 126177  
**AIR NEW SOURCE PERMITS** REGISTRATION 137720  
**AIR NEW SOURCE PERMITS** REGISTRATION 136484  
**AIR NEW SOURCE PERMITS** REGISTRATION 112813

**AIR NEW SOURCE PERMITS** REGISTRATION 115368  
**AIR NEW SOURCE PERMITS** REGISTRATION 105361  
**AIR NEW SOURCE PERMITS** REGISTRATION 138137  
**AIR NEW SOURCE PERMITS** REGISTRATION 105291  
**AIR NEW SOURCE PERMITS** REGISTRATION 164531  
**AIR NEW SOURCE PERMITS** REGISTRATION 166109  
**AIR NEW SOURCE PERMITS** REGISTRATION 164566  
**AIR NEW SOURCE PERMITS** REGISTRATION 164452  
**AIR NEW SOURCE PERMITS** REGISTRATION 165032  
**AIR NEW SOURCE PERMITS** REGISTRATION 165924  
**AIR NEW SOURCE PERMITS** REGISTRATION 145125  
**AIR NEW SOURCE PERMITS** REGISTRATION 145135  
**AIR NEW SOURCE PERMITS** PERMIT AMOC56  
**AIR NEW SOURCE PERMITS** REGISTRATION 150677  
**AIR NEW SOURCE PERMITS** PERMIT AMOC25  
**AIR NEW SOURCE PERMITS** REGISTRATION 160773  
**AIR NEW SOURCE PERMITS** REGISTRATION 156445  
**AIR NEW SOURCE PERMITS** REGISTRATION 160785  
**AIR NEW SOURCE PERMITS** REGISTRATION 160787  
**AIR NEW SOURCE PERMITS** REGISTRATION 161251  
**AIR NEW SOURCE PERMITS** REGISTRATION 162001  
**AIR NEW SOURCE PERMITS** REGISTRATION 156315  
**AIR NEW SOURCE PERMITS** PERMIT AMOC153  
**AIR NEW SOURCE PERMITS** REGISTRATION 156311  
**IHW CORRECTIVE ACTION** SOLID WASTE REGISTRATION # (SWR) 30041  
**WASTEWATER** EPA ID TX0006084

**POLLUTION PREVENTION PLANNING** ID NUMBER P00587  
**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE REGISTRATION # (SWR) 30041  
**TAX RELIEF** ID NUMBER 16036

**AIR NEW SOURCE PERMITS** REGISTRATION 111655  
**AIR NEW SOURCE PERMITS** REGISTRATION 105362  
**AIR NEW SOURCE PERMITS** REGISTRATION 108131  
**AIR NEW SOURCE PERMITS** REGISTRATION 105299  
**AIR NEW SOURCE PERMITS** REGISTRATION 163731  
**AIR NEW SOURCE PERMITS** REGISTRATION 164537  
**AIR NEW SOURCE PERMITS** REGISTRATION 162074  
**AIR NEW SOURCE PERMITS** REGISTRATION 164533  
**AIR NEW SOURCE PERMITS** REGISTRATION 165370  
**AIR NEW SOURCE PERMITS** REGISTRATION 163877  
**AIR NEW SOURCE PERMITS** REGISTRATION 145119  
**AIR NEW SOURCE PERMITS** EPA PERMIT PSDTX828M2  
**AIR NEW SOURCE PERMITS** REGISTRATION 150676  
**AIR NEW SOURCE PERMITS** REGISTRATION 143428  
**AIR NEW SOURCE PERMITS** REGISTRATION 160798  
**AIR NEW SOURCE PERMITS** REGISTRATION 160778  
**AIR NEW SOURCE PERMITS** REGISTRATION 160782  
**AIR NEW SOURCE PERMITS** REGISTRATION 155970  
**AIR NEW SOURCE PERMITS** REGISTRATION 156317  
**AIR NEW SOURCE PERMITS** REGISTRATION 156313  
**AIR NEW SOURCE PERMITS** PERMIT AMOC152  
**AIR NEW SOURCE PERMITS** REGISTRATION 158468  
**AIR NEW SOURCE PERMITS** REGISTRATION 160008  
**AIR NEW SOURCE PERMITS** REGISTRATION 156309  
**WASTEWATER** PERMIT WQ0000458000

**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER HG0632T  
**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID TXD065096273  
**INDUSTRIAL AND HAZARDOUS WASTE** PERMIT 50102

**TAX RELIEF** ID NUMBER 16035

**Compliance History Period:** September 01, 2016 to August 31, 2021    **Rating Year:** 2021    **Rating Date:** 09/01/2021

**Date Compliance History Report Prepared:** September 27, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** September 27, 2016 to September 27, 2021

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

**Name:** Danielle Porras

**Phone:** (713) 767-3682

**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? YES
- 3) Who is the current owner/operator?
  - Rohm and Haas Texas Incorporated OWNER OPERATOR since 1/1/1800
  - Rohm And Haas Company OWNER since 1/1/1800
  - Rohm And Haas Chemicals LLC OWNER OPERATOR since 1/1/2006
  - Rohm Haas OWNER since 1/1/1800
  - Rohm Haas Texas Inc OWNER since 1/1/1800
  - Suez Wts Usa, Inc. OWNER OPERATOR since 8/2/2018
  - Rohm And Haas Texas Incorporated OWNER OPERATOR since 12/13/2018
- 4) Who was/were the prior owner(s)/operator(s)? Alamo Iron Works, Inc., OWNER OPERATOR, 1/1/1800 to 6/19/2019

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

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

- 1 Effective Date: 03/01/2019 ADMINORDER 2017-1416-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 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT  
Special Terms and Conditions (ST&C) 8 OP

Description: Failure to comply with the maximum allowable emission rate (MAER) for NH3 and VOC. Category A Criterion 2.

2 Effective Date: 04/27/2020 ADMINORDER 2018-1364-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Condition 8 PERMIT  
General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Terms and Conditions14 OP

Description: Failed to comply with the MAERs. Specifically, during a stack test conducted on September 13, 2017, the Respondent exceeded the acetone MAER of 0.01 lb/hr by 0.90 lb/hr, the VOC MAER of 0.38 lb/hr by 0.60 lb/hr, and the SO2 MAER of 0.08 lb/hr by 0.14 lb/hr for the Scrubber, EPN B-3-51, resulting in an estimated amount of 852 lbs of unauthorized acetone, 552 lbs of unauthorized VOC, and 129 lbs of unauthorized SO2.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP  
Special Term and Condition 1 PA  
Special Term and Condition 14 OP

Description: Failed to comply with the MAERs.

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 all instances of deviations. Specifically, the deviation reports for the October 1, 2016 through March 31, 2017 and April 1, 2017 through September 30, 2017 reporting periods did not include the deviations for the failure to comply with the NOx, VOC, and PM MAERs for EPN N-3.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC OP  
SC 1 PERMIT  
STC 14 OP

Description: Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, the Respondent exceeded the particulate matter ("PM") MAER of 1.37 tons per year ("tpy") based on a 12-month rolling period for the 12-month periods ending on May 2016 and from July 2016 through May 2017 for the HR-III Preheater, Emissions Point Number ("EPN") 38-HR-5, resulting in 0.09 ton of unauthorized PM.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC OP  
SC 17 PERMIT  
STC 14 OP

Description: Failed to maintain records of the instrument type used to determine sulfur dioxide ("SO2") concentration during Maintenance, Startup, and Shutdown ("MSS") activities. Specifically, the Respondent did not record the type of instrument/detector used to measure SO2 concentrations during the MSS activities on May 3, 2016, June 7, 2016, and September 26, 2016.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC OP  
SC 20 PERMIT  
SC 22 PERMIT  
STC 14 OP

Description: Failed to revalidate the estimated emissions from instrument maintenance annually. Specifically, the Respondent did not have records documenting that the estimated emissions from instrument maintenance were revalidated by October 28, 2015.

Classification: Minor

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

Rqmt Prov: GENERAL TERMS AND CONDITIONS OP

Description: Failed to report all instances of deviations. Specifically, the deviation report for the November 1, 2016 through April 30, 2017 reporting period did not include the deviations for the failure to maintain records of the instrument type used to determine SO2 concentration during MSS activities and the failure to revalidate the estimated emissions from instrument maintenance annually.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Condition 8 PERMIT  
General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Term and Condition 16 OP

Description: Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, during a required boiler tune-up conducted on December 20, 2017 from 12:40 p.m. to 2:40 p.m., the Respondent exceeded the carbon monoxide ("CO") MAER of 4.54 pounds per hour ("lbs/hr") by 5.24 lbs/hr for the C-Train Start-Up Heater, Emissions Point Number ("EPN") HT-9, resulting in 10.48 pounds of unauthorized CO.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Condition 8 PERMIT  
General Terms and Conditions OP  
Special Condition 1 PERMIT  
Special Term and Condition 16 OP

Description: Failed to comply with the MAER. Specifically, during a planned startup on February 10, 2018, the Respondent exceeded the CO MAER of 30.48 lbs/hr by 8.24 lbs/hr for one hour for the E-Train Thermal Oxidizer, EPN HT-46, resulting in 8.24 pounds of unauthorized CO.

Classification: Minor

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

Rqmt Prov: General Terms and Conditions OP  
Special Condition 12.B(2)(b) PERMIT  
Special Terms and Conditions 16 OP

Description: Failed to conduct quarterly quality assurance for a continuous emission monitoring system ("CEMS"). Specifically, the Respondent did not conduct a cylinder gas audit of the CEMS for the HT-1 Thermal Oxidizer, EPN HT-3, during the first quarter of 2018.

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O2233 GTC and STC No. 14 OP  
Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT  
Special Term & Condition 14 OP

Description: Failed to comply with the MAERs.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)  
30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: O2233 GTC and STC No. 2.F OP

Description: Failure to identify all required information on the final record for a reportable emissions event.

4 Effective Date: 08/24/2021 ADMINORDER 2020-0942-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GTC and STC No. 14 OP  
NSR Authorization 14 PERMIT  
Special Condition 1 PERMIT  
Special Term and Condition 14 PERMIT

Description: Failure to comply with the maximum allowable emissions rates (EPN: 35-HR-11). (Category A8 High Priority Violation General Criterion 2).

See addendum for information regarding federal actions.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	October 19, 2016	(1378433)
Item 2	October 26, 2016	(1362619)
Item 3	November 16, 2016	(1384392)
Item 4	December 14, 2016	(1390530)
Item 5	January 09, 2017	(1377890)
Item 6	January 18, 2017	(1397146)
Item 7	January 20, 2017	(1382976)
Item 8	February 20, 2017	(1404030)
Item 9	March 20, 2017	(1411131)
Item 10	April 20, 2017	(1417634)
Item 11	May 18, 2017	(1425223)
Item 12	June 19, 2017	(1431226)
Item 13	July 17, 2017	(1439835)
Item 14	August 02, 2017	(1409365)

Item 15	August 17, 2017	(1443523)
Item 16	August 24, 2017	(1400551)
Item 17	October 19, 2017	(1455970)
Item 18	November 16, 2017	(1461451)
Item 19	November 29, 2017	(1388639)
Item 20	December 14, 2017	(1467830)
Item 21	January 16, 2018	(1474535)
Item 22	February 15, 2018	(1486761)
Item 23	March 19, 2018	(1490438)
Item 24	March 22, 2018	(1437635)
Item 25	April 19, 2018	(1493675)
Item 26	April 30, 2018	(1472650)
Item 27	May 17, 2018	(1479057)
Item 28	May 22, 2018	(1483361)
Item 29	June 20, 2018	(1507710)
Item 30	July 06, 2018	(1499395)
Item 31	July 18, 2018	(1514028)
Item 32	August 17, 2018	(1497247)
Item 33	August 20, 2018	(1520089)
Item 34	August 23, 2018	(1481651)
Item 35	September 18, 2018	(1527254)
Item 36	October 03, 2018	(1513588)
Item 37	October 18, 2018	(1533612)
Item 38	October 25, 2018	(1517937)
Item 39	November 20, 2018	(1541447)
Item 40	November 28, 2018	(1517738)
Item 41	December 13, 2018	(1545231)
Item 42	January 17, 2019	(1559668)
Item 43	January 18, 2019	(1496748)
Item 44	February 14, 2019	(1559666)
Item 45	March 01, 2019	(1517820)
Item 46	March 19, 2019	(1559667)
Item 47	April 15, 2019	(1555579)
Item 48	April 16, 2019	(1571828)
Item 49	May 17, 2019	(1583265)
Item 50	June 19, 2019	(1583266)
Item 51	July 18, 2019	(1593141)
Item 52	August 02, 2019	(1557866)
Item 53	August 19, 2019	(1599487)
Item 54	September 16, 2019	(1606392)
Item 55	November 20, 2019	(1603744)
Item 56	December 19, 2019	(1626404)
Item 57	January 16, 2020	(1634045)
Item 58	February 20, 2020	(1640664)
Item 59	February 21, 2020	(1612513)
Item 60	April 20, 2020	(1653520)
Item 61	April 21, 2020	(1612512)
Item 62	April 28, 2020	(1603371)
Item 63	May 22, 2020	(1660107)
Item 64	June 15, 2020	(1652739)
Item 65	June 17, 2020	(1666611)
Item 66	August 03, 2020	(1659142)
Item 67	August 04, 2020	(1665921)
Item 68	August 19, 2020	(1680343)
Item 69	August 20, 2020	(1650926)
Item 70	August 24, 2020	(1666288)
Item 71	September 18, 2020	(1686912)
Item 72	October 15, 2020	(1693259)
Item 73	October 21, 2020	(1678958)
Item 74	November 09, 2020	(1672691)

Item 75	November 17, 2020	(1712467)
Item 76	November 23, 2020	(1677437)
Item 77	December 03, 2020	(1672700)
Item 78	December 16, 2020	(1712468)
Item 79	January 19, 2021	(1712469)
Item 80	February 19, 2021	(1725522)
Item 81	March 11, 2021	(1692236)
Item 82	April 23, 2021	(1725524)
Item 83	May 18, 2021	(1740067)
Item 84	June 07, 2021	(1711296)
Item 85	June 15, 2021	(1740068)
Item 86	June 30, 2021	(1686753)
Item 87	July 22, 2021	(1751708)
Item 88	August 13, 2021	(1749367)
Item 89	August 23, 2021	(1678969)
Item 90	September 08, 2021	(1691874)

### 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:    12/16/2020    (1685916)
- Self Report? NO      Classification:    Minor
- Citation:      30 TAC Chapter 305, SubChapter F 305.125  
Provision III.D PERMIT
- Description:    Failure to meet a permit provision requirement.
- Self Report? NO      Classification:    Moderate
- Citation:      30 TAC Chapter 335, SubChapter F 335.152(a)(18)  
40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1052(a)(2)  
Provision X.C PERMIT
- Description:    Failure to conduct weekly visual inspections for pumps in light liquid service.
- Self Report? NO      Classification:    Minor
- Citation:      30 TAC Chapter 335, SubChapter A 335.9(a)(2)  
Provision II.C.1.i PERMIT
- Description:    Failure to report complete and correct Annual Waste Summaries.
- Self Report? NO      Classification:    Moderate
- Citation:      30 TAC Chapter 335, SubChapter A 335.24(d)  
30 TAC Chapter 335, SubChapter A 335.6(h)  
Provision II.C.1.i PERMIT
- Description:    Failure to submit recycling notification.
- 2      Date:    02/28/2021    (1725523)
- 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:    03/11/2021    (1692131)
- Self Report? YES      Classification:    Moderate
- Citation:      30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP 1583, ST&C 12 OP  
NSR Permit 751, SC 1 PA
- Description:    Failure to comply with 12-month rolling emission limits for nitrogen oxides (NOx), sulfur dioxide (SO2), carbon monoxide (CO) particulate matter (PM) and volatile organic compounds (VOC) for 36-HR-11 (Category B12)
- Self Report? YES      Classification:    Moderate
- Citation:      30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP 1583, ST&C 3.A(iv)(4) OP
- Description:    Failure to comply with flare observation requirements for EPN B-3-1. (Category C3)
- Self Report? YES      Classification:    Moderate
- Citation:      30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP 1583, ST&C 12 OP



NSR Permit 751, SC 1 PA  
Description: Failure to comply with 12-month rolling emission limits for particulate matter (PM) for EPNs 36-HR-5 (Category B12)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP 1583, ST&C 12 OP  
NSR Permit 751, SC 1 PA  
Description: Failure to comply with 12-month rolling emission limits for particulate matter (PM), for EPN 38-HR-5 (Category B12)

4 Date: 03/16/2021 (1692133)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(A)  
5C THSC Chapter 382 382.085(b)  
FOP, General Term and Condition OP  
Description: Failure to report all instances of a deviation (Category C3)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term and Condition 11 OP  
NSR Permit Special Condition 1 PA  
Description: Failure to comply with the maximum allowable hourly emission rate (MAER) for VOC at EPN: PN-MMA-2 (Category B13)

5 Date: 04/08/2021 (1692135)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term and Condition 14 OP  
NSR Permit Special Condition 16.C PA  
Description: Failure to operate flare with constant pilot flame for emission point number (EPN) HT-31 (Category C4)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term and Condition 14 OP  
NSR Permit Special Condition 12.C(1) PA  
Description: Failure to maintain minimum firebox temperature for emission point number (EPN) HT-3 (Category C4)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term and Condition 14 OP  
NSR Special Condition 6.E PA  
Description: Failure to prevent open ended lines (OEL) at emission point number (EPN) HT2-FUG and HT-FUG (Category C10)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term and Condition 1A OP  
Description: Failure to maintain flare net heating value for emission point number (EPN) HT-4 (Category C4)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Description: FOP Special Term and Condition 14 OP  
NSR Special Condition 21(A)(1) PA  
Failure to record weekly audible, visible, olfactory (AVO) inspections for emission point numbers (EPN) HT-FUG and HT2-FUG  
(Category C1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term and Condition 15 OP  
NSR Permit Special Condition 32.F PA

Description: Failure to conduct stack sampling at required 5 year interval for emission point number (EPN) HT-3  
(Category C1)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
NSR Special Condition 30B PA  
Special Term and Condition 15 OP

Description: Failure to maintain temperature of tank liquid below the maximum temperature for storage tank emission point number (EPN) HT-44943  
(Category C4)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(a)(1)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term and Condition 1A OP

Description: Failure to operate flare with constant pilot flame for emission point number (EPN) HT-4  
(Category C4)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(a)(1)  
5C THSC Chapter 382 382.085(b)  
FOP Special Term and Condition 1A OP

Description: Failure to route tank breathing loss emissions to a control device; emission point number (EPN) HT-10  
(Category C4)

6 Date: 05/24/2021 (1704260)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
FOP, Special Terms & Conditions 12 OP  
NSR, Special Condition 15 PERMIT

Description: Failure to conduct monthly sampling on cooling towers (EPNs: CT-N5-N; CT-N5-S; CT-N7)

## F. Environmental audits:

Notice of Intent Date: 01/25/2016 (1308290)

Disclosure Date: 01/25/2017

Viol. Classification: Moderate

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

Description: Failure to accurately represent wastewater loading. Sample analyses indicate that actual wastewater loading is inconsistent with permit representations.

Notice of Intent Date: 05/18/2016 (1336358)

Disclosure Date: 10/17/2016

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter E 115.463

Description: Failure to locate exemption tracking documentation used to demonstrate compliance with the 160 fluid ounce daily limit.

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter T 106.454  
30 TAC Chapter 115, SubChapter E 115.412(1)(A)

Description: Failure to properly close part washer when not in use.

Viol. Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(A)(ii)

Description: Failure to maintain records documenting total solvent make-up per the requirements of the degreasing unit PBR (Permit by Rule).

Notice of Intent Date: 06/02/2016 (1338084)

Disclosure Date: 02/12/2017

Viol. Classification: Minor

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

Description: Failure to maintain instrument calibration and sampling records; these records are either missing or incomplete.

Viol. Classification: Minor

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

Description: Failure to maintain MSS activity records; these records are either missing or incomplete.

Notice of Intent Date: 06/02/2016 (1338088)

Disclosure Date: 12/15/2016

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352

30 TAC Chapter 115, SubChapter D 115.354

30 TAC Chapter 115, SubChapter D 115.355

30 TAC Chapter 115, SubChapter D 115.357

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1022

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1024

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1025

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1026

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1027

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1029

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1030

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1034

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1039

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.160

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

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.182

Description: Failure to include several components of the Closed Vent System in the fugitive monitoring program.

Notice of Intent Date: 06/02/2016 (1338090)

Disclosure Date: 05/25/2017

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352

30 TAC Chapter 115, SubChapter D 115.354

30 TAC Chapter 115, SubChapter D 115.355

30 TAC Chapter 115, SubChapter D 115.357

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1023

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1027

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038

40 CFR Part 63, Subpart H 63.165

40 CFR Part 63, Subpart H 63.174

Description: Failure to include several components on the closed vent system in the fugitive monitoring program.

Notice of Intent Date: 01/18/2017 (1389686)

Disclosure Date: 05/25/2017

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115

Description: Failure to maintain calibration records and verify accuracy of assist natural gas flow meters. The annual calibration records are not available for the B-3-1 flare vent stream flow meter for 2015 and 2016. In addition, the records associated with the assist natural gas flow meters do not demonstrate that the meters are meeting the accuracy requirements of +5%.

Viol. Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115

Description: Failure to retain on-site manufacturer supplied engineering data for the caustic scrubbing system. The Plant does not have on-site manufacturer supplied engineering data on the caustic scrubbing system that demonstrates that the scrubbing system will maintain a minimal efficiency of 92.5%.

Viol. Classification: Minor  
Citation: 30 TAC Chapter 122, SubChapter G 122.602

Description: Failure to retain records of structural integrity inspections and dip pipe verification. Records to document structural integrity inspections and dip pipe verification could not be located for nine storage tanks. Further, drawings showing dip pipes extend 6 inches of the bottom of the tanks could not be located.

Disclosure Date: 11/27/2017  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to monitor instrumentation systems.

Viol. Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(C)

Description: Failure to identify heavy liquid components in the LDAR system. Component count may not be up to date.

Notice of Intent Date: 03/09/2017 (1401616)  
No DOV Associated

Notice of Intent Date: 03/20/2017 (1403504)  
No DOV Associated

Notice of Intent Date: 07/19/2017 (1430185)  
No DOV Associated

Notice of Intent Date: 07/19/2017 (1430186)  
No DOV Associated

Notice of Intent Date: 09/05/2017 (1437841)  
No DOV Associated

Notice of Intent Date: 09/05/2017 (1442923)  
No DOV Associated

Notice of Intent Date: 09/14/2017 (1439454)  
No DOV Associated

Notice of Intent Date: 10/02/2017 (1447238)  
Disclosure Date: 11/27/2017  
Viol. Classification: Major  
Citation: 30 TAC Chapter 122, SubChapter B 122.132(d)(2)  
30 TAC Chapter 122, SubChapter B 122.142(b)(2)

Description: Failure to obtain authorization for Acetone Scrubber.

Viol. Classification: Major  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

Description: Failure to monitor emissions of VOC, SO2 and Acetone. Unauthorized emissions of VOC, SO2, and Acetone were discovered as a result of Acetone Water System Evaluation.

Notice of Intent Date: 12/07/2017 (1460192)  
Disclosure Date: 05/29/2018  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)

Description: Failure to maintain Stack Test Emission Factor below permit representation for PM.

Notice of Intent Date: 01/19/2018 (1467613)  
Disclosure Date: 03/27/2018  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.142  
30 TAC Chapter 122, SubChapter B 122.142(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

Description: Failure to accurately conduct emission observations. Some of the quarterly visible emission observations for the Pyrolysis Oven and the Warehouse vent stack were conducted when the equipment was not in service and capable of emitting particulate matter.

Viol. Classification: Moderate

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

Description: Failure to accurately record, calculate, and represent painting activity emissions.

Viol. Classification: Moderate

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

Description: Failure to equip the natural gas flow monitor and the vent stream flow monitor with a pressure and/or temperature monitor.

Viol. Classification: Moderate

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

Description: Failure to use approved chemicals in the LSO unit. Chemicals (additives) other than those listed on the approved chemical list are used to produce products in the LSO Unit.

Viol. Classification: Moderate

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

Description: Failure to maintain the "Less than 180 Day Container Storage Area Inspection Checklist".

Notice of Intent Date: 02/21/2018 (1473695)

No DOV Associated

Notice of Intent Date: 07/12/2018 (1506359)

No DOV Associated

Notice of Intent Date: 07/31/2018 (1511075)

No DOV Associated

Notice of Intent Date: 08/23/2018 (1513373)

No DOV Associated

Notice of Intent Date: 08/29/2018 (1517501)

No DOV Associated

Notice of Intent Date: 10/01/2018 (1519939)

No DOV Associated

Notice of Intent Date: 10/25/2018 (1526571)

No DOV Associated

Notice of Intent Date: 11/21/2018 (1537047)

No DOV Associated

Notice of Intent Date: 11/28/2018 (1537054)

No DOV Associated

Notice of Intent Date: 11/28/2018 (1537059)

No DOV Associated

Notice of Intent Date: 12/04/2018 (1537090)

No DOV Associated

Notice of Intent Date: 01/21/2019 (1548710)

Disclosure Date: 03/22/2019

Viol. Classification: Minor

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

Description: Failure to maintain compliance data for LSO flare.

Viol. Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113.890

30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to include all required information in MON periodic reports.

Viol. Classification: Minor

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

Description: Failure to maintain compliance data for batches produced.

Viol. Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Description: Failure to maintain records of process throughput.  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.890  
30 TAC Chapter 116, SubChapter B 116.115(c)  
Description: Failure to collect the correct samples from the heat exchanger.  
Disclosure Date: 09/19/2019  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.100  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)  
Description: Failure to update SSM Plan scenarios and management system as required.  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Description: Failure to maintain compliance data for MSS activities. Data was incomplete or unavailable.  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 106, SubChapter A 106.8(c)  
Description: Failure to maintain compliance data for PBR authorized sources. Data was incomplete or unavailable.  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Description: Failure to maintain AVO inspection records (LU-2). Data was incomplete or unavailable.

Notice of Intent Date: 02/14/2019 (1550882)  
No DOV Associated

Notice of Intent Date: 03/27/2019 (1554926)  
No DOV Associated

Notice of Intent Date: 03/25/2019 (1554933)  
No DOV Associated

Notice of Intent Date: 04/03/2019 (1577648)  
No DOV Associated

Notice of Intent Date: 04/03/2019 (1577661)  
No DOV Associated

Notice of Intent Date: 04/29/2019 (1569247)  
No DOV Associated

Notice of Intent Date: 04/29/2019 (1569267)  
No DOV Associated

Notice of Intent Date: 05/29/2019 (1599251)  
No DOV Associated

Notice of Intent Date: 07/03/2019 (1579217)  
No DOV Associated

Notice of Intent Date: 07/08/2019 (1579588)  
Disclosure Date: 10/09/2019  
Viol. Classification: Minor  
Citation: 30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 115, SubChapter D 115.355(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.144  
40 CFR Chapter 264, SubChapter I, PT 264, SubPT BB 264.1063(b)(1)  
40 CFR Chapter 265, SubChapter I, PT 265, SubPT BB 265.1063(b)(1)  
Description: Failure to maintain records of fugitive monitoring instrument calibrations.

Notice of Intent Date: 07/10/2019 (1580726)  
No DOV Associated

Notice of Intent Date: 04/06/2020 (1645255)  
Disclosure Date: 02/22/2021  
Viol. Classification: Moderate  
Citation: 30 TAC Chapter 113, SubChapter C 113.130  
30 TAC Chapter 115, SubChapter D 115.352(7)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(7)  
Description: Failure to monitor fugitive components at quarterly intervals. Specifically, components were misidentified as "Difficult to Monitor" instead of " Normal to Monitor."

Notice of Intent Date: 04/21/2020 (1646744)  
No DOV Associated

Notice of Intent Date: 04/21/2020 (1646852)  
No DOV Associated

Notice of Intent Date: 08/21/2020 (1676896)  
No DOV Associated

Notice of Intent Date: 09/30/2020 (1685048)  
No DOV Associated

Notice of Intent Date: 12/14/2020 (1701251)  
No DOV Associated

Notice of Intent Date: 01/14/2021 (1701271)  
No DOV Associated

Notice of Intent Date: 05/04/2021 (1724728)  
No DOV Associated

Notice of Intent Date: 05/26/2021 (1736477)  
No DOV Associated

Notice of Intent Date: 06/03/2021 (1736973)  
No DOV Associated

Notice of Intent Date: 07/13/2021 (1746234)  
No DOV Associated

Notice of Intent Date: 07/12/2021 (1746991)  
No DOV Associated

Notice of Intent Date: 09/01/2021 (1762700)  
No DOV Associated

Notice of Intent Date: 09/03/2021 (1762705)  
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

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## *Addendum to Compliance History Federal Enforcement Actions*

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**Reg Entity Name:** ROHM AND HAAS TEXAS DEER PARK PL

**Reg Entity Add:** 1900 TIDAL RD

**Reg Entity City:** DEER PARK

**Reg Entity No:** RN100223205

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**EPA Case No:** 06-2017-3329

**Order Issue Date (yyyymmdd):** 20170123

**Case Result:**

**Statute:** CAA      **Sect of Statute:** 111

**Classification:** Minor

**Program:** National Emission Stand      **Citation:**

**Violation Type:**

**Cite Sect:**

**Cite Part:**

**Enforcement Action:** Administrative Penalty Order With or Without Inj

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
ROHM AND HAAS TEXAS  
INCORPORATED  
RN100223205**

**§  
§  
§  
§  
§  
§**

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2021-0980-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 Rohm and Haas Texas Incorporated (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 manufacturing plant located at 1900 Tidal Road in Deer Park, Harris 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 \$9,610 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$3,844 of the penalty and \$1,922 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, \$3,844 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 April 3, 2018, submitted the initial notification for Incident No. 281429; and
  - b. By July 31, 2018, removed the steam tubing and pipe insulation on the N-Area anhydrous ammonia piping circuit N5-0310-A and conducted a 100 percent inspection of the N-Area anhydrous ammonia piping circuit N5-0310-A to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 281429.

## **II. ALLEGATIONS**

During a record review conducted on June 21, 2021, an investigator documented that the Respondent:

1. Failed to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B) and 122.143(4), Federal Operating Permit ("FOP") No. O2233, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 2.F, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the initial notification for Incident No. 281429 was due by April 3, 2018 at 8:30 a.m., but was not submitted until April 3, 2018 at 8:46 a.m.

2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Nos. 723 and PSDTX828M1, Special Conditions No. 1, FOP No. O2233, GTC and STC No. 14, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 429 pounds of ammonia as fugitive emissions, during an emissions event (Incident No. 281429) that occurred on April 2, 2018 and lasted five hours. The emissions event occurred when the steam tracing on the ammonia piping damaged the steam tubing that caused a leak in the steam tracing on the ammonia piping, resulting in a pinhole leak in the ammonia piping and in the release to the atmosphere. Since the Respondent did not comply with the emissions event reporting requirements, the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator, and the emissions event could have been avoided by better design and/or better operational and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

### **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 No. 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: Rohm and Haas Texas Incorporated, Docket No. 2021-0980-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 No. 4. The amount of \$3,844 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.
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.

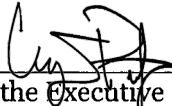
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall 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

9/14/2022

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

04/04/2022  
Date

Casey Rhodes  
Name (Printed or typed)  
Authorized Representative of  
Rohm and Haas Texas Incorporated

Responsible Care Leader  
Title

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

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

**Attachment A**  
**Docket Number: 2021-0980-AIR-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>Rohm and Haas Texas Incorporated</b>
<b>Payable Penalty Amount:</b>	<b>\$7,688</b>
<b>SEP Offset Amount:</b>	<b>\$3,844</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Houston Regional Monitoring Corporation</b>
<b>Project Name:</b>	<b><i>Houston Area Air Monitoring Project</i></b>
<b>Location of SEP:</b>	<b>Harris County</b>

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 SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston Regional Monitoring Corporation** for the *Houston Area Air Monitoring Project* SEP. 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 a network of ambient air monitoring stations that continuously measure and record concentrations of ambient air pollutants. This network includes the Houston Regional Monitor (“HRM”) 617 Wallisville Road site, the HRM 615 Lynchburg Ferry site, and the HRM 3 Haden Road site. The Third-Party Administrator shall use the SEP Offset Amount to report data from these three existing sites in the Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston-Galveston Air Quality Control Region No. 216. The SEP will be performed 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 it has no prior commitment to make this contribution and that it is being contributed solely to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide TCEQ with near real-time access to high quality, short time resolution volatile organic compound, nitrogen oxide, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, conduct source attribution studies, and to assess potential ambient community exposure to a limited number of hazardous air pollutants. Data from the monitors can be used with data from other monitors to provide critical information that can be used to evaluate the effectiveness of current and proposed emission control strategies aimed at achieving compliance with the 8-hour ozone National Ambient Air Quality Standards. It also provides a key source of information that is essential to furthering our overall understanding of those emission sources that contribute to ambient community exposure to toxic air contaminants. Because the information is available in near real-time, it can be used to provide both agency staff and industry personnel with time critical information to investigate emission events in a timely fashion. Another key benefit is the ability to measure the change in the ambient air concentration of the individual target species and quantify control measure effectiveness. Data from these monitors will be publicly accessible through the TCEQ's website and will be used in evaluating air quality in the area, in ozone forecasts, and ozone warnings. Thus, the public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness.

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 contribution payable to **Houston Regional Monitoring Corporation SEP** and shall mail the contribution with a copy of the Agreed Order to:

Rohm and Haas Texas Incorporated  
Docket No. 2021-0980-AIR-E  
Agreed Order - Attachment A

Houston Regional Monitoring Corporation  
c/o Christopher B. Amandes  
Amandes PLLC  
1414 West Clay Street  
Houston, Texas 77019

### **3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due 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 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 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.