

Executive Summary – Enforcement Matter – Case No. 61517
The Goodyear Tire & Rubber Company
RN100870898
Docket No. 2021-1429-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Goodyear Houston Chemical Plant, 2000 Goodyear Drive, Houston, Harris County

Type of Operation:

Synthetic rubber plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2022-0807-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 10, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$10,200

Amount Deferred for Expedited Settlement: \$2,040

Total Paid to General Revenue: \$8,160

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

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: August 13, 2021 through October 1, 2021

Date(s) of NOE(s): October 29, 2021

Executive Summary – Enforcement Matter – Case No. 61517
The Goodyear Tire & Rubber Company
RN100870898
Docket No. 2021-1429-AIR-E

Violation Information

Failed to prevent unauthorized emissions. Specifically, the Respondent released 96.59 pounds ("lbs") of volatile organic compounds, 35.80 lbs of carbon monoxide, and 7.02 lbs of nitrogen oxides from the Plant Flare, Emissions Point Number Q4501, during an emissions event (Incident No. 363908) that occurred on July 30, 2021 and lasted three hours and 25 minutes. The emissions event occurred when the valves on the Tertiary Butyl Catechol addition system were closed and when the high-level control switch for the 1,3-butadiene receiver was not functioning properly, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and 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), 116.715(a), and 122.143(4), Flexible Permit Nos. 6618 and PAL1, Special Conditions No. 1, Federal Operating Permit No. O1227, General Terms and Conditions and Special Terms and Conditions No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 363908; and
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Bradley Ioerger, General Manager, The Goodyear Tire & Rubber Company, P.O. Box 5397, Houston, Texas 77262

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	1-Nov-2021			
	PCW	18-Jan-2022	Screening	2-Nov-2021	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	The Goodyear Tire & Rubber Company				
Reg. Ent. Ref. No.	RN100870898				
Facility/Site Region	12-Houston	Major/Minor Source	Major		

CASE INFORMATION					
Enf./Case ID No.	61517	No. of Violations	1		
Docket No.	2021-1429-AIR-E	Order Type	1660		
Media Program(s)	Air	Government/Non-Profit	No		
Multi-Media		Enf. Coordinator	Kate Dacy		
		EC's Team	Enforcement Team 4		
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$25,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	36.0%	Adjustment	Subtotals 2, 3, & 7	\$2,700
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Notes	Enhancement for one NOV with same or similar violations, three NOVs with dissimilar violations, and two agreed orders containing denial of liability. Reduction for three notices of intent to conduct an audit, one disclosure of violations, and High Performer classification.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$460	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$10,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,200
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

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Final Penalty Amount	\$10,200
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,200
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,040
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$8,160
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Screening Date

2-Nov-2021

Docket No.

2021-1429-AIR-E

PCW

Respondent

The Goodyear Tire & Rubber Company

Case ID No.

61517

Reg. Ent. Reference No.

RN100870898

Media

Air

Enf. Coordinator

Kate Dacy

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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>)	1	5%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
Adjustment Percentage (Subtotal 2)			46%
>> Repeat Violator (Subtotal 3)			
No			Adjustment Percentage (Subtotal 3) 0%
>> Compliance History Person Classification (Subtotal 7)			
High Performer			Adjustment Percentage (Subtotal 7) -10%
>> Compliance History Summary			
Compliance History Notes	Enhancement for one NOV with same or similar violations, three NOVs with dissimilar violations, and two agreed orders containing denial of liability. Reduction for three notices of intent to conduct an audit, one disclosure of violations, and High Performer classification.		
Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)			36%
>> Final Compliance History Adjustment			
Final Adjustment Percentage *capped at 100%			36%

Screening Date	2-Nov-2021	Docket No.	2021-1429-AIR-E	PCW	
Respondent	The Goodyear Tire & Rubber Company			Policy Revision 5 (January 28, 2021)	
Case ID No.	61517	PCW Revision February 11, 2021			
Reg. Ent. Reference No.	RN100870898				
Media	Air				
Enf. Coordinator	Kate Dacy				
Violation Number	1				
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(3), 116.715(a), and 122.143(4), Flexible Permit Nos. 6618 and PAL1, Special Conditions No. 1, Federal Operating Permit No. O1227, General Terms and Conditions and Special Terms and Conditions No. 15, and Tex. Health & Safety Code § 382.085(b)				
Violation Description	Failed to prevent unauthorized emissions. Specifically, the Respondent released 96.59 pounds ("lbs") of volatile organic compounds, 35.80 lbs of carbon monoxide, and 7.02 lbs of nitrogen oxides from the Plant Flare, Emissions Point Number Q4501, during an emissions event (Incident No. 363908) that occurred on July 30, 2021 and lasted three hours and 25 minutes. The emissions event occurred when the valves on the Tertiary Butyl Catechol addition system were closed and when the high-level control switch for the 1,3-butadiene receiver was not functioning properly, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and 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					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual			x	
	Potential				Percent 30.0%
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violaiton.				
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		0.0%	Reduction		\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary				
	Ordinary				
	N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.				
Violation Subtotal				\$7,500	
Economic Benefit (EB) for this violation					
Statutory Limit Test					
Estimated EB Amount	\$460	Violation Final Penalty Total	\$10,200		
This violation Final Assessed Penalty (adjusted for limits)				\$10,200	

Economic Benefit Worksheet

Respondent The Goodyear Tire & Rubber Company
Case ID No. 61517
Reg. Ent. Reference No. RN100870898
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)	\$10,000	30-Jul-2021	1-Jul-2022	0.92	\$460	n/a	\$460
Notes for DELAYED costs	Estimated cost to implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 363908. The Date Required is the date the emissions event occurred and the Final Date is the estimated 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	\$460
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Compliance History Report

Compliance History Report for CN600616049, RN100870898, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator:	CN600616049, The Goodyear Tire & Rubber Company	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN100870898, GOODYEAR HOUSTON CHEMICAL PLANT	Classification: HIGH	Rating: 0.00
Complexity Points:	25	Repeat Violator: NO	
CH Group:	05 - Chemical Manufacturing		
Location:	2000 GOODYEAR DRIVE, HOUSTON, HARRIS COUNTY, TEXAS		
TCEQ Region:	REGION 12 - HOUSTON		

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0289K
AIR NEW SOURCE PERMITS PERMIT 6489
AIR NEW SOURCE PERMITS PERMIT 6618
AIR NEW SOURCE PERMITS REGISTRATION 30536
AIR NEW SOURCE PERMITS REGISTRATION 33103
AIR NEW SOURCE PERMITS REGISTRATION 47507
AIR NEW SOURCE PERMITS REGISTRATION 49741
AIR NEW SOURCE PERMITS AFS NUM 4820100088
AIR NEW SOURCE PERMITS REGISTRATION 112296
AIR NEW SOURCE PERMITS REGISTRATION 147353
WASTEWATER LICENSING LICENSE WQ0000520000
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30032
WASTEWATER PERMIT WQ0000520000
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0289K
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008077562

AIR OPERATING PERMITS PERMIT 1227
AIR NEW SOURCE PERMITS PERMIT 6490
AIR NEW SOURCE PERMITS REGISTRATION 29356
AIR NEW SOURCE PERMITS REGISTRATION 32728
AIR NEW SOURCE PERMITS REGISTRATION 35783
AIR NEW SOURCE PERMITS REGISTRATION 49288
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0289K
AIR NEW SOURCE PERMITS EPA PERMIT PAL1
AIR NEW SOURCE PERMITS REGISTRATION 165852
AIR NEW SOURCE PERMITS REGISTRATION 41737
WATER LICENSING LICENSE 1010770
STORMWATER PERMIT TXR05DB22
WASTEWATER EPA ID TX0003689
POLLUTION PREVENTION PLANNING ID NUMBER P00280
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30032

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

Date Compliance History Report Prepared: January 18, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 18, 2017 to January 18, 2022

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

Name: Kate Dacy

Phone: (512) 239-4593

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

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

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

- | | | |
|---|--|--|
| 1 | Effective Date: 12/21/2021 | ADMINORDER 2021-0253-IWD-E (1660 Order-Agreed Order With Denial) |
| | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1) | |
| | 30 TAC Chapter 305, SubChapter F 305.125(1) | |
| | Rqmt Prov: Effluent Limits PERMIT | |

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.
Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.5(b)

Rqmt Prov: Sampling & Analysis Requirements PERMIT

Description: Failure to collect and analyze samples for required parameters at the minimum frequency specified in the permit as documented by a TCEQ record review.

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	February 20, 2017	(1403985)
Item 2	March 20, 2017	(1411086)
Item 3	April 20, 2017	(1417589)
Item 4	May 19, 2017	(1425179)
Item 5	June 20, 2017	(1431181)
Item 6	July 20, 2017	(1439790)
Item 7	August 18, 2017	(1443478)
Item 8	September 20, 2017	(1450104)
Item 9	October 19, 2017	(1455925)
Item 10	December 20, 2017	(1467785)
Item 11	January 19, 2018	(1474490)
Item 12	February 20, 2018	(1486716)
Item 13	March 19, 2018	(1490393)
Item 14	April 20, 2018	(1493630)
Item 15	May 19, 2018	(1500548)
Item 16	June 20, 2018	(1507665)
Item 17	July 06, 2018	(1481808)
Item 18	July 19, 2018	(1513982)
Item 19	August 20, 2018	(1520044)
Item 20	September 20, 2018	(1527209)
Item 21	October 04, 2018	(1505646)
Item 22	October 19, 2018	(1533567)
Item 23	December 20, 2018	(1545186)
Item 24	January 17, 2019	(1559533)
Item 25	March 20, 2019	(1559532)
Item 26	May 20, 2019	(1583175)
Item 27	August 20, 2019	(1599442)
Item 28	September 20, 2019	(1606347)
Item 29	October 18, 2019	(1613193)
Item 30	November 20, 2019	(1619007)
Item 31	December 12, 2019	(1590177)
Item 32	December 19, 2019	(1626359)
Item 33	February 20, 2020	(1640619)
Item 34	March 20, 2020	(1647139)
Item 35	May 19, 2020	(1660061)
Item 36	May 20, 2020	(1477733)
Item 37	June 20, 2020	(1666566)
Item 38	August 20, 2020	(1629753)
Item 39	October 20, 2020	(1693213)
Item 40	November 20, 2020	(1712332)
Item 41	December 18, 2020	(1712333)
Item 42	January 20, 2021	(1712334)
Item 43	March 19, 2021	(1725388)

Item 44	April 20, 2021	(1725389)
Item 45	May 20, 2021	(1740007)
Item 46	June 25, 2021	(1523480)
Item 47	August 04, 2021	(1739895)
Item 48	August 20, 2021	(1757128)
Item 49	September 20, 2021	(1766206)
Item 50	October 20, 2021	(1776610)
Item 51	November 19, 2021	(1783579)

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: | 01/31/2021 | (1725387) | | |
| | Self Report? | YES | | Classification: | Moderate |
| | Citation: | 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | | | |
| | Description: | Failure to meet the limit for one or more permit parameter | | | |
| 2 | Date: | 05/19/2021 | (1704548) | | |
| | Self Report? | NO | | Classification: | Minor |
| | Citation: | 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Term and Condition 19 OP | | | |
| | Description: | Failure to submit the Permit Compliance Certification (PCC) within 30 days of the certification period. (Category B3) | | | |
| | Self Report? | NO | | Classification: | Minor |
| | Citation: | 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP | | | |
| | Description: | Failure to submit the deviation report (DR) within 30 days of the reporting period. (Category B3) | | | |
| | Self Report? | NO | | Classification: | Minor |
| | Citation: | 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 5H PERMIT
Special Term and Condition 15 OP | | | |
| | Description: | Failure to perform timely first repair attempts of five fugitive components (EPNs FUG-B3 and RCTFUGC2). (Category C7) | | | |
| | Self Report? | NO | | Classification: | Moderate |
| | Citation: | 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP | | | |
| | Description: | Failure to repair one fugitive component (EPN RCTFUGC3) within seven days. (Category C7) | | | |
| | Self Report? | NO | | Classification: | Minor |
| | Citation: | 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Compliance Assurance Monitoring Summary OP
Special Condition 21C PERMIT
Special Term and Condition 14 OP
Special Term and Condition 15 OP
Special Term and Condition 1A OP | | | |
| | Description: | Failure to maintain the minimum temperature of the Thermal Oxidizer (EPN Q4502). (Category C4) | | | |
| | Self Report? | NO | | Classification: | Minor |
| | Citation: | 30 TAC Chapter 117, SubChapter B 117.310(f)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term and Condition 1A OP | | | |
| | Description: | Failure to prevent the operation of Fire Water Pump #1 (EPN U3101A-2) during restricted hours. (Category C1) | | | |
| | Self Report? | NO | | Classification: | Minor |
| | Citation: | 30 TAC Chapter 122, SubChapter B 122.143(4) | | | |

30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report all instances of deviations for the reporting period of December 13, 2019 through June 12, 2020. (Category B3)

3 Date: 05/31/2021 (1747551)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

4 Date: 06/30/2021 (1751663)
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

F. Environmental audits:

Notice of Intent Date: 09/14/2018 (1518614)

Disclosure Date: 01/10/2019

Viol. Classification: Minor

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)

Description: Failed to maintain documentation of all quarterly opacity checks for all vents and engines subject to 30 TAC § 111.111.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.111(a)(1)

Description: Failed to consistently list all tanks in Plant records. Specifically, some tanks are listed as insignificant VOC sources when in non-VOC service and some tanks are listed as exempt due to vapor pressure with no documented calculations to verify.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.136(a)(1)

30 TAC Chapter 115, SubChapter B 115.136(a)(3)

30 TAC Chapter 115, SubChapter B 115.137(a)(1)

Description: Failed to maintain documentation to demonstrate that process water sumps meet exemption criteria when the vapor pressure of the sump is less than 0.5 psi.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)(10)

Description: Failed to record and maintain records of the start/stop times of emergency engine testing.

Viol. Classification: Moderate

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

Rqmt Prov: OP STC No. 25

Description: Failed to maintain a list of all appliances having a capacity of greater than 50 pounds and potentially subject to reporting if 35% of ozone depleting substances emissions in a year.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 330, SubChapter J 330.421(a)(4)

Description: Failed to appropriately maintain monitoring wells to ensure they are protected. Specifically, four monitoring wells had either aboveground damage or were unsecured.

Viol. Classification: Minor

Citation: 25 TAC Chapter 295, SubChapter H 295.182(b)(1)

Description: Failed to include all chemicals in the 2017 report. Specifically, solution of 25% sodium silicoflouride dispersion was not included in the report.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.13(k)

Description: Failed to submit an exception report in 2017 for instances when the signed TSDF copy of waste manifests were not received within 35 days of waste acceptance by TSDF.

Viol. Classification: Moderate

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

Rqmt Prov: OP STC No. 24

Description: Failed to follow the management of change process prior to installation of new equipment.

Notice of Intent Date: 02/12/2021 (1705149)

No DOV Associated

Notice of Intent Date: 09/29/2021 (1765061)

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

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: GOODYEAR HOUSTON CHEMICAL PLANT

Reg Entity Add: 2000 GOODYEAR DR

Reg Entity City: HOUSTON

Reg Entity No: RN100870898

EPA Case No: 06-2021-1731

Order Issue Date (yyyymmdd): 20210629

Case Result:

Statute: CWA

Sect of Statute: 301/402

Classification: Minor

Program: NPDES - Base Program

Citation:

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Compliance Orders

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
THE GOODYEAR TIRE &
RUBBER COMPANY
RN100870898**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2021-1429-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding The Goodyear Tire & Rubber Company (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 synthetic rubber plant located at 2000 Goodyear Drive in Houston, 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 \$10,200 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$8,160 of the penalty and \$2,040 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
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.

II. ALLEGATIONS

During a record review conducted from August 13, 2021 through October 1, 2021, an investigator documented that the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.715(a), and 122.143(4), Flexible Permit Nos. 6618 and PAL1, Special Conditions No. 1, Federal Operating Permit No. O1227, General Terms and Conditions and Special Terms and Conditions No. 15, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent released 96.59 pounds ("lbs") of volatile organic compounds, 35.80 lbs of carbon monoxide, and 7.02 lbs of nitrogen oxides from the Plant Flare, Emissions Point Number Q4501, during an emissions event (Incident No. 363908) that occurred on July 30, 2021 and lasted three hours and 25 minutes. The emissions event occurred when the valves on the Tertiary Butyl Catechol addition system were closed and when the high-level control switch for the 1,3-butadiene receiver was not functioning properly, resulting in flaring. Since the emissions event was not caused by a sudden unavoidable breakdown of equipment or process beyond the control of the owner or operator and 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: The Goodyear Tire & Rubber Company, Docket No. 2021-1429-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 undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, implement measures and/or procedures designed to prevent the recurrence of emissions events due to the same or similar causes as Incident No. 363908.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

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



For the Executive Director

Date

3/30/2023

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

Bradley E. Loerger

Name (Printed or typed)
Authorized Representative of
The Goodyear Tire & Rubber Company

Date

3/4/2022

Title

General Manager Chemical

☐ 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.